

# Planning and Consultation Committee Meeting

to be held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 8 March 2022 commencing at 7:00pm.

## Attachments

**Carl Cowie**  
**Chief Executive Officer**

Thursday 3 March 2022

Distribution: Public

Civic Drive, Greensborough  
PO Box 476, Greensborough 3088  
Telephone 9433 3111  
Facsimile 9433 3777  
Website [www.nillumbik.vic.gov.au](http://www.nillumbik.vic.gov.au)  
Email [nillumbik@nillumbik.vic.gov.au](mailto:nillumbik@nillumbik.vic.gov.au)

## Nillumbik Shire Council

---

 Attachments
 

---

**COM.001/22 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 8 February 2022**

|              |   |   |
|--------------|---|---|
| Attachment 1 | Minutes of Planning and Consultation Meeting held Tuesday 8 February 2022 ..... | 1 |
|--------------|---|---|

**PCC.006/22 Draft Asset Plan 2022-2032 - Community Engagement**

|              |  |    |
|--------------|--|----|
| Attachment 1 | Draft Asset Plan 2022-2032 .....                             | 23 |
| Attachment 2 | Draft Asset Plan 2022-2032 - Community Engagement Plan ..... | 71 |

**PCC.007/22 State Government's Car Parks for Commuters Projects for Eltham and Wattle Glen**

|              |  |     |
|--------------|--|-----|
| Attachment 1 | 14 September 2021 Council endorsed submission to Eltham and Wattle Glen Car Parks for Commuters projects ..... | 73  |
| Attachment 2 | 22 January 2022 Eltham Car Park - Civil Drawings (draft) .....   | 97  |
| Attachment 3 | 22 January 2022 Wattle Glen Car Park - Civil Drawings (draft) .....  | 99  |
| Attachment 4 | Eltham Commuter Carpark Vegetation Impacts .....   | 101 |

**PCC.008/22 Response to Public Exhibition of Planning Scheme Amendment C138 14-26 Browns Lane, Plenty**

|              |   |     |
|--------------|---|-----|
| Attachment 1 | Amendment C138nill Statement of Significance for 14-26 Brown's Lane ..... | 117 |
| Attachment 2 | Amendment C138nill Explanatory report .....                               | 119 |
| Attachment 3 | Amendment C138nill Instruction Sheet .....                                | 125 |
| Attachment 4 | Amendment C138nill Map .....  | 127 |
| Attachment 5 | Submission 1 Redacted .....   | 129 |
| Attachment 6 | Submission 1 Supporting Documentation Redacted .....                      | 131 |

**PCC.009/22 Municipal Planning Strategy (MPS) Themes - Submissions to Phase 2 Consultation**

|              |  |     |
|--------------|--|-----|
| Attachment 1 | Redacted and consolidated written submissions MPS Themes Phase 2 ..... | 147 |
| Attachment 2 | Redacted and consolidated survey responses MPS Themes Phase 2 ..       | 539 |
| Attachment 3 | MPS Phase 2 - Summary of Feedback .....                                | 621 |
| Attachment 4 | MPS Phase 2 Community Engagement Report on Virtual Sessions .....      | 635 |



# Planning and Consultation Committee Meeting

held virtually on Tuesday 8 February 2022 commenced at 7:03pm.

## Minutes

**Carl Cowie**  
**Chief Executive Officer**

Friday 11 February 2022

Distribution: Public

Civic Drive, Greensborough  
PO Box 476, Greensborough 3088  
Telephone      9433 3111  
Facsimile      9433 3777  
Website      [www.nillumbik.vic.gov.au](http://www.nillumbik.vic.gov.au)  
Email      [nillumbik@nillumbik.vic.gov.au](mailto:nillumbik@nillumbik.vic.gov.au)



**Planning and Consultation Committee Meeting Minutes** **8 February 2022**  
**Nillumbik Shire Council**

| <b>Contents</b> |   |           |
|-----------------|---|-----------|
| <b>1.</b>       | <b>Welcome by the Chair</b>   | <b>1</b>  |
| <b>2.</b>       | <b>Acknowledgement of Country</b>   | <b>1</b>  |
| <b>3</b>        | <b>Apologies</b>  | <b>1</b>  |
| <b>4</b>        | <b>Disclosure of conflicts of interest</b>  | <b>2</b>  |
| <b>5.</b>       | <b>Confirmation of Minutes</b>  | <b>2</b>  |
|                 | <b>Confirmation of Minutes</b>  |           |
| <b>6.</b>       | <b>Officers' reports</b>  | <b>3</b>  |
|                 | <b>Planning Matters</b>   |           |
|                 | PCC.001/22 Draft Climate Action Plan 2022 - 2032 - community feedback   | 3         |
|                 | PCC.002/22 Proposed Amendments C143 and C144 to the Nillumbik<br>Planning Scheme - Implementation of the Eltham and Diamond<br>Creek Major Activity Centre Structure Plans (2020) | 7         |
|                 | PCC.003/22 Municipal Planning Strategy - Phase 2 Consultation   | 9         |
|                 | PCC.004/22 Planning Scheme Amendment C140nill - Exhibition Submissions  | 11        |
|                 | PCC.005/22 Buildings and works to construct an outbuilding, gates, removal<br>of vegetation and associated earthworks at 56 Catani Boulevard,<br>Bend of Islands                  | 13        |
| <b>7.</b>       | <b>Supplementary and urgent business</b>  | <b>20</b> |
| <b>8.</b>       | <b>Confidential reports</b>   | <b>20</b> |
| <b>9.</b>       | <b>Close of Meeting</b>   | <b>20</b> |

**Planning and Consultation Committee Minutes**

**8 February 2022**

**Nillumbik Shire Council**

**Minutes of the Planning and Consultation Committee Meeting held  
Tuesday 8 February 2022. The meeting commenced at 7:03pm.**

---

**Councillors present:**

|                     |   |
|---------------------|---|
| Cr Richard Stockman | Blue Lake Ward  |
| Cr Karen Egan       | Bunjil Ward   |
| Cr Natalie Duffy    | Edendale Ward   |
| Cr Peter Perkins    | Ellis Ward ( <b>Chairperson Planning Matters</b> )        |
| Cr Ben Ramcharan    | Sugarloaf Ward (Deputy Mayor)                             |
| Cr Frances Eyre     | Swipers Gully Ward (Mayor)                                |
| Cr Geoff Paine      | Wingrove Ward ( <b>Chairperson Consultation Matters</b> ) |

**Officers in attendance:**

|                  |   |
|------------------|---|
| Carl Cowie       | Chief Executive Officer                                     |
| Vince Lombardi   | Chief Financial Officer                                     |
| Hjalmar Philipp  | Director Operations and Infrastructure                      |
| Blaga Naumoski   | Executive Manager Governance, Communications and Engagement |
| Rosa Zouzoulas   | Executive Manager Planning and Community Safety             |
| Eddie Cheng      | Manager, Information Technology                             |
| Emma Christensen | Acting Governance Lead                                      |

---

**1. Welcome by the Chair**

**Acknowledgement of 13th anniversary of Black Saturday bushfires**

Yesterday, 7 February, marked the 13th anniversary of the awful events that became known as the Black Saturday bushfires that claimed 173 lives and thousands of homes in Victoria.

Tonight, on behalf of Council, I would like to acknowledge the significance of this day and also the fact that for so many in our community, the hurt and grief is ongoing. It is important therefore that this date be recognised with appropriate sensitivity and dignity.

We would like to take a moment tonight to remember all those affected as well as the bravery of our firefighters and all emergency services personnel.

**2. Acknowledgement of Country**

Acknowledgement of Country was read by the Chairperson Consultation Matters, Cr Geoff Paine.

**3. Apologies**

Nil

**Planning and Consultation Committee Minutes**

**8 February 2022**

**4      Disclosure of conflicts of interest**

Cr Natalie Duffy made the following statement:

Councillors and community, I wish to state that whilst I previously expressed a view on this matter and as a community member made a submission on both (Eltham and Diamond Creek Major Activity Centre) structure plans.

As an elected Councillor I recognise and accept that I have a statutory responsibility to represent and act in the best interests of the Nillumbik community when participating in decision making for the Council. Accordingly I will keep an open mind by considering all the information both in favour and against in the matter, before objectively casting my vote. So I look forward to listening to submitters at this PCC meeting.

**5.      Confirmation of Minutes**

Confirmation of the minutes of the Planning and Consultation Committee Meeting held on Tuesday 16 November 2021.

|                             |
|-----------------------------|
| <b>Committee Resolution</b> |
|-----------------------------|

**MOVED:            Cr Frances Eyre**

**SECONDED:      Cr Peter Perkins**

**That** the Committee (acting under delegation from Council) confirms the minutes of the Planning and Consultation Committee Meeting held on Tuesday 16 November 2021 (Attachment 1).

**CARRIED**

Planning and Consultation Committee Minutes

8 February 2022

6. Officers' reports

PCC.001/22 Draft Climate Action Plan 2022 - 2032 - community feedback

---

**Item:** Planning Matter  
**Distribution:** Public  
**Manager:** Hjalmar Philipp, Director Operations and Infrastructure  
**Author:** Kirsten Reedy, Coordinator Environment  
Lisa Pittle, Manager Environment  
Laura Nix, Environment Project Officer

**Summary**

This report provides a summary of the community feedback that was received on the Draft Climate Action Plan 2022-2032 (Draft Climate Action Plan) (**Attachment 1**) during its five-week public exhibition period from 4 October to 7 November 2021.

Community members are invited to provide verbal submissions on the draft Plan at the PCC meeting on 8 February 2022.

This feedback will help to inform the further refinement of the Draft Climate Action Plan, which will be presented to Council at a future meeting for consideration for endorsement.

*The following people addressed the Committee with respect to this item:*

1. Elizabeth Doig – on behalf of Nillumbik Climate Emergency Action Team (Conveyor)
2. Gila Schnapp
3. Mitzi Tuke
4. Virginia Ruchel
5. Laurie Niven

**Recommendation**

**That** the Committee (acting under delegation from Council):

1. Acknowledges and considers the matters contained in the oral and written submissions during finalisation of the Draft Climate Action Plan 2022-2032 (**Attachment 1**).
2. Makes the 2021 Nillumbik Shire Climate Action Plan 2022-2032 - Consultation Findings Report (**Attachment 2**) available to the public on Council's website.
3. Requests a further report to be presented at the April 2022 Council Meeting to adopt the final version of the Climate Action Plan 2022-2032.
4. Resolves that the confidential un-redacted copies of written submissions and survey responses to the exhibition of the public engagement for the MPS Phase 2 consultation (at **Attachments 4 and 6**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g)(ii) of the *Local Government Act 2020*.
5. Thanks all submitters for providing Council with feedback on this important document.

Planning and Consultation Committee Minutes

8 February 2022

6. Planning Matters

PCC.001/22 Draft Climate Action Plan 2022 - 2032 - community feedback

---

**Motion**

**MOVED:** Cr Ben Ramcharan

**SECONDED:** Cr Natalie Duffy

**That** the Committee (acting under delegation from Council):

1. Acknowledges and considers the matters contained in the oral and written submissions during finalisation of the Draft Climate Action Plan 2022-2032 (**Attachment 1**).
2. Makes the 2021 Nillumbik Shire Climate Action Plan 2022-2032 - Consultation Findings Report (**Attachment 2**) available to the public on Council's website.
3. Requests a further report to be presented at the April 2022 Council Meeting to adopt the final version of the Climate Action Plan 2022-2032.
4. Resolves that the confidential un-redacted copies of written submissions and survey responses to the exhibition of the public engagement for the **Climate Action Plan 2022-2032** consultation (at **Attachments 4 and 6**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g)(ii) of the *Local Government Act 2020*.
5. Thanks all submitters for providing Council with feedback on this important document.

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

**Committee Resolution**

**MOVED:** Cr Ben Ramcharan

**SECONDED:** Cr Natalie Duffy

**That** the Committee (acting under delegation from Council):

1. Acknowledges and considers the matters contained in the oral and written submissions during finalisation of the Draft Climate Action Plan 2022-2032 (**Attachment 1**).
2. Makes the 2021 Nillumbik Shire Climate Action Plan 2022-2032 - Consultation Findings Report (**Attachment 2**) available to the public on Council's website.
3. Requests a further report to be presented at the April 2022 Council Meeting to adopt the final version of the Climate Action Plan 2022-2032.
4. Resolves that the confidential un-redacted copies of written submissions and survey responses to the exhibition of the public engagement for the Climate Action Plan 2022-2032 consultation (at **Attachments 4 and 6**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g)(ii) of the *Local Government Act 2020*.
5. Thanks all submitters for providing Council with feedback on this important document.

**CARRIED**

**Planning and Consultation Committee Minutes**

**8 February 2022**

**6. Planning Matters**

**PCC.001/22 Draft Climate Action Plan 2022 - 2032 - community feedback**

---

*The Chairperson Consultation Matters, Cr Geoff Paine vacated the chair at 7:52pm.*

**Planning and Consultation Committee Minutes**

**8 February 2022**

*The Chairperson Planning Matters, Cr Peter Perkins assumed the chair at 7:52pm.*

**6. Officers' reports**

**PCC.002/22 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)**

---

**Item:** Planning Matter  
**Distribution:** Public  
**Manager:** Rosa Zouzoulas, Executive Manager Planning and Community Safety  
**Author:** Paul Fyffe, Senior Strategic Planner  
Julie Paget, Strategic Planner  
Leigh Northwood, Strategic Planning Lead

**Summary**

This report presents the Committee with an item, deferred to it by the Council Meeting of 14 December 2021, which proposes draft planning scheme amendments to give statutory weight to, and to implement the Eltham and Diamond Creek Major Activity Centre Structure Plans adopted by Council in 2020.

The report will explain how notification of Council's resolution of 14 December 2021 has been conducted.

Members of the community who have registered to speak to the Planning and Consultation Committee (PCC) will have the opportunity to speak to the Committee regarding the item.

The recommended next step is that the Committee, having heard and considered presentations to it, presents the item for consideration to the March 2022 Council Meeting.

*The following people addressed the Committee with respect to this item:*

*Read by the Chairperson:*

1. Adjungbilly PTY LTD - Gila Schnapp (Director)

*In person:*

2. Carlota Quinlan – on behalf of Eltham Community Action Group (President)

3. Carlota Quinlan

4. Jim Connor – on behalf of Eltham District Historical Society (President)

5. Jim Connor

6. Nicholas Brown

*Read by the Chairperson:*

7. Anthony Young

8. Justine Knight



**Planning and Consultation Committee Minutes**

**8 February 2022**

**6. Planning Matters**

**PCC.002/22 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)**

---

|                             |
|-----------------------------|
| <b>Committee Resolution</b> |
|-----------------------------|

**MOVED: Cr Geoff Paine**

**SECONDED: Cr Frances Eyre**

**That** the Committee (acting under delegation from Council):

1. Notes the verbal presentations to the Committee on the item; and
2. Presents the item to the March 2022 Council Meeting for further consideration.

**CARRIED**

**Planning and Consultation Committee Minutes**

**8 February 2022**

**6. Officers' reports**

**PCC.003/22 Municipal Planning Strategy - Phase 2 Consultation**

---

**Item: Planning Matter**

**Distribution: Public**

**Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety**

**Author: Leigh Northwood, Strategic Planning Lead**

**Summary**

The purpose of this briefing is to update Council in regards to submissions received to Phase 2 consultation for the Municipal Planning Strategy (MPS) project. Phase 2 consultation reviewed the existing MPS and identified key 'themes' that will guide comprehensive content updates/changes in drafting a new MPS.

There are specific requirements and format that the MPS must follow. The MPS must succinctly explain the context for a municipality and provide the overarching strategic directions for the major land use and development matters that affect it.

Through the months of September and October 2021, officers conducted an extensive program of consultation across MPS themes. Officers conducted four (4) virtual community workshops, created an online survey on Participate Nillumbik, attended seven (7) advisory committee meetings (including the Wurundjeri Cultural Committee), conducted nine (9) internal team workshops, conducted two (2) Youth Council workshops and two (2) Councillor workshops. In total 88 people registered to attend the virtual community workshops and 50 people attended (excluding staff, facilitators and Councillors).

A total of 458 submissions were received, with 424 survey responses to themes to the MPS through Participate Nillumbik and 34 written submissions.

Submitters have been invited to attend the February 2022 Planning and Consultation Committee Meeting (PCC) to speak to their submission.

Responses provided will assist officers to prepare a draft MPS. The draft MPS is expected to be presented to the May Council meeting with a recommendation that it be endorsed for another round of community engagement.

Subject to consideration of submissions, further changes can be made to the draft MPS prior to seeking Council's approval to seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Planning Scheme to implement the new MPS, noting the amendment process represents another round of consultation including the ability for the community to make submissions to such.

*The following people addressed the Committee with respect to this item:*

*In person:*

1. Gila Schnapp
2. Esther Caspi
3. Gila Schnapp of behalf of Adjungbilly PTY LTD (Director)

Planning and Consultation Committee Minutes

8 February 2022

6. Planning Matters

PCC.003/22 Municipal Planning Strategy - Phase 2 Consultation

---

**Committee Resolution**

**MOVED:** Cr Ben Ramcharan

**SECONDED:** Cr Geoff Paine

**That** the Committee (acting under delegation from Council):

1. Notes the public response, as outlined in this report, to the second phase of consultation for the Municipal Planning Strategy (MPS) Project.
2. Resolves that the confidential un-redacted copies of written submissions and survey responses to the exhibition of the public engagement for the MPS Phase 2 consultation (at **Attachments 3 and 4**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g)(ii) of the *Local Government Act 2020*.
3. Notes that a first draft of the new MPS is scheduled to be presented to the May Council meeting with a recommendation for Council to endorse it for public engagement.
4. Writes to all respondents to the community engagement to express Council's gratitude for their contribution and to advise them of the Committee's resolution and the next steps in the project.

**CARRIED UNANIMOUSLY**

**Planning and Consultation Committee Minutes**

**8 February 2022**

**6. Officers' reports**

**PCC.004/22 Planning Scheme Amendment C140nill - Exhibition Submissions**

---

**Item:** Planning Matter  
**Distribution:** Public  
**Manager:** Rosa Zouzoulas, Executive Manager Planning and Community Safety  
**Author:** Bea Guevara, Senior Strategic Planner  
Sean Diffey, Strategic Planner  
Leigh Northwood, Strategic Planning Lead

**Summary**

The purpose of this report is to update Council in regards to the exhibition of Amendment C140nill (the Amendment), which seeks to apply a Heritage Overlay (HO) on a permanent basis to 1080 Heidelberg-Kinglake Road, Hurstbridge (also known as 'Fermanagh'). The property is subject to a current planning permit application (604/2021/05P), which proposes additions to the dwelling that make substantial changes to the façade of the building.

The property is included in Council's Stage A Heritage Review, which was adopted at Council's June 2021 Council Meeting. The Heritage Review recommended the application of the Heritage Overlay to the property given it is of local historic, aesthetic and associative significance to the Shire of Nillumbik; noting the subsequent amendment to apply the Heritage Overlay (to all places identified in Heritage Review Stages A and B) is not programmed until the Stage B Heritage Review is completed in mid-2022.

Given the implication of the planning permit application, officers have sought approval (under delegation) from the Minister for Planning for Amendment C139nill (now C145nill) to introduce the Heritage Overlay to 1080 Heidelberg-Kinglake Road on an interim basis pursuant to Section 20(4) of the *Planning & Environment Act 1987*. This provides temporary heritage protection for the property allowing Council time to seek approval and progress a further planning scheme amendment (C140nill) to introduce the Heritage Overlay permanently as per the recommendations of the Stage A Heritage Review.

Amendment C140nill was placed on exhibition pursuant to the requirements of the Act, from 25 November 2021 to 14 January 2022 and notifications were sent out to relevant stakeholders as well as being advertised in local media. Council received one supporting submission in total during the exhibition period. The submitter has been invited to attend this Planning and Consultation Committee Meeting (PCC) to speak to their submission. Should any further submission(s) be received after the exhibition close date and prior to the upcoming PCC, officers will still accept these submissions, and invite those submitters to speak to their submission at the PCC. Officers will update Council verbally at the PCC as to the details of any late submissions received (if necessary).

Recommendations in regard to the Amendment will be brought to Council's February Meeting. As no objections have been received, the report will recommend that Council resolve to adopt the amendment and seek approval from the Minister for Planning. Should any late objections be received it may be recommended to Council to resolve to convene an independent planning panel. Council may also at this time choose to abandon the Amendment.

Planning and Consultation Committee Minutes

8 February 2022

6. Planning Matters

PCC.004/22 Planning Scheme Amendment C140nill - Exhibition Submissions

---

|                      |
|----------------------|
| Committee Resolution |
|----------------------|

**MOVED:** Cr Karen Egan

**SECONDED:** Cr Geoff Paine

**That** the Committee (acting under delegation from Council):

1. Notes the submission (and any late submissions that may be received) to Amendment C140nill to the Nillumbik Planning Scheme.
2. Resolves that the confidential un-redacted copy of the written submission to the exhibition of the Amendment (at **Attachment 2**) remains confidential on the grounds specified in the definition of confidential information in section 3(1)(g)(ii) of the *Local Government Act 2020*.
3. Considers a further report at the February Council Meeting to resolve to either:
  - a. Request the Minister for Planning approve the Amendment; or
  - b. Appoint an independent planning panel to consider Amendment C140nill; or
  - c. Abandon the Amendment.
4. Requests that officers notify submitters to Amendment C140nill of the Committee's resolution.
5. Requests that officers provide an update onto Participate Nillumbik in regard to next stages for Amendment C140nill.

**CARRIED UNANIMOUSLY**

**Planning and Consultation Committee Minutes**

**8 February 2022**

**6. Officers' reports**

**PCC.005/22 Buildings and works to construct an outbuilding, gates, removal of vegetation and associated earthworks at 56 Catani Boulevard, Bend of Islands**

---

**Item:** Planning Matter  
**Distribution:** Public  
**Manager:** Rosa Zouzoulas, Executive Manager Planning and Community Safety  
**Author:** Lisa Zhao, Senior Statutory Planner  
Kamal Hasanoff, Statutory Planning Coordinator

**Application summary**

|                           |   |
|---------------------------|---|
| Address of the land       | 56 Catani Boulevard, Bend of Islands  |
| Site area                 | 6.14 hectares   |
| Proposal                  | Buildings and works to construct an outbuilding, gates, removal of vegetation and associated earthworks   |
| Application number        | 684/2020/05P  |
| Date lodged               | 29 October 2020   |
| Applicant                 | N J White   |
| Zoning                    | Special Use Zone (Schedule 2)   |
| Overlay(s)                | Environmental Significant Overlay (Schedule 1)<br>Bushfire Management Overlay   |
| Reason for being reported | Called in by Ward Councillor  |
| Number of objections      | Seven (7)   |
| Key issues                | <ul style="list-style-type: none"> <li>Siting and design of the outbuilding</li> <li>Vegetation impacts and extent of vegetation to be removed</li> <li>Extent and appropriateness of the gates.</li> </ul> |

**Planning and Consultation Committee Minutes**

**8 February 2022**

**6. Planning Matters**

**PCC.005/22 Buildings and works to construct an outbuilding, gates, removal of vegetation and associated earthworks at 56 Catani Boulevard, Bend of Islands**

---

*In person:*

1. *Michael Dempsey – on behalf of BICA (President)*
2. *Sally Dinan*

*Read by the Chairperson:*

3. *Julie Martindale*
4. *Ross and Christine Henry*
5. *D Lucas*

|                       |
|-----------------------|
| <b>Recommendation</b> |
|-----------------------|

**That** the Committee (under delegation from Council) issue a Notice of Decision to Grant a Permit to the land located at 56 Catani Boulevard, Bend of Islands, for Buildings and works to construct an outbuilding, gates, removal of vegetation and associated earthworks, in accordance with the submitted plans and subject to the following conditions

1. Before the development commences, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans received on 7th September 2021 but modified to show:
  - a) Amended site plan showing the following:
    - i. Location of the existing septic system and effluent field.
    - ii. The length and dimension of the driveway extension.
    - iii. The location of tree protection fencing.
  - b) Amended elevation plan showing the following:
    - i. A notation specifying that the external walls and roof of the outbuilding are to be finished in "Colorbond Woodland Grey".
  - c) Evidence that an offset has been secured as per Condition 12 of this permit.
2. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
3. The tree removal as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
4. No vegetation on-site (unless specified on the endorsed plans) shall be removed, destroyed, felled, lopped, ringbarked, uprooted or otherwise damaged except with the prior written consent of the Responsible Authority.
5. The access to the outbuilding must be constructed above grade, with any imported gravel surface being free of contaminants or impurities, to the satisfaction of the Responsible Authority.

**Planning and Consultation Committee Minutes**

**8 February 2022**

**6. Planning Matters**

**PCC.005/22 Buildings and works to construct an outbuilding, gates, removal of vegetation and associated earthworks at 56 Catani Boulevard, Bend of Islands**

- 
6. Upon completion of excavation works, the site must be inspected by the project arborist. Any roots that are exposed and require removal must be pruned in accordance with AS4373-2007 Pruning of amenity trees by a qualified arborist (minimum level 3 certification) using clean, sharp hand tools to the satisfaction of the Responsible Authority.
  7. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the trees marked on the endorsed plans as being retained must have a Tree Protection Zone to the satisfaction of the Responsible Authority. The fencing associated with this tree protection zone must meet the following requirements:
    - a) Extent

The tree protection fencing is to be provided to the extent of the identified tree protection zone. If works are shown on any endorsed plan of this permit within the confines of the calculated tree protection zone, then the tree protection fencing must be taken in to only the minimum amount necessary to allow the works to be completed.
    - b) Fencing

All tree protection fencing required by this permit must be erected in accordance with the approved tree protection zone. The tree protection fencing must be erected to form a visual and physical barrier and must be a minimum height of 1.5 metres and of chain mesh or similar fence with 1.8 metre support posts every 3-4 metres, including a top line of high visibility plastic hazard tape erected around the perimeter of the fence.
    - c) Signage

Fixed signs are to be provided on all visible sides of the tree protection fencing clearly stating "Tree Protection Zone – No Entry", to the satisfaction of the Responsible Authority.
    - d) Irrigation

The area within the tree protection zone and tree protection fencing must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.
    - e) Provision of Services

All services (including water, electricity, gas and telephone) should be installed underground, and located outside of any tree protection zone, wherever practically possible. If underground services are to be routed within an established tree protection zone, they must be installed by directional boring with the top of the bore to be a minimum depth of 600mm below the existing grade, to the satisfaction of the Responsible Authority.



**Planning and Consultation Committee Minutes**

**8 February 2022**

**6. Planning Matters**

**PCC.005/22 Buildings and works to construct an outbuilding, gates, removal of vegetation and associated earthworks at 56 Catani Boulevard, Bend of Islands**

---

Bore pits must be located outside of the tree protection zone or manually excavated without damage to roots, to the satisfaction of the Responsible Authority.

f) Access to Tree Protection Zone

Should temporary access be necessary within the tree protection zone during the period of construction, the Responsible Authority must be informed prior to relocating the fence (as it may be necessary to undertake additional root protection measures such as bridging over with timber).

g) Mulching

The area within the tree protection zone and tree protection fencing must be mulched to a minimum depth of 75mm with an organic and composted mulch.

h) Supervision of works

All works within tree protection zones must be supervised by a suitably qualified arborist. Any roots uncovered are pruned with sharp/sterile hand tools and wrapped in damp hessian by a qualified arborist.

8. The following actions must not be undertaken in any tree protection zone as identified in this permit, to the satisfaction of the Responsible Authority:

- a) Materials or equipment stored within the zone;
- b) Servicing and refuelling of equipment and vehicles;
- c) Storage of fuel, oil dumps or chemicals;
- d) Attachment of any device to any tree (including temporary service wires, nails, screws
- e) or any other fixing device);
- f) Open cut trenching or excavation works (whether or not for laying of services);
- g) Changes to the soil grade level;
- h) Temporary buildings and works; and
- i) Unauthorised entry by any person, vehicle or machinery.

9. Prior to the commencement of the approved works (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the erected tree protection fences must be inspected and approved by the Responsible Authority.

10. Once erected to the required standard, the tree protection fencing shall be maintained in good condition and may only be removed upon completion of all development works, to the satisfaction of the Responsible Authority.

**Planning and Consultation Committee Minutes**

**8 February 2022**

**6. Planning Matters**

**PCC.005/22 Buildings and works to construct an outbuilding, gates, removal of vegetation and associated earthworks at 56 Catani Boulevard, Bend of Islands**

- 
11. To offset the removal of 0.028 hectares of native vegetation as shown in the approved native vegetation removal report (report 356-20210902-018) the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:

A general offset of 0.024 general habitat units:

- located within the Port Phillip & Westernport Catchment Management Authority boundary or Shire of Nillumbik municipal district
- With a minimum strategic biodiversity value of at least 0.632.

The offset provided must be to the satisfaction of the Responsible Authority.

12. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of Council. This evidence is one or both of the following:
- a) An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or
  - b) Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

13. In the event that a security agreement is entered into, the applicant must provide the annual offset site report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of the Responsible Authority.
14. The vehicular driveway must be properly formed and constructed to such levels to ensure that it can be utilised at all times. The maximum allowable unsealed driveway grade is to be 1 in 5. The stormwater from the driveway must not cause any nuisance or loss of amenity in any adjacent or nearby land by reason of the discharge of stormwater. All works are to be carried out to the satisfaction of the Responsible Authority.
15. The development, including any new paved areas, must be drained so as to prevent the uncontrolled discharge of stormwater from the subject site across any road or footpath or onto any adjoining land. Stormwater must not cause any nuisance or loss of amenity in any adjacent or nearby land.

Stormwater from the roof of the development must be directed to the existing stormwater drainage system for the dwelling to the satisfaction of the Responsible Authority. This may be an existing soakage system on site.

**Planning and Consultation Committee Minutes**

**8 February 2022**

**6. Planning Matters**

**PCC.005/22 Buildings and works to construct an outbuilding, gates, removal of vegetation and associated earthworks at 56 Catani Boulevard, Bend of Islands**

---

16. This permit will expire if one of the following circumstances applies:

- a) The development is not commenced within 2 years of the date of this permit.
- b) The development is not completed within 4 years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

**Motion**

**MOVED: Cr Ben Ramcharan**

**SECONDED: Cr Geoff Paine**

**That** the Committee (acting under delegation from Council) issue a Notice of Decision to Refuse to Grant a permit to the land located at 56 Catani Boulevard, Bend of Islands for *'Buildings and works to construct an outbuilding, gates, removal of vegetation and associated earthworks'* on the following grounds:

1. The development is not responsive to the Special Use Zone (Schedule 2) of the Nillumbik Planning Scheme with respect to the following:
  - The siting of the outbuilding;
  - The overall size of the outbuilding;
  - The increase in site coverage as a result of the proposed outbuilding and additional driveway area;
  - The proposed gates being a visual barrier along the frontage of the site; and
  - The extent of native vegetation removal to facilitate the construction of the outbuilding.
2. The development is not responsive to the Environmental Significance Overlay (Schedule 1) of the Nillumbik Planning Scheme with respect to the following:
  - The extent of native vegetation removal to facilitate the construction of the outbuilding.

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

Planning and Consultation Committee Minutes

8 February 2022

6. Planning Matters

PCC.005/22 Buildings and works to construct an outbuilding, gates, removal of vegetation and associated earthworks at 56 Catani Boulevard, Bend of Islands

---

Committee Resolution

**MOVED:** Cr Ben Ramcharan

**SECONDED:** Cr Geoff Paine

That Council:

**That** the Committee (acting under delegation from Council) issue a Notice of Decision to Refuse to Grant a permit to the land located at 56 Catani Boulevard, Bend of Islands for 'Buildings and works to construct an outbuilding, gates, removal of vegetation and associated earthworks' on the following grounds:

1. The development is not responsive to the Special Use Zone (Schedule 2) of the Nillumbik Planning Scheme with respect to the following:
  - The siting of the outbuilding;
  - The overall size of the outbuilding;
  - The increase in site coverage as a result of the proposed outbuilding and additional driveway area;
  - The proposed gates being a visual barrier along the frontage of the site; and
  - The extent of native vegetation removal to facilitate the construction of the outbuilding.
2. The development is not responsive to the Environmental Significance Overlay (Schedule 1) of the Nillumbik Planning Scheme with respect to the following:
  - The extent of native vegetation removal to facilitate the construction of the outbuilding.

**CARRIED**

*Cr Karen Egan called for a division*

*For: Crs Frances Eyre, Geoff Paine, Peter Perkins and Ben Ramcharan*

*Against: Crs Natalie Duffy, Karen Egan and Richard Stockman*

**CARRIED**

**Planning and Consultation Committee Meeting Minutes**

**8 February 2022**

**7.    Supplementary and urgent business**

Nil

**8.    Confidential reports**

**9.    Close of Meeting**

The meeting closed at 10:20pm.

Confirmed:

\_\_\_\_\_

Cr Peter Perkins, Chairperson Planning Matters

**COM.001/22      Confirmation of Minutes Planning and Consultation Committee Meeting held  
Tuesday 8 February 2022**  
**Attachment 1.    Minutes of Planning and Consultation Meeting held Tuesday 8 February 2022**

THIS PAGE WAS LEFT INTENTIONALLY BLANK

# Asset Plan 2022-2032





## Contents

|   |    |
|---|----|
| Acknowledgement of Country .....                            | 3  |
| Glossary .....  | 4  |
| 1. Introduction .....                                       | 6  |
| 1.1 What is an asset? .....                                 | 6  |
| 1.2 What is Asset Management and why is it important? ..... | 7  |
| 2. Strategic Asset Management Framework .....               | 8  |
| 3. Lifecycle Management .....                               | 9  |
| 3.1 Lifecycle Strategies .....                              | 9  |
| 4. Valuations .....   | 11 |
| 5. Current State of Assets .....                            | 12 |
| 6. Levels of Service .....                                  | 13 |
| Buildings .....   | 13 |
| Drainage .....  | 3  |
| Open Space .....  | 4  |
| Transport .....   | 6  |
| 7. Legislative & Council Requirements .....                 | 9  |
| Buildings .....   | 9  |
| Drainage .....  | 11 |
| Open Space .....  | 13 |
| Transport .....   | 14 |
| 8. Future Demands .....                                     | 22 |
| Demographics, Current and Future .....                      | 22 |
| Buildings .....   | 24 |
| Drainage .....  | 25 |
| Open Space .....  | 27 |
| Transport .....   | 29 |
| 9. Funding Levels .....                                     | 32 |
| Buildings .....   | 32 |
| Drainage .....  | 32 |
| Open Space .....  | 33 |
| Transport .....   | 33 |
| 10. Risk Management .....                                   | 34 |
| 11. Improvement Plan .....                                  | 35 |
| Document Control .....                                      | 36 |



### **Acknowledgement of Country**

Nillumbik Shire Council respectfully acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, and we value the significance of the Wurundjeri people's history as essential to the unique character of the shire. We pay tribute to all First Nations People living in Nillumbik, give respect to Elders past, present and future, and extend that respect to all First Nations People.

We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge the ongoing impacts of past trauma and injustices from European invasion, massacres and genocide committed against First Nations People. We acknowledge that sovereignty was never ceded.

Wurundjeri Woi-wurrung people hold a deep and ongoing connection to this place. We value the distinctive place of our First Nations People in both Nillumbik and Australia's identity; from their cultural heritage and care of the land and waterways, to their ongoing contributions in many fields including academia, agriculture, art, economics, law, sport and politics.

## Glossary

| Term                      | Definition  |
|---------------------------|---|
| Accumulated Depreciation  | Depreciation is the reduction in the value of an asset due to usage, passage of time, environmental factors, wear and tear, obsolescence, depletion or inadequacy. Accumulated depreciation is the total amount of that reduction in value of an assets from when it was first recognised as an asset to a given point in time.   |
| Acquisition               | The acquisition or obtain of an asset through the purchase of the asset or any other means.   |
| Asset                     | An item, thing or entity that has actual or potential value to an organisation.   |
| Asset Management          | The systematic and coordinated activities and practices of an organisation to realise the value of an asset.  |
| Condition                 | Physical state of an asset.   |
| Customer                  | Any person who uses the asset or service, is affected by it or has an interest in it either now or future. This definition does not necessarily require that payment is made for use of the asset.  |
| Expansions                | Extends the capacity of an existing asset to provide benefits to new users at the same standard as is provided to existing beneficiaries.   |
| Financial Plan            | The Financial Plan provides a long-term view of the resources that we expect to be available to us and how these will be allocated and prioritised over the next ten years.   |
| Levels of Service         | The parameters or combination of parameters that reflect social, political economic and environmental outcomes that the organisation delivers.  |
| Operational & Maintenance | Actions required for retaining practical asset condition to deliver required function.  |
| Renewals                  | Works to replace existing assets or facilities with assets or facilities of equivalent capacity or performance capability.  |
| Replacement Value         | The cost the entity would incur to acquire the asset on the date that is reported. The cost is measured by reference to the lowest cost at which the gross future economic benefits could be obtained in the normal course of business or the minimum it would costs, to replace the existing asset with a new modern equivalent asset with the same economic benefits allowing for any differences in the quantity and quality of output and in operating costs. |

| Term               | Definition   |
|--------------------|--|
| Risk               | The effect of uncertainty on objectives. Risk events are events which may compromise the delivery of the organisations strategic objectives.   |
| Risk Management    | Coordinated activities to direct and control an organisation with regard to risk   |
| Upgrades           | Capital works carried out on an existing asset to provide a higher level of service. This is different to a Renewal which restores an asset to its original condition.                   |
| Valuation          | The process of determining the worth of an asset or liability. Assessed asset value which may depend on the purpose for which the valuation is required.                                 |
| Written Down Value | The Gross Replacement Value of an asset less the Accumulates Depreciation, calculated on the basis of such cost to reflect the already consumed or expired future benefits of the asset. |

## 1. Introduction

Many of the services provided to the Nillumbik Community are underpinned by different sets of physical assets that required to be managed in the most effective way.

As custodian of these assets, Council has the responsibility of managing those in the most effective way, ensuring they are safe, fit for purpose and that they sustain the delivery of reliable services for current and future generations.

Council responds to this responsibility by managing all of the community's assets through their lifecycle: from creation and acquisition, through maintenance and operation to rehabilitation and/or disposal.

This Asset Plan provides a strategic and financial view of how Council will manage those assets over the next ten years. It defines high-level strategic asset management priorities and addresses all aspects of the lifecycle management of those assets.

### 1.1 What is an asset?

In the simplest of definitions, it is something that provides value.

There are two types of assets: tangible and intangible.

Tangible assets can be seen, touched, like roads, footpaths, ovals; intangible assets can't be seen or touched, but they can be appreciated, acknowledged that they exist, like financial assets, or intellectuality.

This Asset Plan deals with those tangible assets that Council owns and controls on behalf of the community like buildings, roads, playgrounds, sports fields, trails and drains. These assets have been classified in four major categories:

| Category   | Assets included  |
|------------|--|
| Buildings  | Civic centres, sports pavilions, shelters, kiosks                        |
| Drainage   | Swales, open drains, underground pipes, pits                             |
| Open Space | Footbridges, boardwalks, playgrounds, playing surfaces, trails, walkways |
| Transport  | Bridges, major culverts, car parks, footpaths, kerbs, roads              |



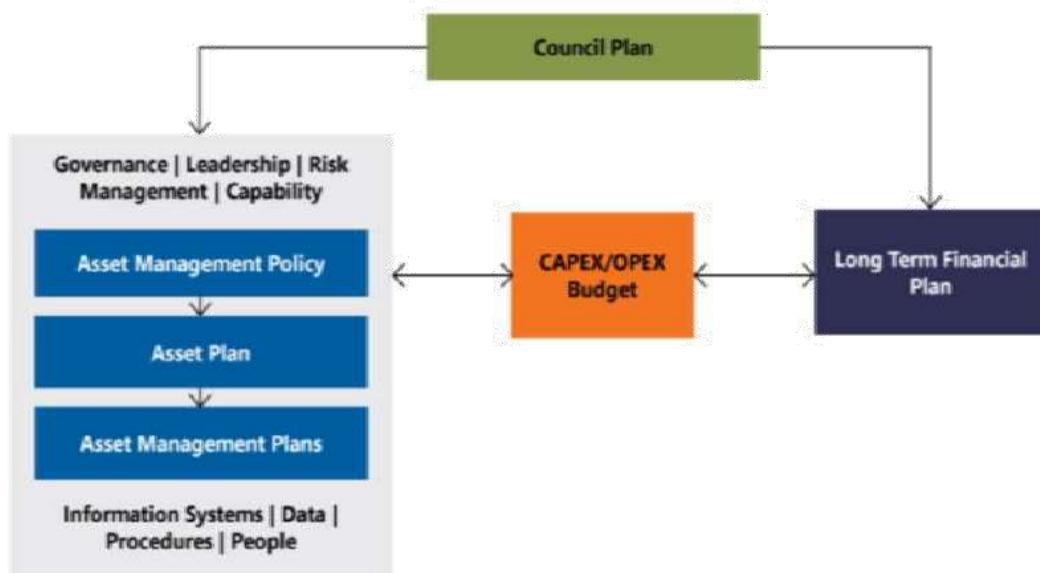
## 1.2 What is Asset Management and why is it important?

Asset management refers to the series of activities that, properly coordinated, monitor and maintain the value of those assets, and the services that these assets provide are efficient and welcomed by the community, over their entire lifespan.

Also, effective asset management is the way that those tangible assets are managed and evaluated in such a way that they continue to deliver the services that the community need and expect to be delivered in an effective economic way, made to last and perform at their best.

## 2. Strategic Asset Management Framework

Council's Strategic Asset Management Framework provides a systematic approach through which the organisation manages its assets through their lifecycle.



| Document                 | Role  |
|--------------------------|---|
| Council Plans            | Establishes the direction on how Council deliver the priorities, and to manage and deliver services for Nillumbik community during the four-year Council term.  |
| Asset Management Policy  | Provides a framework and direction for Asset Management by identifying Council's asset management objectives and tactics required to organisational strategic objectives.   |
| Asset Plan               | This document provides a high level strategic and financial view on how Council intends to manage its transport, building, drainage, and open space asset categories over the next ten financial years in compliance with the requirements of the Local Government Act 2020 |
| Asset Management Plans   | Outlines current state of Council's asset portfolio, asset management system and forecast the improvements required to meet the level of service required by community as described in Council Plan and Asset Management Policy.  |
| Long Term Financial Plan | A forecast view of the financial sustainability of Council over ten (10) years, and outlines the financial resources necessary to implement the objectives and strategies of the Council Plan to achieve Community Vision.  |

### 3. Lifecycle Management

The ultimate objective of an effective asset management system is to ensure that assets deliver the required level of service in the most cost-effective manner through their entire lifecycle. In this regard, key elements for this effective asset management are:

- Adopting a formalised asset management system with a life-cycle approach
- Developing cost-effective asset management strategies for the long term based on defined and agreed levels of service
- Monitoring performance
- Understanding the impact of the change of the community's service needs
- Managing risk associated with asset failures
- Continually improving asset management processes and practices

The asset management industry best-practice includes the following four key stages in the asset lifecycle:



#### 3.1 Lifecycle Strategies

Each of these lifecycle stages has its own delivery activities. This delivery strategy includes Council's approach to ensure that each stage systematically and consistently achieves its own objectives.

| Stage                          | Activities   |
|--------------------------------|--|
| Planning                       | <p>We assess the need for an asset and its specification that supports our long term objectives and to ensure that the right assets are provided to the community that meet their service needs.</p> <p>Future asset planning and service design considers and balances the key principles of affordability, equity and the environment.</p> <p>Council uses transparent, informed decision-making processes that consider the whole-of-life implications of acquiring, operating, maintaining, and disposing of an asset.</p> |
| Creation / Acquisition         | <p>Asset-creation projects are comprehensively defined so that their objectives are clear.</p> <p>Appropriate procurement strategies are designed to ensure we work with the right project partners and achieve value for money.</p> <p>We integrate environmentally sustainable approaches to the design and construction of assets.</p> <p>Newly acquired/created/adopted assets are checked for quality before they are put into service.</p>   |
| Operations and Maintenance     | <p>Assets are operated, inspected and maintained to ensure:</p> <ul style="list-style-type: none"> <li>- They continue delivering the service they were designed for over their useful life</li> <li>- They are safe and compliant</li> <li>- The risk of critical asset failure is minimised</li> <li>- Their ongoing lifecycle costs are met</li> </ul> <p>Through its Asset Management System, Council records the information on its assets and its performance monitored.</p>   |
| Renewal, Replacement, Disposal | <p>Council continuously assess the condition of its assets.</p> <p>We aim to optimise the timing of the renewal or replacement of our assets so that they remain safe and functional and to minimise overall lifecycle costs.</p>  |

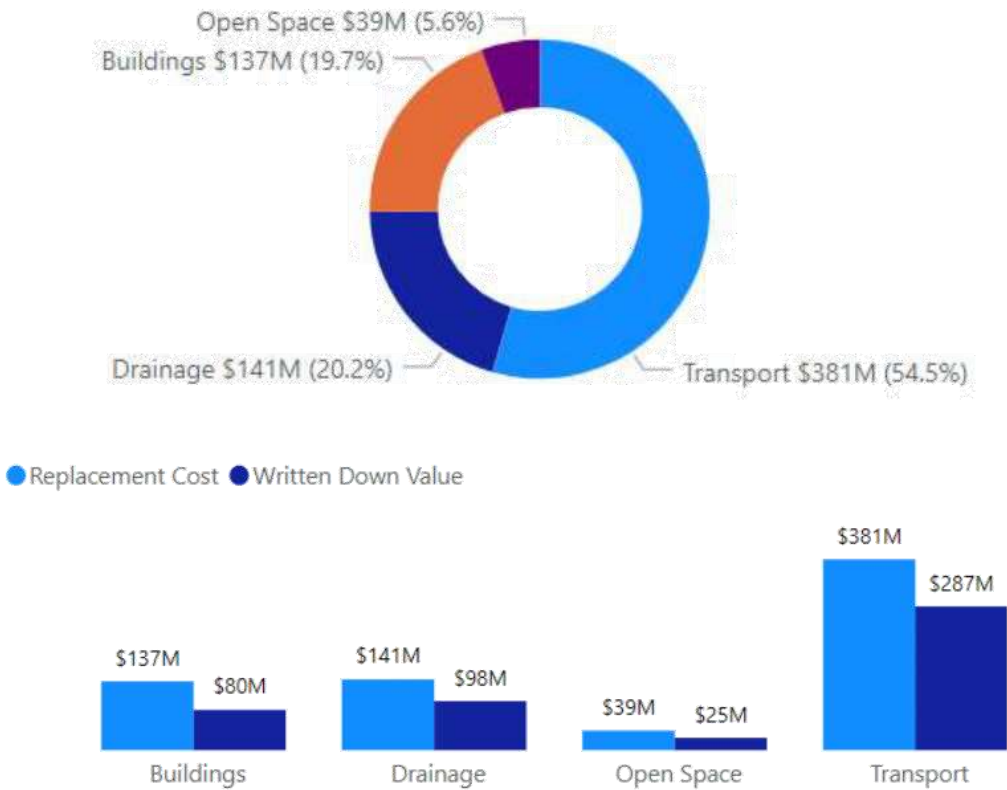


4. Valuations

Council manages a significant portfolio of assets that have a replacement value of \$699 million. This amount covers buildings, drainage, open space and transport assets.



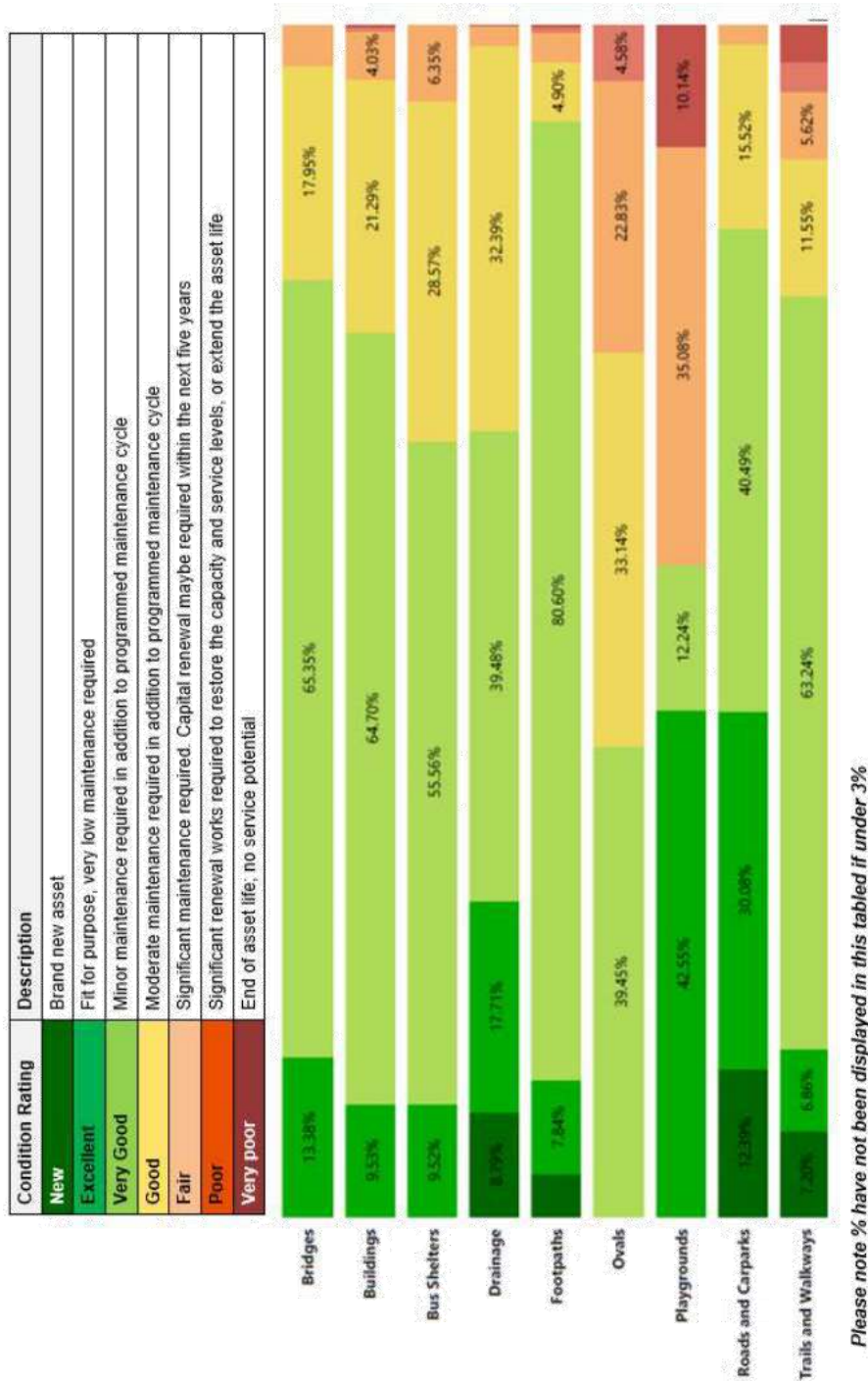
The replacement value by category is:



## 5. Current State of Assets

The constant use of these assets mean they deteriorate and get damaged over time; depending on their usage some more quickly than others.

To assess the level of deterioration and determine maintenance, replacement, renewal or expansion levels Council has inspection regimes, so these assets can continue delivering services to the community. The standard to which they are maintained and the extent to which they are grown and improved are a key consideration in setting and delivering on our Community Vision and Council Plan.



## 6. Levels of Service

### Buildings

| AP Category | Customer Values  |
|-------------|--|
| Buildings   | Buildings are accessible and have equal access for all users |
|             | Buildings are fit for their intended purposes                |
|             | Buildings are safe to use and occupation                     |

| AP Category | Level of Service | Service Attributes      | Service Standard  | Delivery Mode  |
|-------------|------------------|-------------------------|---|--|
| Buildings   | Technical        | Sustainability          | <ul style="list-style-type: none"> <li>• Provide buildings that are climate-considerate, water and energy-efficient and cost-effective</li> </ul> | <ul style="list-style-type: none"> <li>• Climate Change Action Plan</li> </ul>   |
|             |                  | Upgrade                 | <ul style="list-style-type: none"> <li>• Buildings are fit for purpose</li> <li>• Buildings are accessible (disability) by all users</li> </ul>   | <ul style="list-style-type: none"> <li>• Asset Assessment Program</li> <li>• Early Years Infrastructure Plan 2020 - 2026</li> <li>• Master Plans</li> <li>• Recreation Strategy 2022 - 2030 (Draft)</li> <li>• Climate Change Action Plan</li> </ul> |
|             |                  | Disposal                | <ul style="list-style-type: none"> <li>• Buildings that are excess to service delivery or obsolete in nature are disposed of</li> </ul>           | <ul style="list-style-type: none"> <li>• Asset Sale and Disposal Policy</li> </ul>   |
|             |                  | Renewal                 | <ul style="list-style-type: none"> <li>• Building components are in good condition to meet service requirements</li> </ul>                        | <ul style="list-style-type: none"> <li>• Identifying renewals through Life-cycle Modelling</li> <li>• Asset Assessment Program</li> </ul>  |
|             |                  | Operation & Maintenance | <ul style="list-style-type: none"> <li>• Buildings are maintained to meet service requirements</li> </ul>   | <ul style="list-style-type: none"> <li>• Maintenance Program</li> </ul>  |

| AP Category | Level of Service | Service Attributes         | Service Standard   | Delivery Mode  |
|-------------|------------------|----------------------------|--|--|
|             |                  | Asset Re-purpose           | <ul style="list-style-type: none"> <li>Excess or redundant assets are re-purposed for community requirements</li> </ul>  | <ul style="list-style-type: none"> <li>Master Plans and Service Plans</li> </ul>   |
| Buildings   | Community        | Function                   | <ul style="list-style-type: none"> <li>Building features such as layout, thermal comfort, ventilation, furniture and equipment meet user requirements and support the services the building intend to provide</li> </ul> | <ul style="list-style-type: none"> <li>Asset Assessment Program</li> </ul>   |
|             |                  | Quality                    | <ul style="list-style-type: none"> <li>Buildings are in good condition and provide comfortable amenity for all users</li> </ul>  | <ul style="list-style-type: none"> <li>Asset Assessment Program</li> </ul>   |
|             |                  | Accessibility (Disability) | <ul style="list-style-type: none"> <li>Buildings cater for disability access</li> </ul>  | <ul style="list-style-type: none"> <li>Asset Assessment Program</li> <li>Upgrading buildings to be compliant at the time of renewal as much as possible</li> </ul> |
|             |                  | Safety                     | <ul style="list-style-type: none"> <li>Buildings are safe for occupation</li> </ul>  | <ul style="list-style-type: none"> <li>Essential Service Program</li> </ul>  |
|             |                  | Availability               | <ul style="list-style-type: none"> <li>Public buildings are available at the times required except for planned shutdowns</li> </ul>  | <ul style="list-style-type: none"> <li>Website Information</li> </ul>  |

## Drainage

| AP Category | Customer Values   |
|-------------|---|
| Drainage    | Drainage network remains free of obstructions and blockages             |
|             | Integrate drainage systems into natural water storage areas effectively |
|             | Limit flooding of public and private properties                         |

| AP Category | Level of Service | Service Attributes      | Service Standard  | Delivery Mode   |
|-------------|------------------|-------------------------|---|---|
| Drainage    | Technical        | Operation & Maintenance | <ul style="list-style-type: none"> <li>• Drainage network is maintained to meet service requirements</li> <li>• Assets are inspected and responded to in a pre-determined frequency or on an as-required basis</li> </ul> | <ul style="list-style-type: none"> <li>• Annual Roadside Pit Inspection Program</li> <li>• Reactive Maintenance Program</li> </ul>    |
|             |                  | Upgrade                 | <ul style="list-style-type: none"> <li>• Upgrade existing drainage network to reduce flood risk</li> </ul>  | <ul style="list-style-type: none"> <li>• Drainage Design Guidelines</li> <li>• Drainage Network Flood Modelling Study</li> </ul>      |
|             |                  | Renewal                 | <ul style="list-style-type: none"> <li>• Drainage network is kept in good condition to meet service requirements</li> </ul>   | <ul style="list-style-type: none"> <li>• Identifying renewals through Life-cycle Modelling Program or customer requests</li> </ul>    |
|             |                  | Acquisition             | <ul style="list-style-type: none"> <li>• New assets are acquired to meet community requirements when needed</li> </ul>  | <ul style="list-style-type: none"> <li>• Special Charge Scheme Policy and Procedure</li> <li>• Capital Improvement Program</li> </ul> |
|             | Community        | Capacity                | <ul style="list-style-type: none"> <li>• The drainage network is able to transport stormwater generated by frequent rainfalls (one in ten year rainfall event)</li> </ul>   | <ul style="list-style-type: none"> <li>• Drainage Design Guidelines</li> <li>• Drainage Network Flood Modelling study</li> </ul>      |

| AP Category | Level of Service | Service Attributes | Service Standard   | Delivery Mode  |
|-------------|------------------|--------------------|--|--|
|             |                  | Function           | <ul style="list-style-type: none"> <li>Any disruption caused by drainage blockages will be resolved quickly and allow for safe use of adjoining roads, pathways, and reserves</li> </ul> | <ul style="list-style-type: none"> <li>Reactive Maintenance Program</li> </ul>   |
|             |                  | Quality            | <ul style="list-style-type: none"> <li>The drainage network is in good condition and limits flooding caused by rainfall events or blockages</li> </ul>                                   | <ul style="list-style-type: none"> <li>Roadside Pit Inspection and Cleaning Program</li> <li>Drainage Design Guidelines</li> </ul> |

### Open Space

| AP Category | Customer Values                                   |
|-------------|---|
| Open Space  | Open space network is fit for purpose             |
|             | Playgrounds are up to modern standards            |
|             | Trails are well connected and in a good condition |

| AP Category | Level of Service | Service Attributes | Service Standard  | Delivery Mode   |
|-------------|------------------|--------------------|---|---|
| Open Space  | Community        | Function           | <ul style="list-style-type: none"> <li>Play equipment is fit for purpose and up to modern standard</li> </ul>   | <ul style="list-style-type: none"> <li>Asset Assessment Program</li> </ul>  |
|             |                  |                    | <ul style="list-style-type: none"> <li>Residents have access to recreational trails, ovals and playgrounds within reasonable distance from their homes</li> </ul> | <ul style="list-style-type: none"> <li>Recreation Strategy 2022 - 2030 (Draft)</li> <li>Green Wedge Management Plan</li> <li>Nillumbik Health and Wellbeing Plan 2021 - 2025</li> </ul> |
|             |                  |                    | <ul style="list-style-type: none"> <li>Trails and playgrounds are accessible (disability) and pram compliant</li> </ul>   | <ul style="list-style-type: none"> <li>Upgrading any non-compliant assets to be compliant at the time of renewal as much as possible</li> </ul>   |
|             |                  | Quality            | <ul style="list-style-type: none"> <li>Open Space network is in good condition and meets user requirements</li> </ul>   | <ul style="list-style-type: none"> <li>Asset Assessment Program</li> </ul>  |

| AP Category | Level of Service | Service Attributes      | Service Standard  | Delivery Mode  |
|-------------|------------------|-------------------------|---|--|
|             | Technical        | Safety                  | <ul style="list-style-type: none"> <li>Open space network is safe for all users</li> </ul>  | <ul style="list-style-type: none"> <li>Trail Operating Levels of Service</li> </ul>  |
|             |                  | Upgrade                 | <ul style="list-style-type: none"> <li>Upgrade existing playgrounds including play equipment to meet legislative requirements and modern standards</li> </ul>   | <ul style="list-style-type: none"> <li>Asset Assessment Program</li> </ul>   |
|             |                  | Renewal                 | <ul style="list-style-type: none"> <li>Open space network is kept in a good condition to meet service requirements</li> </ul>   | <ul style="list-style-type: none"> <li>Identifying renewals through Life-cycle Modelling Program</li> <li>Asset Assessment Program</li> </ul>  |
|             |                  | Expansion (New)         | <ul style="list-style-type: none"> <li>Expand current trail networks to accommodate missing links</li> </ul>  | <ul style="list-style-type: none"> <li>Nillumbik Shire Council Trails Strategy 2021</li> </ul>   |
| Open Space  | Technical        | Acquisition             | <ul style="list-style-type: none"> <li>New recreational trails, playing surfaces and playgrounds are acquired in areas where there are no provision</li> </ul>  | <ul style="list-style-type: none"> <li>Nillumbik Shire Council Trails Strategy 2021</li> <li>Green Wedge Management Plan</li> <li>Open Space Strategy</li> </ul>   |
|             |                  | Operation & Maintenance | <ul style="list-style-type: none"> <li>Open space network is maintained to meet service requirements</li> <li>Assets are inspected in a pre-determined frequently or as-required basis</li> <li>Defects identified as above intervention levels are fixed and hazards are addressed within pre-determined response times</li> </ul> | <ul style="list-style-type: none"> <li>Nillumbik Shire Council Trails Strategy 2021</li> <li>Trail Operating Levels of Service</li> <li>Proactive Maintenance Inspection Program</li> <li>Open Space Level of Service (Draft)</li> </ul> |

## Transport

| AP Category | Customer Values   |
|-------------|---|
| Transport   | Transport network is safe and hazard-free   |
|             | Transport network provides connectivity within the shire                            |
|             | Transport network provides smooth and comfortable pedestrian and vehicular movement |

| AP Category | Level of Service | Service Attributes | Service Standard   | Delivery Mode  |
|-------------|------------------|--------------------|--|--|
| Transport   | Community        | Capacity           | • Bridges are structurally sound and meet acceptable load capacities   | • Asset Assessment Program   |
|             |                  |                    | • Transport network is adequate to handle amount of traffic and users and can get to places within a reasonable time based on speed limits | • Traffic Count Monitoring Program<br>• Local Area Traffic Management Plan<br>• Nillumbik Shire Council Trails Strategy 2021 |
|             |                  | Function           | • Footpaths and bus shelters are accessible (disability) and pram compliant  | • Capital Works Plan<br>• Upgrade non-compliant assets to be compliant at the time of renewal where possible and appropriate |
|             |                  |                    | • Transport network is accessible to users and provides connectivity across the shire allowing efficient traffic and pedestrian movement   | • Integrated Transport Statement and Strategy<br>• Green Wedge Management Plan   |
|             |                  | Quality            | • Signage is adequate across the network and easily seen & understood by all users   | • Road Management Plan   |
|             |                  |                    | • Transport network is in good condition and provides comfortable  | • Asset Assessment Program   |



| AP Category | Level of Service | Service Attributes      | Service Standard   | Delivery Mode  |
|-------------|------------------|-------------------------|--|--|
| Transport   |                  |                         | walk /ride quality to all users  |  |
|             |                  |                         | <ul style="list-style-type: none"> <li>• Transport network is maintained clean, free from debris and excessive vegetation</li> </ul>   | <ul style="list-style-type: none"> <li>• Road Management Plan</li> <li>• Street Sweeping Program</li> </ul>  |
|             | Community        | Safety                  | <ul style="list-style-type: none"> <li>• Transport network is safe for all users</li> </ul>  | <ul style="list-style-type: none"> <li>• Road Management Plan</li> <li>• Road Safety Program</li> <li>• Box Clearance Program</li> <li>• Black Spot Program</li> </ul>   |
|             | Technical        | Acquisition             | <ul style="list-style-type: none"> <li>• New footpaths are acquired in areas where there is no footpath provision</li> </ul>   | <ul style="list-style-type: none"> <li>• Integrated Transport Statement and Strategy</li> <li>• Footpath Strategy</li> <li>• Nillumbik Footpath Missing Links 2020</li> <li>• Green Wedge Management Plan</li> </ul> |
|             |                  | Expansion (New)         | <ul style="list-style-type: none"> <li>• Expand current footpath and trail networks to accommodate missing links</li> </ul>  | <ul style="list-style-type: none"> <li>• Nillumbik Footpath Missing Links 2020</li> <li>• Green Wedge Management Plan</li> </ul>   |
|             |                  | Operation & Maintenance | <ul style="list-style-type: none"> <li>• Transport network hazards/defects are inspected and responded to within reasonable timeframes</li> <li>• Grading of unsealed roads</li> </ul> | <ul style="list-style-type: none"> <li>• Road Management Plan</li> </ul>   |

| AP Category | Level of Service | Service Attributes | Service Standard  | Delivery Mode   |
|-------------|------------------|--------------------|---|---|
|             |                  | Renewal Upgrade    | <ul style="list-style-type: none"> <li>• Transport network is kept in a good condition to meet service requirements</li> <li>• Bridges are upgraded to cater for increase in traffic and load limits</li> <li>• Unsealed roads are upgraded to meet community requirements when needed</li> </ul> | <ul style="list-style-type: none"> <li>• Identifying renewals through Life-cycle Modelling Program</li> <li>• Asset Assessment Program</li> <li>• Master Plans</li> <li>• Asset Assessment Program</li> <li>• Road Sealing Strategy (Under Review)</li> <li>• Special Charge Scheme Policy and Procedure</li> <li>• Developer Contribution Program</li> </ul> |

## 7. Legislative & Council Requirements

Asset management is not a stand-alone exercise. The planning, design, creation, operation/maintenance and renewal/expansion/disposal of assets that meet the needs of a community are related to a significant number of legislative and council documents and requirements. These are:

### Buildings

Type: Legislative

| Documentation                                      | AP Category | Requirements  |
|--|-------------|---|
| Building Act 1993                                  | Buildings   | The Act sets out the framework for the regulation of building construction, building standards and the maintenance of specific building safety features.  |
| Building Code Australia (BCA)                      | Buildings   | The goal of the BCA is to enable the achievement of nationally consistent, minimum necessary standards of relevant, health, safety (including structural safety and safety from fire), and amenity and sustainability objectives efficiently.     |
| Children Services Act 2006                         | Buildings   | Childcare Act 2006 aims to reduce poverty supporting parents to work increases the child's environments and living reducing inequalities among children most at risk of poverty via deprivation/disadvantages promoting social mobility.          |
| Children, Young and Families Act 2005              | Buildings   | The Children, Youth and Families Act 2005 (CYFA) builds on the foundations of the CWSA to provide guidance on additional considerations in promoting positive outcomes for children who are vulnerable as a result of their family circumstances. |
| Children's Services Regulations 2009               | Buildings   | The objective of these Regulations is to regulate the licensing and operation of children's services.   |
| Green Building Council Australia Green Star Rating | Buildings   | Assesses the sustainable design, construction and operation of buildings, fit outs and communities.   |

Type: Council

| Documentation                                    | AP Category | Requirements  |
|--|-------------|---|
| Early Years Infrastructure Plan 2020-2026        | Buildings   | Addresses long term supply and demand, functionality and quality solutions for Council's early years' infrastructure facilities.  |
| Ecologically Sustainable Development Policy      | Buildings   | Provides direction for sustainable building and maintenance activities, including those related directly to the project and those for ongoing use of the asset.   |
| Edendale Farm Master Plan                        | Buildings   | Directs the future development and operation of Edendale Farm and enhances its ability - to grow to a regional centre for environmental sustainability.   |
| Positive Ageing Strategy 2013-2018               | Buildings   | This strategic framework is a guide for Council's medium to long term approach to planning and service provision needs for older people living in Nillumbik. The framework establishes and prioritises service standards and delivery in response to increasing demands for improved infrastructure and to increase facilities and activities where people can socialise and to support health and wellbeing. |
| Public Toilet Strategy                           | Buildings   | Guides the planning and decision making in relation to the provision of public toilets in public open space throughout the Shire.   |
| Water Tank Policy for Council Owned/Managed Land | Buildings   | Articulates the administrative requirements for the installation of water tanks on Council owned/managed land to ensure installations occur in an effective manner and to a high quality standard.  |

## Drainage

Type: Legislative

| Documentation  | AP Category | Requirements  |
|--|-------------|---|
| All Other Relevant Australian Standards, Regulations and Codes of Practice | Drainage    | <p>Australian Rainfall and Runoff (2019).<br/>Provides 'Australian designers with the best available information on design flood estimation' and in turn provides 'a sound basis for the sizing of works and structures that are subject to floods.'</p> <p>This document provides design charts for fluids in pipes.</p> <p>Australian Standard – Design Charts for stormwater and sewerage AS2200-2006.</p> |
| Building Act 1993 and Building Regulations 2018                            | Drainage    | <p>To provide for the regulation of building and building standards (S1)<br/>Provides for:</p> <ul style="list-style-type: none"> <li>- consent from Council to build over easements vested in Council (reg. 130);</li> <li>- a report to be gained from Council on the point of discharge (reg. 133); and</li> <li>- control of building in flood prone areas (reg. 153).</li> </ul>                         |
| Catchment and Land Protection Act 1994                                     | Drainage    | <p>Includes setting up a framework for the integrated management and protection of catchments (S1).</p> <p>The Act establishes the catchment management authorities (S11).</p>  |

| Documentation             | AP Category | Requirements  |
|---------------------------|-------------|---|
| Nillumbik Planning Scheme | Drainage    | <p>Clause 56.07-4 covers the discharge of urban run-off. This clause requires minimal damage and inconvenience to residents from urban run-off, ensures that streets operate adequately during major storm events and provides for public safety, minimises increases in stormwater run-off and protects environmental values and physical characteristics of receiving waters from degradation by urban run-off.</p> <p>Only applies to urban areas.</p> |
| Water Act 1989            | Drainage    | <p>Includes providing for the integrated management of all elements of the terrestrial phase of water (S1).</p> <p>The Act gives the rights and responsibilities for the use, flow and control of water. The Act creates waterway management authorities (e.g. Melbourne Water).</p>  |

Type: Council

| Documentation   | AP Category | Requirements   |
|---|-------------|--|
| Building Over Easement Policy                                 | Drainage    | Guidelines for the reporting and consent process for works proposed over or within easements vested in Council.  |
| Drainage Design Guidelines                                    | Drainage    | Design principles for the efficient, environmentally sensitive, and cost effective control of stormwater runoff to ensure that a high level of safety and amenity for the public is achieved at all times. |
| Water Sensitive Urban Design & Wetland Maintenance Guidelines | Drainage    | Provides a series of maintenance standards for wetlands and WSUD assets.   |

## Open Space

Type: Legislative

| Documentation   | AP Category | Requirements  |
|---|-------------|---|
| All Other Relevant Guidelines, Australian Standards and Codes of Practice | Open Space  | AS 4685.0:2017, Playground equipment and surfacing – Part 0: Development, installation, inspection, maintenance and operation.<br><br>AS 4373:2007 Pruning Amenity Trees.<br><br>AS 2550.10 2006 Elevated working platforms.<br><br>Code of Practice on electrical safety for the distribution businesses in the Victorian Electricity Supply Industry. |
| Electrical Safety (Electric Line Clearance) Regulations 2015              | Open Space  | Code of practice for electrical line clearance.   |
| Flora and Fauna Guarantee Act 1988  | Open Space  | Provides procedures for the conservation, management or control of Victoria's native flora and fauna.   |

Type: Council

| Documentation                                | AP Category | Requirements   |
|--|-------------|--|
| Nillumbik Shire Council Trails Strategy 2021 | Open Space  | Identifies a strategic direction for Council as to the future provision of shared recreation trails within the Shire to accommodate equestrian, cyclists, walking and land care groups.                            |
| Open Space Strategy (Draft)                  | Open Space  | Identifies opportunities for future open space and highlights ways to more effectively link existing conservation areas and trails. The strategy also provides the criteria for acquiring and managing open space. |
| The Lifetime Play Strategy                   | Open Space  | Provides a framework for the long term re-imagining of public play spaces across the Shire.  |

| Documentation  | AP Category | Requirements  |
|--|-------------|---|
| Trail Operating Levels of Service and Service Standards 2021 - FINAL | Open Space  | Details the standards of service and maintenance for trails within the Shire. |

## Transport

Type: Legislative

| Documentation   | AP Category | Requirements   |
|---|-------------|--|
| Road Management (General) Regulations 2015                  | Transport   | Sets out general regulations for the management of roads.  |
| Road Management (Works and Infrastructure) Regulations 2015 | Transport   | Sets out works and infrastructure requirements for management of roads.  |
| Road Management Act 2004                                    | Transport   | Establish and promote safe and efficient state and local public road networks.   |
| Road Safety Act 1986  | Transport   | Sets out safe, efficient and equitable road use.   |
| Road Safety Road Rules 2009                                 | Transport   | Establishes rules to be observed by road users.  |
| Transport Act 1983  | Transport   | Council's responsibility for main roads within its municipal district (is modified according to the Road Management Act 2004). |
| Transport Integration Act 2010                              | Transport   | Provides the framework for the provision of an integrated and sustainable transport system in Victoria.                        |



Type: Council

| Documentation                                     | AP Category | Requirements  |
|---|-------------|---|
| Footpath Strategy                                 | Transport   | Aims to promote walking as a healthy and safe way of exercising and accessing community services and facilities. The strategy is concerned with the provision of new footpaths on roads that do not currently have footpaths. |
| Integrated Transport Strategy                     | Transport   | Aims to quantify and qualify action targets to improve and integrate land-use-related activity with transport options and requirements.   |
| Nillumbik Shire Council Road Management Plan 2021 | Transport   | Outlines Council's road management responsibilities, lists the road assets and details the standards of service and maintenance for roads within the Shire.   |

#### Legislative Requirements for All Asset Categories

| Documentation   | Requirements   |
|---|--|
| All Local Laws and Relevant Policies of the Council                                     | <p>Infrastructure Assets Local Law</p> <p>Clause 9. Asset Protection.</p> <p>Clause 11. Equipment and Materials Delivery.</p> <p>Clause 14. Stormwater protection.</p> <p>Clause 15. Drains and Water Courses.</p> <p>Clause 16. Stormwater drainage connections.</p> <p>Clause 17. Construction of a Vehicle Crossing.</p> <p>Amenity Local Law.</p> <p>Clause 10. Council Signs.</p> <p>Clause 20. Actions affecting Council Land.</p> <p>Clause 21. Removal of Vegetation on Council Land.</p> <p>Clause 29. Trees and plants not to obstruct or obscure.</p> |
| Asset Management Accountability Framework (Department of Treasury and Finance Victoria) | The AMAF details mandatory asset management requirements as well as general  |

| Documentation  | Requirements  |
|--|---|
|  | guidance for agencies responsible for managing assets.  |
| Disability Discrimination Act 1992                     | Sets out the responsibilities of Council and staff in dealing with access and use of public infrastructure.   |
| Emergency Management Act 2013                          | <p>The Emergency Management Act 2013 (the Act) establishes Emergency Management Victoria (EMV) which consists of:</p> <p>The Emergency Management Commissioner (EMC) who is responsible for coordinating the response to major emergencies (including ensuring appropriate control arrangements are in place) and operating effectively during Class 1 and Class 2 emergencies. The EMC is also responsible for co-ordinating consequence management and recovery for all major emergencies.</p> <p>The Chief Executive of Emergency Management Victoria who is responsible for the day-to-day management of Emergency Management Victoria, and the coordination of investment planning for large scale strategic projects for the responder agencies including major procurement and communications and information systems.</p> |
| Environment Protection Act 1970                        | <p>To provide a legislative framework for the protection of the environment in Victoria having regard to environment protection principles (S1A).</p> <p>Establishes the Environment Protection Authority (EPA) and details the powers, duties and functions of that authority (Part II).</p>   |
| Heritage Act 2017                                      | The purpose of the Act is to provide for the protection and conservation of the cultural heritage of Victoria. The Act creates a framework to identify the most important non-Aboriginal heritage in Victoria, and regulates changes to those places. The Act also creates offences and other enforcement measures to protect and conserve heritage.  |
| Local Government Act 1986<br>Local Government Act 2020 | Sets out the responsibilities of Council and staff in dealing with access and use of public infrastructure.   |

| Documentation   | Requirements   |
|---|--|
| Local Government Finance and reporting Regulations 2004 | Sets out role, purpose, responsibilities and powers of local governments including a requirement for the preparation of 10-year asset plans.   |
| National Asset Management Framework Legislation 2010    | Focuses on long term financial sustainability and provides a mandate to have long term strategy, financial statements and annual reporting mechanisms. AM plans are likely to be audited.  |
| Native Title Act 1993                                   | To provide for the recognition and protection of native title as well as establish ways in which future dealings affecting native title may proceed and to set standards for the dealings.   |
| Occupational Health and Safety Act 2004                 | Aims to secure the health, safety and welfare of people at work. It lays down general requirements that must be met at places of work in Victoria. The provisions of the Act cover every place of work in Victoria. The Act covers self-employed people as well as employees, employers, students, contractors and other visitors. |
| Occupational Health and Safety Regulations 2007         | Outlines minimum actions to be taken to comply with OH&S Act. It explains plants such as Lifts, boilers maintenance, inspection and testing and WorkCover registration requirements.   |
| Planning and Environment Act 1987                       | Planning and Environment Act 1987. Sets of legislative requirements for planning and environmental concerns in new and upgrades areas. Allows for the impact of asset construction and growth and sets parameters to trigger Council activities/actions.   |
| Subdivisions Act 1988                                   | Requires engineering plans to be provided for developments in accordance with relevant standards.  |
| Workplace Health & Safety Act 2011                      | The objective of this Act is to prevent a person's death, injury or illness being caused by a workplace, by a relevant workplace area, by work activities, or by plant or substances for use at a relevant place.  |

### Council Requirements for All Asset Categories

| Documentation  | Requirements   |
|--|--|
| Asset Management Policy and Strategy                   | Provides a framework and direction for Asset Management by identifying Council's asset management objectives and tactics required to move asset management within the organisation forward.  |
| Asset Sale & Disposal Policy                           | Documents the process involved in the sale or disposal of assets, appropriate methods of disposal, the type of public consultation required, if any, delegations of authority, and the documentation required during the process.              |
| Climate Action Plan                                    | Provides a response to climate change with a focus on the roles and responsibilities of Council. It includes actions Council will take relevant to its operations and services.  |
| Conditions of Use - Shire Sports Grounds and Pavilions | The purpose of the Conditions of Use policy is to provide sport and recreation clubs with clear guidelines and responsibilities for the effective management and maintenance of Council owned sporting facilities.                             |
| Diamond Creek 2020 Strategy                            | Sets out the overall vision, objectives, strategies and actions for the town centre of Diamond Creek. It provides the scope for change, renewal and identifies the means of providing future physical infrastructure and community facilities. |
| Diamond Creek Major Activity Structure Plan (2020)     | Sets out the overall vision, objectives, strategies and actions for the town centre of Diamond Creek. It provides the scope for change, renewal and identifies the means of providing future physical infrastructure and community facilities. |
| Disability Action Plan 2020-2024                       | Provides the framework for Council to address disability and other access issues, across all areas of the organisation's operations and to support Council to meet its requirements under relevant legislation.                                |
| Eltham Lower Park Masterplan                           | Provides a strategic direction for the future development of the park by establishing priority works plan to meet the needs of   |

| Documentation                                      | Requirements  |
|--|---|
|  | Council, permanent tenants and casual visitors.   |
| Eltham Major Activity Centre Structure Plan (2020) | Sets out the overall vision, objectives, strategies and actions for the town centre of Eltham. It provides the scope for change, renewal and identifies the means of providing future physical infrastructure and community facilities.   |
| Eltham North Reserve Masterplan                    | Masterplans provide a strategic direction for the future development specified areas and aims to balance the needs of permanent tenants and casual visitors as well as passive and active recreational and environmental concerns.  |
| Green Wedge Management Plan                        | Directs Council policy and planning decisions relating to the Nillumbik Green Wedge and is a reference document in the Nillumbik Planning Scheme.   |
| Heritage Strategy (2011)                           | Provides guidance for the advancement of heritage protection and interpretation within the Shire.   |
| Hurstbridge Township Strategy 2002                 | Provides a framework for the planning and delivery of capital works in the township area, landscape and urban design initiatives and environmental works projects.  |
| Integrated Water Management Strategy               | Promotes the integration of multi-functional infrastructure that progressively reduces reliance on mains supply.  |
| Local Laws, Standards and Policies                 | Adherence to established practices and guidelines regarding asset management.   |
| Municipal Emergency Management Plan                | The aim of this plan is to detail the arrangements for the privation of, preparedness for, response to and recovery from emergencies within the Shire of Nillumbik. Council recognises it has a key role in prevention and mitigation activities. Council's policies on land management, building codes, regulations and urban planning, combine to ensure that all possible measures are addressed to reduce the likelihood and impact of emergencies. |

| Documentation                             | Requirements   |
|---|--|
| Municipal Fire Management Plan            | Seeks to prevent unplanned fires from occurring and includes Priority Risk Environments categories which includes, but are not exclusive, as Accommodation (including special accommodation, aged care, residences, hotels, motels, boarding houses, caravan parks) and Places of Assembly and institutions (health care, education, public halls and entertainment venues). |
| Nillumbik Health & Wellbeing Plan         | Outlines Council's health and wellbeing priorities over the next four years as well as the strategies that will be used to maintain and improve the health and wellbeing of the Nillumbik community.   |
| Nillumbik Shire Council Plan 2021-2025    | Outlines Council's values and describes how services will be planned and delivered. The plan is reviewed annually and revised on each council term.  |
| Nillumbik Shire Council Standard Drawings | Details typical design standard drawings for road and drainage infrastructure.   |
| Nillumbik Soccer Strategy 2014            | Provides a guide to the current and future demand for soccer in Nillumbik and the surrounding region and facility development/redevelopment opportunities including indicative capital cost estimates.   |
| Plenty War Memorial Park Masterplan       | Provides a strategic direction for the future development of the park by establishing priority works plan to meet the needs of Council, permanent tenants and casual visitors.   |
| Project Plans                             | These plans are prepared for major projects and assets. They include benefit cost ratios, expected strengths, weaknesses, opportunities and threats to the project or asset. By developing a project plan, it is intended to identify projects that return the most benefit to the community and ensure that major assets continue to provide value for money.               |

| Documentation   | Requirements   |
|---|--|
| Risk Management Policy & Framework                    | Outlines objectives to achieve better risk management and greater accountability. These principles are incorporated in the AM plan to enable informed decisions to be made regarding the management of risks associated with council's assets. |
| Shire of Nillumbik Drainage to Un-serviced Allotments | Describes the application of on-site absorption in the event an underground Council drainage system does not service an allotment.   |
| Special Charge Schemes Policy & Procedure             | Guides the implementation of special charge schemes for road and drainage infrastructure.  |
| St Andrews Township Plan 2012                         | Aims to guide land use, community development and infrastructure improvements and provide an opportunity for the community of St Andrews to shape the future of the township.  |
| Strategic Resource Plan                               | This plan incorporates the financial forecast and resource allocation in a standard statement format which are required to help deliver the Council Plan.  |
| Sustainable Water Management Plan                     | Aims to reduce Council's water consumption and to establish targets for the quality of stormwater discharged within the Shire.   |
| Wattle Glen Township Strategy 2002                    | Provides a framework for the planning and delivery of capital works in the Wattle Glen Township, environmental education initiatives and environmental works projects.   |
| Yarrambat Local Structure Plan 2000                   | Provides the framework for the co-ordinated development of rural residential land at Yarrambat.  |

## 8. Future Demands

The ability to predict future demand for services enables Council to plan ahead and identify the best way of meeting that demand. This section analyses the various drivers influencing the services supported by major asset classes.

### Demographics, Current and Future

| Age Category    | Age Group    | 2019          | 2036          |
|-----------------|--------------|---------------|---------------|
| Children        | 0 to 4       | 3,293         | 3,632         |
|                 | 10 to 14     | 4,770         | 4,749         |
|                 | 15 to 19     | 4,773         | 4,871         |
|                 | 5 to 9       | 4,248         | 4,276         |
|                 | <b>Total</b> | <b>17,084</b> | <b>17,528</b> |
| Young Adults    | 20 to 24     | 4,200         | 4,252         |
|                 | 25 to 29     | 3,209         | 3,276         |
|                 | 30 to 34     | 3,105         | 3,334         |
|                 | <b>Total</b> | <b>10,514</b> | <b>10,862</b> |
| Adults          | 35 to 39     | 3,774         | 4,188         |
|                 | 40 to 44     | 4,437         | 4,976         |
|                 | 45 to 49     | 5,173         | 5,129         |
|                 | 50 to 54     | 4,945         | 4,988         |
|                 | 55 to 59     | 4,881         | 4,512         |
|                 | <b>Total</b> | <b>23,210</b> | <b>23,793</b> |
| Older Residents | 60 to 64     | 4,289         | 4,093         |
|                 | 65 to 69     | 3,449         | 3,709         |
|                 | 70 to 74     | 2,687         | 3,296         |
|                 | 75 to 79     | 1,580         | 2,981         |
|                 | 80 - 84      | 927           | 2,168         |
|                 | 85+          | 906           | 1,961         |
|                 | <b>Total</b> | <b>13,838</b> | <b>18,208</b> |
| <b>Summary</b>  |              | <b>64,646</b> | <b>70,391</b> |



| Suburb            | 2016 Dwellings | 2036 Dwellings | Dwelling Change | Dwelling % Change |
|-------------------|----------------|----------------|-----------------|-------------------|
| Diamond Creek     | 4,180          | 5,393          | 1,213           | 29.0%             |
| Eltham (Central)  | 3,260          | 4,532          | 1,272           | 39.0%             |
| Eltham (East)     | 1,352          | 1,395          | 43              | 3.2%              |
| Eltham (Edendale) | 1,091          | 1,165          | 74              | 6.8%              |
| Eltham (South)    | 1,187          | 1,321          | 134             | 11.3%             |
| Eltham North      | 1,579          | 1,701          | 122             | 7.7%              |
| Greensborough     | 1,868          | 1,995          | 127             | 6.8%              |

| Suburb                        | 2016 Dwellings | 2036 Dwellings | Dwelling Change | Dwelling % Change |
|-------------------------------|----------------|----------------|-----------------|-------------------|
| Hurstbridge                   | 1,271          | 1,383          | 112             | 8.8%              |
| Kangaroo Ground - Wattle Glen | 1,020          | 1,133          | 113             | 11.1%             |
| North Warrandyte              | 1,054          | 1,119          | 65              | 6.2%              |
| Plenty - Yarrambat            | 1,296          | 1,694          | 398             | 30.7%             |
| Research                      | 942            | 1,009          | 67              | 7.1%              |
| Rural East                    | 1,242          | 1,315          | 73              | 5.9%              |
| Rural North West              | 663            | 766            | 103             | 15.5%             |
| <b>Total</b>                  | <b>22,005</b>  | <b>25,921</b>  | <b>3,916</b>    | <b>17.8%</b>      |

## Buildings

| Demand Driver  | AP Category | Change in Demand  | Impact of Services  |
|--|-------------|---|---|
| Climate change - Zero Emission Targets and Reduction of CO2 Emissions  | Buildings   | <ul style="list-style-type: none"> <li>Parts of Nillumbik are within fire prone areas, where asset loss is a major concern of council.</li> <li>Continuous improvement of energy efficient buildings.</li> <li>Global warming impact.</li> </ul>  | <ul style="list-style-type: none"> <li>Increased upfront costs for specialised materials, equipment, fittings and products.</li> <li>Building upgrades and a Climate Action Funding Program.</li> <li>Changing weather may lead to increased need for reactive maintenance for storm and flood damage repair.</li> <li>Assets will need to be built and renewed to a standard that can withstand at least 1.5 degrees of warming. This may require different materials, methods of construction and other innovative approaches.</li> </ul> |
| Consumer Preference / Change in Society Expectations / Cultural Change | Buildings   | <ul style="list-style-type: none"> <li>Some facilities are by their nature more popular than others because they provide better service or are better located.</li> </ul>   | <ul style="list-style-type: none"> <li>Adjustment of facilities opening hours depending on usage and popularity.</li> </ul>   |
| Demographic Profiles Change  | Buildings   | <ul style="list-style-type: none"> <li>Population of older residents (over 65) is expected to have the largest proportional increase (relative to its population size), with a forecast growth of 6,156 persons by 2036.</li> <li>The number of young children (aged under 4) is forecast to slightly increase, whereas remaining age groups are expected to decrease by 2036.</li> </ul> | <ul style="list-style-type: none"> <li>Increase in age-based facilities, appropriate sporting pavilions and disability access across sites, service changes due to demographics.</li> </ul>   |

| Demand Driver               | AP Category | Change in Demand  | Impact of Services  |
|-----------------------------|-------------|---|---|
| Impact of Covid-19 Pandemic | Buildings   | <ul style="list-style-type: none"> <li>Increased cleaning regime, building ventilation and government mandated operational activities as Covid-19 compliance.</li> </ul>      | <ul style="list-style-type: none"> <li>Increased operational and maintenance cost.</li> </ul>   |
| Population Change           | Buildings   | <ul style="list-style-type: none"> <li>Nillumbik's estimated residential population of 65,369 in 2021 is forecast to grow by approximately 7.5% to 70,315 by 2036.</li> </ul> | <ul style="list-style-type: none"> <li>Council may need to expand services and facilities to cater for the community growth.</li> </ul> |

### Drainage

| Demand Driver  | AP Category | Change in Demand   | Impact of Services  |
|--|-------------|--|---|
| Climate Change: Annual Rainfall Volume within South-east Australia | Drainage    | <ul style="list-style-type: none"> <li>Annual rainfall expected to decrease 10% by 2030 and 35% by 2070.</li> </ul>              | <ul style="list-style-type: none"> <li>Less rainwater will increase the demand for uptake of stormwater for reuse. This may require upgrades to existing infrastructure, or acquisitions, to fulfil these demands.</li> </ul> |
| Climate Change: Variance in Daily Rainfall                         | Drainage    | <ul style="list-style-type: none"> <li>An expected increase in single-day rainfall volume.</li> </ul>                            | <ul style="list-style-type: none"> <li>Larger variance in rainfall implies more frequent flooding and expectant increase for drainage protection.</li> </ul>  |
| Commercial & Industrial Development                                | Drainage    | <ul style="list-style-type: none"> <li>Currently there are no plans for industrial expansion within the municipality.</li> </ul> | <ul style="list-style-type: none"> <li>Minimal impact on services.</li> </ul>   |

| Demand Driver   | AP Category | Change in Demand   | Impact of Services   |
|---|-------------|--|--|
| Cultural Change   | Drainage    | <ul style="list-style-type: none"> <li>Community awareness and involvement in sustainable and environmental issues has risen over the last two decades. Stormwater reuse is receiving attention due to the dual pressures of water sustainability and environmental awareness.</li> </ul>  | <ul style="list-style-type: none"> <li>As the community focuses on reusing stormwater, the network's ability to re-uptake stormwater will need to increase. This may require upgrades to existing infrastructure, or acquisitions, to fulfil these demands.</li> </ul>                       |
| Demand for Increased Services in Areas Where Drainage is Not Currently Provided | Drainage    | <ul style="list-style-type: none"> <li>The demand for expanding the drainage network is expected to increase as community expectations change.</li> </ul>  | <ul style="list-style-type: none"> <li>Serviceability of the drainage network is unlikely to meet customer values, which may lead to increased pressure for drainage network extension.</li> </ul>   |
| Increase in Impervious Areas  | Drainage    | <ul style="list-style-type: none"> <li>Currently there are no plans for industrial expansion within the municipality.</li> </ul>   | <ul style="list-style-type: none"> <li>Most multi-lot and smaller subdivisions are required to either construct drainage or absorb stormwater on site to limit discharge rates from the property, whereby the effects of increased impervious area are mitigated.</li> </ul>                 |
| Residential Development   | Drainage    | <ul style="list-style-type: none"> <li>The number of dwellings in Nillumbik is forecast to grow from 23,475 in 2021 to 26,564 in 2036 (13% increase).</li> <li>Residential development within the municipality is heavily constrained due to state government and Council planning controls.</li> <li>Most of the municipality lies outside the urban growth boundary, defined by Melbourne 2030, which prevents land from being developed for residential use.</li> </ul> | <ul style="list-style-type: none"> <li>The adequacy of council's existing drainage network will be challenged due to the projected increase in residential development, placing pressure on Council to upgrade and extend the drainage network to support this additional growth.</li> </ul> |

| Demand Driver              | AP Category | Change in Demand  | Impact of Services  |
|----------------------------|-------------|---|---|
| Town Planning Requirements | Drainage    | <ul style="list-style-type: none"> <li>The current requirement of providing drainage services to all properties in new subdivisions is expected to continue.</li> </ul> | <ul style="list-style-type: none"> <li>Existing un-serviced drainage areas may need to be reconsidered for drainage provision at the time of redevelopment. This is, however, difficult to achieve on a single lot basis.</li> <li>The location of the redevelopment (i.e., urban or green wedge) may also influence the need for town planning instruction.</li> </ul> |

### Open Space

| Demand Driver                   | AP Category | Change in Demand  | Impact of Services  |
|---------------------------------|-------------|---|---|
| Changes in Customer Expectation | Open Space  | <ul style="list-style-type: none"> <li>Nillumbik residents enjoy relatively high socioeconomic and educational status compared to surrounding councils. Resident's expectations on council delivered services are relatively high.</li> </ul> | <ul style="list-style-type: none"> <li>Providing high quality open space assets that are up to modern standards will lead to an increase in renewal, upgrade and expansion costs.</li> </ul>  |
| Climate Change                  | Open Space  | <ul style="list-style-type: none"> <li>Increased intensity and frequency of extreme weather events.</li> </ul>  | <ul style="list-style-type: none"> <li>Increased flooding will see frequent flooding of trails, playgrounds and open spaces making them inaccessible.</li> <li>Some footbridges are susceptible to flooding inducing trail closures.</li> <li>In the longer-term, there may be greater community demand for weather protection, for sports and leisure activities that have traditionally occurred outdoors.</li> </ul> |

| Demand Driver                             | AP Category | Change in Demand  | Impact of Services   |
|---|-------------|---|--|
| Demographic Profile                       | Open Space  | <ul style="list-style-type: none"> <li>Population of older residents (over 65) is expected to have the largest proportional increase (relative to its population size), with a forecast growth of 6,156 persons by 2036.</li> <li>The number of young children (aged under 4) is forecast to slightly increase, whereas remaining age groups are expected to decrease by 2036.</li> </ul> | <ul style="list-style-type: none"> <li>The demographic profile change is not expected to impact the open space network significantly, however Council should continue to focus on providing infrastructure that promotes access and equity.</li> </ul> |
| Impact of Covid-19 Pandemic               | Open Space  | <ul style="list-style-type: none"> <li>A significantly larger proportion of Nillumbik residents utilised the open space asset network during the pandemic.</li> </ul>   | <ul style="list-style-type: none"> <li>The medium to long-term impact of pandemic on open asset network is not certain.</li> </ul>   |
| Increased Awareness of Healthy Lifestyles | Open Space  | <ul style="list-style-type: none"> <li>Growth in people using recreational space.</li> </ul>  | <ul style="list-style-type: none"> <li>Increase in trail usage and demand for open space where activities such as yoga and Pilate can be carried out.</li> </ul>   |
| Increased Female Participation in Sports  | Open Space  | <ul style="list-style-type: none"> <li>Growing number of female participation in all sports and a gradual increase in previously male-dominated sports such as cricket and football.</li> </ul>   | <ul style="list-style-type: none"> <li>Council may need to expand services and upgrade facilities such as change room and toilets.</li> </ul>  |
| Population Growth                         | Open Space  | <ul style="list-style-type: none"> <li>Nillumbik's estimated residential population of 65,369 in 2021 is forecast to grow by approximately 7.5% to 70,315 by 2036.</li> </ul>   | <ul style="list-style-type: none"> <li>Council may need to expand the open space network to cater for the community growth.</li> </ul>   |

| Demand Driver   | AP Category | Change in Demand  | Impact of Services   |
|---|-------------|---|--|
| Technology Changes - Increased Trend in Going Back to Nature Play | Open Space  | <ul style="list-style-type: none"> <li>Increased demand for a diverse range of accessible, attractive, challenging and complementary play spaces offering experiences for all ages and abilities within a natural setting.</li> </ul> | <ul style="list-style-type: none"> <li>Increased cost in upgrading traditional playgrounds.</li> </ul> |

### Transport

| Demand Driver                  | AP Category | Change in Demand  | Impact of Services  |
|--------------------------------|-------------|---|---|
| Change in Customer Expectation | Transport   | <ul style="list-style-type: none"> <li>Nillumbik residents enjoy relatively high socioeconomic and educational status compared to surrounding councils. Resident's expectations on council delivered services are relatively high.</li> </ul> | <ul style="list-style-type: none"> <li>Expectation of high quality transport network will continue.</li> </ul>  |
| Climate Change                 | Transport   | <ul style="list-style-type: none"> <li>Climate change will see an increase in risk of extreme weather events including storm events, drought, flooding and fire.</li> </ul>   | <ul style="list-style-type: none"> <li>Insufficient kerb and channel capacity impacting road users.</li> <li>Table drains on unsealed roads are prone to high level of erosion from intense rainfall and flooding.</li> <li>Loss of vegetation due to bushfires can lead to abutment/embankment erosion.</li> </ul> |

| Demand Driver  | AP Category | Change in Demand  | Impact of Services   |
|--|-------------|---|--|
| Demographic Profile Change                                   | Transport   | <ul style="list-style-type: none"> <li>Population of older residents (over 65) is expected to have the largest proportional increase (relative to its population size), with a forecast growth of 6,156 persons by 2036.</li> <li>The number of young children (aged under 4) is forecast to slightly increase, whereas remaining age groups are expected to decrease by 2036.</li> </ul> | <ul style="list-style-type: none"> <li>The demographic profile change is not expected to impact on the transport network significantly, however Council should continue to focus on providing infrastructure that promotes access and equity.</li> </ul>   |
| Impact of Covid-19 Pandemic                                  | Transport   | <ul style="list-style-type: none"> <li>Changes to resident life-patterns such as increase in number of people working from home, increase in people using own transport instead of public transport, increase in demand for outdoor activities such as outdoor dining.</li> </ul>   | <ul style="list-style-type: none"> <li>Increase in private vehicle usage as residents are more inclined to use private vehicles as main mode of transport.</li> <li>Decreased vehicle usage as more people are working from home.</li> <li>Demand for outdoor dining in main shopping precincts reduces surrounding pathway areas.</li> <li>Medium to long term impact of Covid-19, influenced lifestyle on the transport network changes needs to be identified.</li> </ul> |
| Increased Awareness of Sustainability and Healthy Lifestyles | Transport   | <ul style="list-style-type: none"> <li>Growth in public transport, carpooling, cycling or walking as a mode to get to places.</li> </ul>  | <ul style="list-style-type: none"> <li>Decrease in vehicular usage and increased demand for safe, accessible and interesting walking routes for people of all abilities.</li> </ul>  |



| Demand Driver     | AP Category | Change in Demand  | Impact of Services  |
|-------------------|-------------|---|---|
| Population Change | Transport   | <ul style="list-style-type: none"> <li>Nillumbik's estimated residential population of 65,369 in 2021 is forecast to grow by approximately 7.5% to 70,315 by 2036.</li> </ul> | <ul style="list-style-type: none"> <li>Population growth will be mostly supported by green-field developments resulting in a greater number of new road and footpath assets being gifted to Council, leading to increased maintenance costs in the future.</li> </ul> |
| Technology Change | Transport   | <ul style="list-style-type: none"> <li>Development of new sustainable technologies.</li> </ul>  | <ul style="list-style-type: none"> <li>New road renewal materials or efficient cars that can alter the renewal costs as well as useful lives of the assets.</li> </ul>  |

## 9. Funding Levels

Council's 10-year Financial Plan 2012-2031 provides a forecast view of the financial sustainability of Council over 10 years, with services to be maintained at current levels and continued management of Council's significant asset portfolio.

In line with the Financial Plan, this Asset Plan outlines the projected expenditure requirements for Council's infrastructure assets over the next ten years.

### Buildings



### Drainage



### Open Space



### Transport



## 10. Risk Management

Council's Risk Management Policy sets the overall framework for addressing risk within the framework of ISO31000-2009. This section of the Asset Plan enables informed decisions to be made regarding the management of risks associated with council assets.

| Risk   | Consequence  | Cause   | Controls   |
|--|--|---|--|
| Failure to manage Council's community assets | <ul style="list-style-type: none"> <li>Community infrastructure does not meet current service requirements or operate as originally designed or intended</li> <li>Potential for litigation against Council</li> <li>High life cycle costs</li> <li>Increasing asset vulnerability in supporting service delivery</li> <li>Premature asset failure</li> <li>Accelerated asset deterioration</li> <li>Assets requiring frequent renewal or maintenance</li> <li>Premature asset failure</li> <li>Personal safety risk</li> <li>Loss of an asset</li> </ul> | <ul style="list-style-type: none"> <li>Failure to execute asset renewal and or maintenance works in a timely manner</li> <li>Lack of planning to develop and deliver the renewal program</li> <li>Delaying decisions to dispose of transport assets or undertake renewal works</li> <li>Deferral of acquisition / upgrade / renewal / expansion asset projects due to changing priorities</li> <li>Inappropriate or outdated asset design guidelines, installations or environmental impacts</li> <li>Various climate change scenarios such as more frequent extreme weather events (heavy rainfall, bush fires and droughts,) and global warming</li> <li>Increase costs in asset upgrade, renewal, operation and maintenance</li> <li>Increase in user and community expectations for Council to provide climate resilient asset network</li> </ul> | <ul style="list-style-type: none"> <li>Implementation of ongoing condition audit programs</li> <li>Preparation of renewal programs based on asset Life-cycle modelling</li> <li>Long-term Financial Plan</li> <li>Dedicated maintenance funding</li> <li>Monitor works through Asset Management System</li> <li>Asset Management Plans</li> <li>Council Strategies &amp; Structure Plans</li> <li>Community Engagement Policy</li> <li>Capital Works Program</li> <li>Asset Maintenance System monitoring failures &amp; optimised renewal program</li> <li>Planning Controls</li> <li>Climate Change Action Plan</li> </ul> |

## 11. Improvement Plan

Council has identified a need to further develop its asset management processes and practice in relation to all asset classes. The key improvement tasks are:

| Process                  | Task  |
|--------------------------|---|
| Asset Management System  | Develop the process for updating asset condition in asset register after completing capital works programs.   |
|                          | Identify actual operational costs and maintenance costs for all asset classes.  |
|                          | Use Asset Management system to monitor reactive maintenance works to identify assets with high maintenance requirements.  |
| Levels of Service        | Review level of service of each asset class.  |
| Life-cycle Analysis      | Develop framework for updating life-cycle models with updated asset condition data.   |
|                          | Develop life-cycle models for asset classes that have not been modelled.  |
|                          | Review useful lives of assets.  |
|                          | Review, fine tune and calibrate life-cycle models.  |
| Long-term Financial Plan | Carry out life-cycle modelling analysis of assets classes that are not modelled currently and incorporate funding projections to Long-term Financial Plan.              |
|                          | Obtain council approval for recommended 10-year funding strategies identified through life cycle modelling exercise and incorporate them into Long-term Financial Plan. |

**Document Control**

**Draft Asset Plan 2022 – 2032**

| Date       | Reviewed By       | Summary of Changes                | Version No. |
|------------|-------------------|-----------------------------------|-------------|
| 24/01/2022 | Enrique Gutierrez | Created Document                  | 1.0         |
| 17/02/2022 | Tony Liu          | Revised after Councillor Briefing | 2.0         |
|            |                   |                                   |             |
|            |                   |                                   |             |
|            |                   |                                   |             |

## Summary Community Engagement Plan for the Draft Asset Plan 2022-2032

| Actions   | Timing                  |
|---|-------------------------|
| <b>Community Engagement Plan Objective:</b>   |                         |
| The key objective of the Community Engagement Plan is to seek feedback from the community on the Draft Asset Plan 2022-2032 which must be endorsed by Council by 30 June 2022 in accordance with Section 94 of the <i>Local Government Act 2020</i> .   | 9 March - 30 March 2022 |
| <b>Opportunities to Submit Comment:</b>   |                         |
| Draft Asset Plan 2022-2032 will available to the wider community through <i>Participate Nillumbik</i> on Council website.   | 9 March - 30 March 2022 |
| Social media campaign – promoting link to Draft Asset Plan 2022-2032 on <i>Participate Nillumbik</i> via Facebook/Instagram/LinkedIn  | 9 March - 30 March 2022 |
| <b>Participate Nillumbik:</b>   |                         |
| <ul style="list-style-type: none"> <li>The community will be able to access the Draft Asset Plan 2022-2032 on <i>Participate Nillumbik</i></li> <li>Project contact information will be provided</li> <li>Timeline for endorsement of plan</li> <li>The Asset team will collate all comments received from the community through <i>Participate Nillumbik</i>.</li> </ul> | 9 March - 30 March 2022 |





## **Car Parks for Commuters Project – Eltham and Wattle Glen**

### **Submission from the Nillumbik Shire Council to the Level Crossing Removal Project (LXRP)**

**Endorsed:**

**14 September 2021**



# Table of Contents

|   |    |
|---|----|
| Introduction .....  | 4  |
| Eltham Railway Station .....  | 4  |
| Impacts on Vegetation.....  | 4  |
| Contribution of Vegetation to the Railway Precinct and Surrounds .....  | 4  |
| Removal of vegetation for new car parking spaces off Youth Road.....  | 5  |
| Removal of two significant trees abutting the Eltham Childcare Co-operative .....   | 7  |
| Removal of trees in existing car parking in Youth Road .....  | 8  |
| Removal of three large trees fronting Main Road .....   | 9  |
| Lack of Regard for Avoid and Minimise Vegetation Removal.....   | 10 |
| Lack of disclosure of tree removal in consultation plans.....   | 10 |
| Impacts on Community Uses – Eltham Child co-operative .....   | 10 |
| Proposed Acquisition of Land at 16 Panther Place for the Maintenance Yard.....  | 10 |
| Lack of Planning for Bicycle Infrastructure .....   | 13 |
| Requested Changes to the Eltham Proposal .....  | 13 |
| Wattle Glen Railway Station .....   | 16 |
| The Wrong Site for the Car Parking – Impact on Local Character .....  | 16 |
| The importance of rural character to the community.....   | 16 |
| Council’s Wattle Glen Public Realm Framework Project .....  | 16 |
| The role of the intersection of Kangaroo Ground-Wattle Glen and Heidelberg-Kinglake Roads in setting Wattle Glen’s rural character..... | 17 |
| Aerial of the project site and surrounds at Wattle Glen.....  | 18 |
| Issues with the proposed siting of the car park for Wattle Glen.....  | 19 |
| Lack of proximity for commuters.....  | 20 |
| Safety Concerns for Traffic and Pedestrians.....  | 20 |
| Parallel Parking Bays on Main-Hurstbridge Road .....  | 20 |
| Access to the car park on the roundabout .....  | 20 |
| Impacts on Vegetation.....  | 21 |
| Requested Changes to the Wattle Glen Proposal .....   | 21 |
| Conclusion.....   | 23 |

**Acknowledgement of Country**

We acknowledge the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, we pay our respects to Elders past, present and future, and extend that respect to all First Nations People. We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge that sovereignty was never ceded.

If you require this document in another format, email  
[nillumbik@nillumbik.vic.gov.au](mailto:nillumbik@nillumbik.vic.gov.au) or phone 9433 3111.

## Introduction

Council welcomes the opportunity to provide a submission on the State Government's Commuters for Car Parks Projects for Eltham and Wattle Glen. Providing additional commuter car parking at railway stations can be important to supporting sustainable transport, but should be done in a way which appropriately supports other community objectives. Examples of these other objectives are to protect the environment, support the local character, support surrounding community uses and to provide a safe environment for pedestrians, cyclists and motorists.

A key and central theme in Council's submission is that the proposals for Eltham and Wattle Glen of the Car Parks for Commuters Project unnecessarily and excessively conflict with a range of broader community objectives. In Eltham, Council anticipates there will be excessive and unwarranted tree loss and further, significant adverse impacts for surrounding community uses, especially for the Eltham Childcare Co-operative. In Wattle Glen, there will be an unacceptable impact on the visual amenity of a key entrance to the locality, unnecessary impacts on vegetation and further, a more dangerous situation will be created for pedestrians and traffic in vicinity of the proposed car parking. These are significant issues with each proposal and Council contends that they can only be addressed by a fundamental re-design of both proposals.

Council is of a view that both projects prioritise the provision of car parking as a single-issue project objective at the exclusion of place values and functions that are essential to the Nillumbik community.

The proposals appear contradictory to the integrated place outcomes intended in the Victorian State Government's own Urban Design Charter and Urban Design Guidelines for Victoria. Both proposals will negatively impact on their place-locations and restrict the ability to improve them in the future. As such, both projects inherently fail to address the sustainability imperatives that are incumbent upon all of society.

A further key issue raised in Council's submission is that LXRP's consultation material for the proposals is inadequate as it is silent on clear and significant impacts, such as tree removal and land acquisition. This inadequacy brings into the question the extent to which LXRP's consultation reasonably satisfies the requirements of Clause 52.03 of the planning scheme for consultation.

## Eltham Railway Station

Council is greatly concerned with the proposal of the Car Parks for Commuters Project for Eltham, particularly in relation to the following matters:

### Impacts on Vegetation

#### Contribution of Vegetation to the Railway Precinct and Surrounds

The Eltham railway station precinct contains significant stands of vegetation, on both the west and east sides of the railway line. On the west side, the precinct provides significant stands of vegetation along Youth Road and in the railway station car parks and other land that abuts Youth Road. On the east side, there is a spread of vegetation, including some large trees, between the station and Main Road.

This vegetation performs a range of important functions for the community. For example:

- Vegetation along Youth Road (including that within the car parks):
  - Contributes to the ecological corridor associated with the Diamond Creek, noting the creek bank is only metres from the south end of Youth Road.
  - Provides important screening of existing car parking within the west side of the station precinct and of other railway infrastructure in that area, such as the existing maintenance yard, stabling and shipping containers.
  - Contributes to a buffer between the hard surfaces and uses associated with the railway station precinct and community uses which are in very close proximity, such as the Girl Guides, Scouts, Eltham Tennis Club, Eltham Child Care Cooperative, Eltham Cricket and Football Club, Diamond Creek Trail and Andrew Park. This is not only a visual buffer, but the trees assist in reducing noise and light pollution from the railway yards.
- Vegetation between Main Road and the railway station breaks up the large expanse of building and asphalt in that area, which is associated with significant areas of at-grade car parking and the bus-interchange.
- When arriving at the Eltham railway station, vegetation on both sides of the railway line contributes to a sense of arriving at a distinctive bushland or semi-rural community, which is very much the preferred character for Eltham.

It is important to realise that even though the vegetation in the railway precinct varies in quality and origin, it all contributes to these positive outcomes for the community.

It is evident that the proposal of the Car Parks for Commuters Project for Eltham will remove significant vegetation. Council is very concerned at this anticipated removal, particularly the following:

**Removal of vegetation for new car parking spaces off Youth Road**

The construction of the new large additional car park at the south end of Youth Road will evidently require the removal of at least a significant amount of the vegetation in that part of the railway precinct. The area of vegetation which would appear to be impacted is indicated in the following aerial and photo.





This vegetation, whilst varying in quality, is important for many of the reasons stated above. It particularly plays an important role in screening the hard infrastructure and uses associated with railway for the sensitive surrounding land uses (tennis courts, public parks and the Diamond Creek Trail). It will be to the significant detriment of the railway station and broader Eltham Town Centre if this vegetation is removed.

In relation to this matter, a problem is not only the anticipated tree removal at the south end of Youth Road, but it also appears that the proposed large new commuter car park at that spot will have significant visual bulk. By way of explanation, the proposed extension of the car park in this area has to deal with a notable fall in the land to Youth Road. That fall is currently planted with much of the vegetation that will evidently be removed. To compensate for that fall and provide the additional space required for the new car parking, it is clear that retaining walls will be required. The height and length of these walls, plus the removal of the vegetation in that space, will likely have a significant visual impact on the streetscape.



**Removal of two significant trees abutting the Eltham Childcare Co-operative**

It is evident that the project proposes to remove two large trees in order to provide for vehicle movement from the relocated maintenance yard. This would be highly disappointing, as not only are the trees significant in size, but they also play an important role in buffering the Eltham Childcare Co-operative from the hard uses and development associated with the railway precinct (e.g. stabling, parking, train movements). The removal of these trees would be inappropriate.



Two large trees anticipated to be removed for the extended maintenance yard.

**Removal of trees in existing car parking in Youth Road**

From the consultation plans, it would appear that certain trees and other vegetation at the north end of Youth Road will be removed to create seven new car spaces. This would be unacceptable as the vegetation is an important buffer of the existing carpark from Youth Road and contributes to the established amenity of the area. The vegetation in question is shown in the photos below.





**Removal of three large trees fronting Main Road**

The proposed car parking works adjacent to Main Road would appear to require the removal of certain significant trees. The trees in question are indicated in the photo below. When travelling along Main Road in Eltham, it is evident that canopy trees are an important part of the streetscape, particularly as canopy trees are located within the median strip and within the frontage of properties to contribute to the preferred character of the Eltham Major Activity Centre. The trees indicated in the photo below contribute in such a manner to the streetscape.



The tree to the right is a particularly prominent tree in this central and high-use part of the town centre.

#### **Lack of Regard for Avoid and Minimise Vegetation Removal**

State Planning Policy sets a clear directive that impacts on native vegetation should be minimised by following a regime of avoid, minimise and (as a last resort) offset vegetation loss. Council does not believe this approach has been adequately used in relation to the Eltham proposal. By way of explanation, Council believes the vegetation impacts of the proposal could be significantly reduced by the project proposing to provide additional formalised parking along the east side of Youth Road. This section of Youth Road is devoid of vegetation and has a wide road shoulder which could easily be developed into a considerable number of additional formalised parks. This option is discussed further below.

Further Council contends that the significant trees adjacent to Main Road (e.g. the trees shown in the previous photo) could be retained if certain simple modifications were made to the design of the proposed changes in that area.

#### **Lack of disclosure of tree removal in consultation plans**

Council wishes to highlight an issue it has with the consultation plans for the Eltham project, which is the plans do not show tree removal that Council has noted is clearly required for the proposal. It is not appropriate that the plans do not show this tree removal, as this is a significant impact of the proposal and one that the community should be made aware of as part of the consultation. To not provide this information, brings into the question whether LXRP is satisfying the consultation requirement of Clause 52.03.

Further, the consultation plans should include perspective illustrations representing the proposal, so that the community and the Council can properly appreciate what is proposed. This would for example assist Council and the community to understand the combined visual impact of the proposed retaining walls and vegetation removal along Youth Road.

In addition, the consultation plans should detail the location of the proposed landscaping.

#### **Impacts on Community Uses – Eltham Child co-operative**

##### **Proposed Acquisition of Land at 16 Panther Place for the Maintenance Yard**

LXRP has advised Council that it proposes to acquire approximately 150 square metres of Council land at 16 Panther Place for use by the proposed maintenance yard.

(LXRP has noted to Council that the exact acquisition required actually needs to be confirmed by a proper survey assessment.)

The site 16 Panther Place provides a Council owned childcare facility, which is leased to the Eltham Childcare Co-operative (the co-operative). The co-operative is operated by a Parent Committee of Management and provides early year's education and care for children from birth to six years of age. It currently has an enrolment of 137 children and operates Monday to Friday.

Based on discussions and correspondence with LXRP and based on Council conducting a number of site visits, it is Council's understanding that:

- The land (approx. 150 square metres) is to be acquired pursuant to Section 134(1)(b) of the Major Transport Project Facilitation Act 2009.

- The space to be acquired is to provide an exit driveway for the new maintenance yard and sufficient storage space for three shipping containers.
- The shipping containers will be used to store “maintenance material”.
- The land to be acquired currently provides an informal open space buffer, containing two substantial trees, between the existing maintenance yard and the co-operative.
- The proposal will require two trees to be removed to allow re-development of the site for a maintenance yard and associated vehicle exit.
- The acquisition of land and redevelopment of the maintenance yard will result in a setback of approximately 2.5 metres between the maintenance yard and the main building of the co-operative and a similar setback to a section of the co-operative which is used as the facility’s vegetable garden.
- The proposed exit for the maintenance yard, using the land to be acquired, will be into a car park that Council has been proposing to construct next to the co-operative.

Council has the following significant concerns regarding acquisition of part of 16 Panther Place and with the proposed use and development of the land to be acquired:

- The proposed setback of the maintenance yard to the co-operative will be unacceptably reduced and unacceptably small, noting:
  - The reduced setback of 2.5 metres to the main co-operative building will likely have impacts on that building in terms of over-shadowing, noise and restricting movement around the building; and
  - The similar reduced setback to the vegetable garden will likely undermine the suitability of that site for growing vegetables due to noise and over-shadowing.
- The proximity of the rail storage will likely completely, or significantly, block the view from the co-operative to what is currently an open space buffer and further, will create a closed in feel which will not at all match the philosophy of the co-operative or the Eltham landscape. Council understands that this type of impact already occurred some years ago with the building of the nearby train stabling.
- The equipment located in the Metro maintenance yard would be in direct view from the co-operative. The shipping containers will likely be unsightly and will have an unpleasant visual impact on the co-operative. Photos below show the poor visual presentation of the existing shipping containers.
- Removal of the two trees in the land nominated to be acquired will increase the intrusion from the development and use of the new yard upon the amenity of the co-operative.
- Council is concerned that that the re-design of the maintenance yards will have health impacts for children and the staff at the co-operative. For example, impacts due to the following:
  - Emissions, dust and noise from trucks and works in the yard;
  - Contamination if noxious materials are stored in the shipping containers, or elsewhere on-site, and not properly managed. The proximity of three shipping yards to the main co-operative building and to the vegetable gardens is a particular concern in regard to this matter;

- Fire, if the materials in the shipping containers ignite.
- The reduced amenity for the co-operative may undermine the future viability of the use of the site for early years care and education.
- The loss of space to the land acquisition leaves no option for the service to extend its fence line on its northern side should it need to do so in the future due to a wish to expand its service, or to meet changes to national regulations relating to required outdoor space.
- Whilst the northern side currently is not an emergency exit, this may need to change in the future and access needs to be flexible.
- With the heightened proximity of the yard, there is increased potential for workers' behaviour, including yelling and swearing, to impact on the children.
- There is the potential for trucks travelling from the yard through the proposed Council car park to have accidents with the co-operative community when children are being picked-up and dropped-off. This could have disastrous consequences.

These are all significant concerns which relate to potential impacts on human well-being and safety, the amenity of the co-operative and the co-operative's future ability to expand and meet its legal requirements. In Council's view it is unacceptable for LXP to propose these risks for the sake of "squeezing in" a particular amount of additional commuter car parks. Council strongly objects to the State Government proposing to acquire a portion of 16 Panther Place for the purpose of providing part of a new maintenance yard. This acquisition is not acceptable or appropriate.

Council also has issue with the vague nature of LXP's proposed acquisition of land at 16 Panther Place. As noted above, on the one hand LXP has nominated to Council that it wishes to acquire 150 square metres of the site and on the other, has stated that the actual acquisition required is yet to be confirmed by a proper survey. This means that Council and the community must respond, during what appears to be the only round of consultation for the project, to a vague, but potentially highly significant and intrusive acquisition of land.

More generally, Council finds it unacceptable that the proposed acquisition of the land from 16 Panther Place, the re-location of the maintenance yard and the proposed use of the land to be acquired are not demonstrated in the current consultation material for the project. All these aspects of the proposal have significant implications for the community and a key Council community asset. The omission of these aspects, as with others in the plans (e.g. the omission of vegetation removal), significantly brings into question the extent to which LXP is satisfying the statutory requirement of Clause 52.03 to consult with Council and the community.





Existing Metro maintenance equipment (above)



Existing Metro maintenance equipment (above)



Proposed Metro maintenance yard & Co-Op interface (above, yellow highlight indicating new storage containers)



Proposed Metro maintenance yard & Co-Op interface (above)

#### Lack of Planning for Bicycle Infrastructure

The proposed bicycle parking is randomly located and without necessary security and weather protection required to encourage its use. The multiple locations for the proposed infrastructure, in addition to the exiting secure and protected bicycle parking, unnecessarily disperses the infrastructure and may undermine its use and maintenance.

#### Requested Changes to the Eltham Proposal

Council requests the following change to the design of the Eltham proposal:

- Do not propose to acquire part of 16 Panther Place. This aspect of the proposal excessively impacts on the Eltham Childcare Co-operative, with potentially very serious consequences.
- If LXP needs to relocate the maintenance yard, it should look to re-locate it to a more appropriate location on the Melbourne railway network. In Council's view, it is not appropriate to have such a yard within an activity centre.
- Re-design the proposal to avoid and minimise the anticipated loss of vegetation, particularly to prevent loss of:

- Trees located between Main Road and the railway line;
- Vegetation located along Youth Road and in the existing station car parking which is adjacent to Youth Road; and
- The two trees located just north of the Eltham Childcare co-operative, which should be retained in response to Council's request that the State Government not acquire part of 16 Panther Place.
- Redesign the proposal so that any provision of additional bicycle parking is protected and secure, and any additional bicycle parking on the eastern side of the railway line is integrated with existing secure and protected bicycle parking.

To achieve these outcomes, Council re-iterates its recommendation that LXP consider fundamentally re-designing its proposal for Eltham. For example, to instead propose to provide significant additional formalised car parking along the eastern side of Youth Road (see photo below). This land is currently flat, used as informal parallel parking and devoid of vegetation. It strongly appears that additional formalised parking could be provided there without any appreciable impacts on vegetation.



In re-designing the proposal, Council urges LXP to be prepared, in order to achieve a better community outcome, to reduce the amount of additional car parking it proposes for Eltham. On this matter, it should be taken into account that over the last 18 months the implications of COVID on the way people work and live appears to have now irrevocably changed need for commuter parking, particularly reducing the long-term need for many to commute as regularly to the CBD.

## Wattle Glen Railway Station

LXRP's proposed plan for Wattle Glen shows the additional 50 car spaces being primarily provided in new car parking that will be constructed in vicinity of the west side of the roundabout intersection of Kangaroo Ground-Wattle Glen and Heidelberg-Kinglake Roads (the roundabout). Most of this parking will be in one large new off-road car park, with the exception of 5 parking spaces that will be provided as parallel spaces on the southern approach to the roundabout.

Council has significant concerns regarding the proposal for Wattle Glen, particularly with the proposed siting of the car parking adjacent to the roundabout and the impacts it expects this will have in relation to the local character and safety. These issues are explained as follows.

### **The Wrong Site for the Car Parking – Impact on Local Character**

#### **The importance of rural character to the community**

Most land in Wattle Glen is outside the Urban Growth Boundary and located within the Nillumbik Green Wedge. Reflecting this, the area is typified by rolling hills and significant areas of pasture and native vegetation. The area has a strong rural and bushland feel and Wattle Glen largely presents as a rural community.

The rural and bushland character of much of the Shire is strongly cherished and supported by the Nillumbik community. For example, Council recently conducted an extensive consultation campaign over February to March 2021 across the Shire, which asked the community to identify what is important to them in relation to their well-being, neighbourhood and surrounds. In the response provided, there was strong support for protecting local character and preserving the Green Wedge (i.e. the rural and bushland areas of the Shire).

#### **Council's Wattle Glen Public Realm Framework Project**

Council is currently undertaking a project, the Wattle Glen Public Realm Framework Project, which aims to plan improvements to the public realm in the heart of Wattle Glen (in consultation with the local community) for the following objectives:

- To better capture and portray the community's preferred character for Wattle Glen; and
- To provide safer linkages, particularly for pedestrians and cyclists, between the various key destinations in the heart of Wattle Glen, such as between the Diamond Creek Trail, the railway station and the main community park, namely, Pepper's Paddock.

Council is currently undertaking community consultation on this project and the response to date similarly indicates a strong desire in the community to maintain and enhance rural and bushland character. For example, in response to a question of what do you value most about Wattle Glen, some answers provided to date, include:

- *Country environment;*
- *The country feel – please don't change it;*
- *Nature – the rural setting, trees, country feel, community;*
- *The comparative quiet, country town feel; and*



- *It feels rural, while being close to metropolitan amenity.*

**The role of the intersection of Kangaroo Ground-Wattle Glen and Heidelberg-Kinglake Roads in setting Wattle Glen's rural character**

Based on work to date for the Wattle Glen Public Realm Framework Project, Council is of the view that the intersection of Kangaroo Ground-Wattle Glen and Heidelberg-Kinglake Roads (the roundabout), with the adjacent land, is very important to setting and enhancing the rural character of Wattle Glen. This is for the following reasons:

- The heart of Wattle Glen is located in proximity of this roundabout and includes Pepper's Paddocks and the Pepper's Paddock General Store and a range of additional community facilities located in proximity, such as the Tennis Club.
- Heidelberg-Kinglake Road (known south of the roundabout as Main-Hurstbridge Road) is the main road connecting the heart of Wattle Glen into the surrounding road network. For example, it provides the main connection to the north between the heart of Wattle Glen and Hurstbridge and to the south to Diamond Creek and beyond to the bulk of suburban Melbourne.
- As traffic passes through and in proximity of the roundabout it is provided with the major views of the heart of Wattle Glen and its surrounding rural setting.
- The surrounding rural setting is highly evident on the west side of the roundabout where there are clear and strong rural vistas, which are largely uninterrupted by any urban or suburban style infrastructure. This view shed to the west is noted in the aerial below of the intersection and surrounds.

In short, the roundabout and adjacent land are highly strategic to setting a rural character for Wattle Glen due to the visibility, high exposure of the site and key uninterrupted rural vistas it provides.

Aerial of the project site and surrounds at Wattle Glen



Council's work for the Wattle Glen Public Realm Framework Plan indicates that there is a real opportunity with the roundabout and adjacent land to significantly reinforce and enhance a preferred character for Wattle Glen and that this could be done by:

- a) Protecting the rural setting in proximity of the roundabout;
- b) Providing clear, but sensitive, indication that the intersection is a key entrance point to Wattle Glen. For example, by incorporating public art that showcases Wattle Glen's preferred character; and
- c) Providing and ensuring a safe environment in proximity of the roundabout, particularly for pedestrians and cyclists.

These opportunities will be explored with the local community as part of Council's project.

#### **Issues with the proposed siting of the car park for Wattle Glen**

A particular issue with the proposed siting of the car parking is that it will significantly de-tract from the rural views on the west side of Heidelberg-Kinglake Road in vicinity of the roundabout. Land that is currently an established grassy area with some larger vegetation and which links well with the rural and bushland backdrop will be replaced by a significant expanse of at-grade car parking. In short, a rural setting will be replaced with a very suburban one. This is unacceptable given the high strategic significance, detailed above, of the roundabout intersection and adjacent land to setting the rural character for the heart of Wattle Glen.

Council imagines that these impacts will be severe not only in the daytime, but also at night time. The car parking will presumably need to have lighting, not only within the new car park itself, but also for commuters walking the significant distance between the station and the car parking. This will introduce significant light pollution on the western side of the road and intersection and will highlight the presence of the at-grade car parking.

A key aspect of the visual intrusion of the proposed siting of the new car parking is that it will significantly extend and broaden the amount of land in the heart of Wattle Glen which is visually dedicated to railway infrastructure. The railway station is located quite some distance to the north, as can be seen in the aerial above, and this proposal will visually and significantly extend hard surfaces and infrastructure for the railway a long way south from the existing railway precinct. It will give the station precinct a sprawling and visually intrusive appearance.

This approach of making the railway precinct sprawl through a rural setting is highly contradictory to good practice for protecting rural landscapes. Good practice and relevant planning policy supports consolidating any development, so as to minimise its visual intrusion on the landscape and minimise interruption to rural vistas and backdrops. A particularly disappointing and frustrating aspect of LXP's proposal is that it appears highly possible to consolidate the additional car parking elsewhere within the existing station precinct, where its impacts will be significantly less. There is significant under-utilised disturbed land within the railway precinct that is located between the station platform and Wilson Road. Additional parking could be provided in this area and designed in a manner which is much better visually connected to, contained and consolidated within the existing station precinct and where it will not impact on rural vistas adjacent to the roundabout.

A further issue for Council is that the proposed location of the at-grade parking is expected to significantly undermine the potential benefits of Council's Wattle Glen Public Realm Framework Project. As noted above, Council has identified the roundabout as one part of Wattle Glen that could be enhanced to significantly improve a sense of place and preferred local character for Wattle Glen. However, locating a significant expanse of at-grade car parking adjacent to the roundabout will be totally contrary to efforts to achieve that outcome. The car parking structure will be simply so large, prominent and suburban in nature that it will create an indelible visual impact that the Council project will not be able to address or compensate for.

Council wishes to highlight its view that landscaping will not be a solution to the expected visual impacts of the proposed siting of the additional car parking. Whilst landscaping may soften the visual impact of the car park, the development will still quite clearly read as a large suburban structure, a commuter car park on the main approach to the heart of Wattle Glen. This will be the case day and night.

#### **Lack of proximity for commuters**

Council also notes that the proposed location will place the car parking a considerable walking distance from the platform. Commuters will have to walk far further than is currently the case to move between the station and the car park. This represents a further walk in the heat, the rain, the cold and (at night time) in the dark. It brings into question the appropriateness of the proposal in providing car parking which optimises public safety for commuters moving to and from their vehicles and which adequately prioritises the needs of particular groups, such as the elderly or people with young children, who may struggle more with the longer distance and being exposed to extremes in weather for that extra duration.

This additional distance is a confusing aspect for Council of the proposal, as it appears highly appropriate for the project to place the car parking closer to the station by using the highly disturbed area located between the station and Wilson Road.

#### **Safety Concerns for Traffic and Pedestrians**

The proposed location for the parking raises a number of safety concerns, including:

##### **Parallel Parking Bays on Main-Hurstbridge Road**

At the proposed location, the proposed five parallel parking bays will be on a 70km/h posted speed limit declared arterial road. This appears to be a dangerous aspect of the proposal, which creates a number of scenarios for traffic accidents. For example, between vehicles exiting the parallel car parks and vehicles travelling past them towards the roundabout. Council emphasises that this is a high volume road and that even with a reduction in speed to 60km/h, the proposed parallel parking will create an interruption and scenario that will put safe traffic flow at risk.

##### **Access to the car park on the roundabout**

The proposed design has one access and egress point for the new large area of car park next to the roundabout, which will be via a new crossover to be located on the western side of the roundabout. Council is concerned that this aspect of the proposal will:

- Appreciably increase the potential for accidents between vehicles seeking to enter the new car park and any vehicles behind them (from the south) which wish to move through the roundabout. The reason for this concern is that the southern approach to the roundabout takes a high volume of traffic which is moving at speed towards and through the roundabout. A car wishing to turn left at the roundabout, unless careful in providing significant warning of its intent to do so, raises the potential for a tailgate crash. This would particularly be the case if there is some congestion at the entrance to the car park (e.g. in the morning peak, or if pedestrians are crossing the car park entrance) and particularly if, because of this congestion, a vehicle cannot move smoothly off the roundabout into the car park.
- That there is significant potential for conflict between traffic moving off the roundabout (into the car park) and users of the shared used pathway to be provided along the west side of Main-Hurstbridge Road. By way of explanation, cars seeking to move off the intersection into the car park will likely be under pressure to do this with some speed given the volume and speed of traffic which typically moves through the roundabout from the southern approach. However,

the design places a pedestrian line directly across the entrance to the car park. This creates the real likelihood of conflict between a car exiting and pedestrians.

A key point that Council wishes to make in relation to all the safety concerns highlighted above is that they are intrinsically linked to the proposed location of the new large car park, noting:

- The proposed location requires an additional access point from Main-Hurstbridge Road at, or in close vicinity, to the roundabout.
- There is insufficient space at the proposed location to provide all the car parking off the road, which has resulted in LXP proposing some on-road parking.
- At the proposed location, the design has to address significant issues created by the high volume of traffic, the speed of traffic and conflict between getting traffic off the roundabout and providing a path along the road.

These points support and highlight a consistent theme in Council's response to the Wattle Glen proposal, which is that the proposed car parking is in the wrong position.

### **Impacts on Vegetation**

The expected impacts on vegetation from the proposal are not clear. There is some vegetation in the proposed area of development, but the consultation plans do not specify there will be tree removal. As such, Council cannot provide a view on whether the evident tree removal has been sufficiently minimised.

Council notes that no landscaping plan has yet been provided with the proposal. For example, no landscaping is shown in the available site plan. This should be provided as part of the proposal. Having said that, Council re-iterates its point that landscaping will not address the issues that will be created by the proposed siting of the car park.

As part of the consultation there should also be perspective illustrations representing the proposal to assist Council and the community to understand what is proposed. Further, the detail plans provided to Council should also be made publically available.

### **Requested Changes to the Wattle Glen Proposal**

Consistent with Council comments above, Council contends that if the State Government wishes to pursue providing 50 additional car parking spaces, the car parking should be sited significantly further north between the existing railway platform and Wilson Road.

This site is shown in the following image and the blue arrows indicate disturbed land where it appears suitable to locate the proposed car parking.





At this location, the parking:

- Could use ground that is already significantly disturbed in close proximity to the railway platform.
- Would visually be more connected and consolidated with the existing railway precinct and associated car parking.
- Not impact on the rural vistas provided at the roundabout intersection and the approach to that intersection.
- Be closer to the railway platform therefore providing greater ease, comfort and safety for commuters.
- Not need to provide dangerous access arrangements which conflict with the roundabout. There should be the opportunity to use existing access arrangements for the railway station.
- Could be provided while still allowing for additional railway development, such as for development associated with the existing substation.

Council can see no sufficient reason as to why the car parking should not and could not be located north of the station platform as suggested above. The impacts for Wattle Glen that would be avoided by using this alternative site far

out-weigh the additional cost and time that LXP might incur in responding to any of the additional issues associated with the site.

As part of facilitating such a change to the proposal, Council contends that LXP should consider providing less than 50 car parks if that assists. For example, if LXP believes only 40 car park spaces can be sensitively provided between the existing station and Wilson Road, then Council would argue that there is a strong case to only provide that 40 spaces, noting:

- That locating the additional car parking next to, or north of, the existing station appears a significantly more positive outcome overall, as it appears a safer option and significantly better protects the character of Wattle Glen.
- As mentioned in relation to the Eltham proposal, the current COVID situation may have irreversibly reduced community demand for commuter parking.

## Conclusion

Council does not support the current proposals of the State Government's Car Parks for Commuter Projects for either Eltham or Wattle Glen. Both proposals have been designed without proper regard for outcomes, other than, in Council's view to deliver the additional car parks promised by the Carparks for Commuters Project within a compressed timeframe. As a consequence, both projects are expected to have excessive and unwarranted impacts on other matters in both localities.

In Eltham, it is expected that there will be excessive and unwarranted tree loss, which will impact on the local character of Eltham and that there will be significant adverse impacts for the Eltham Childcare Co-operative.

In Wattle Glen, there will be an unacceptable impact on the visual amenity of a key entrance to the locality, potentially unnecessary impacts on vegetation and further, a more dangerous situation will be created for pedestrians and traffic in vicinity of the proposed car parking.

These are significant issues with each proposal and Council contends that they can only be addressed by a fundamental re-design of each proposal.

In this submission, Council has suggested a preferred design for each proposal which provides additional formalised car parking and still supports broader social, environmental and economic objectives.

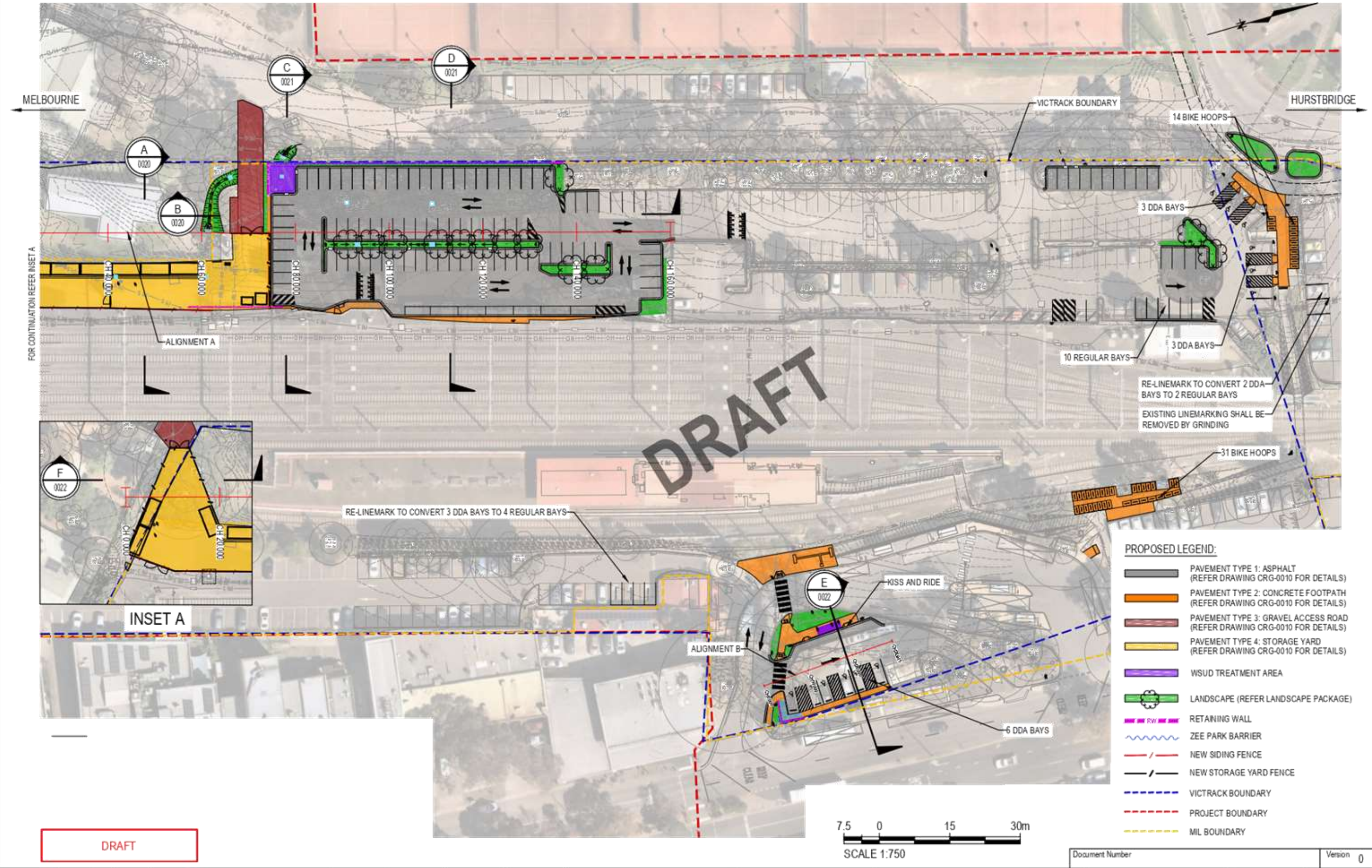
In Eltham, Council suggests LXP fully consider using the eastern edge of Youth Road to provide additional formalised car parking and modifying the design of some other parking areas to prevent tree loss.

In Wattle Glen, Council suggests placing the car parking between the railway platform and Wilson Road.

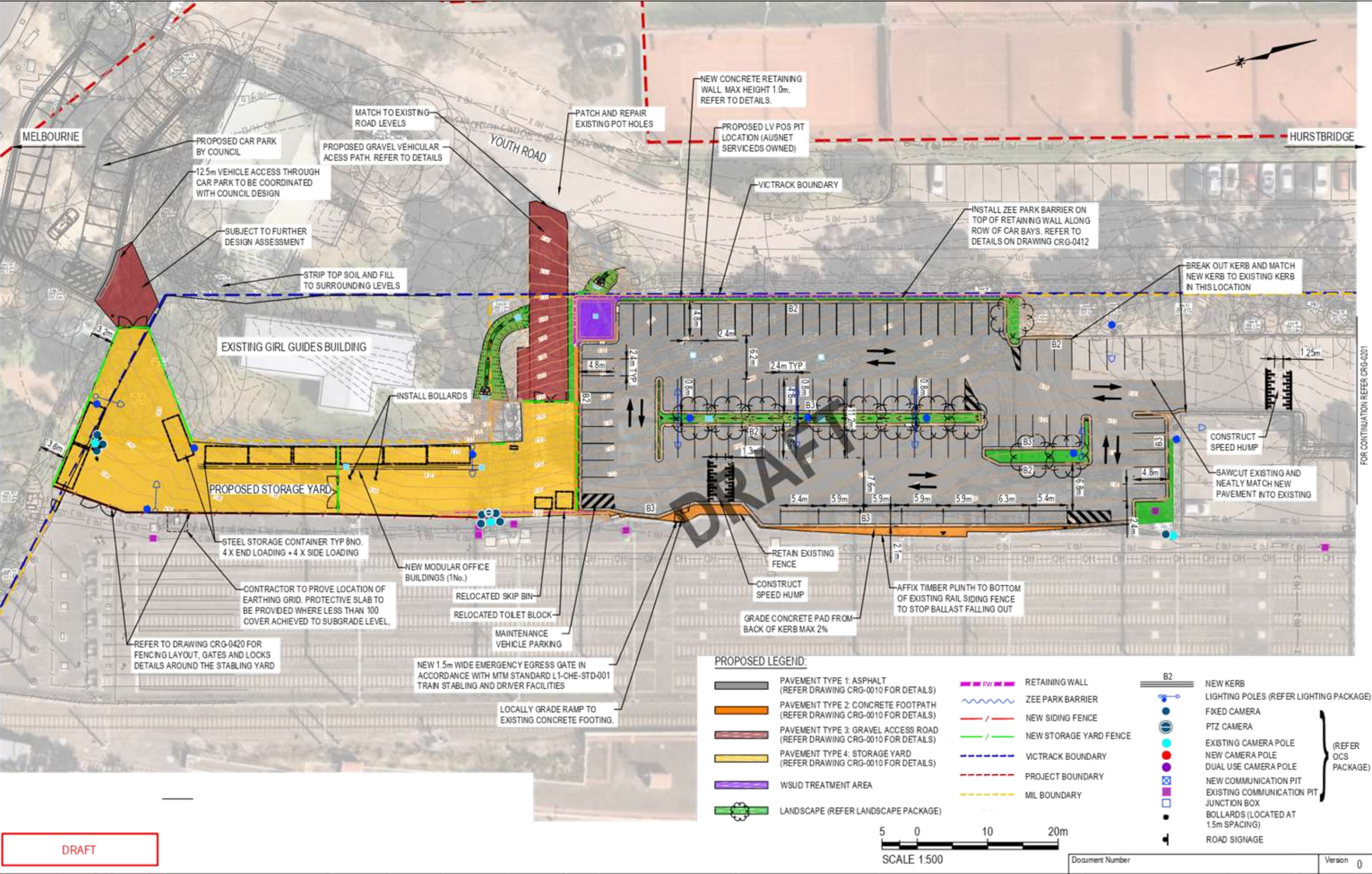
Achieving the more holistic and beneficial outcomes offered by these alternatives may require LXP to compromise on the extent of car parking proposed. Council contends that this would be an acceptable and sustainable outcome given the long-term impacts that COVID has brought to future transport infrastructure needs and the region's long-term needs for commuter parking.

THIS PAGE WAS LEFT INTENTIONALLY BLANK

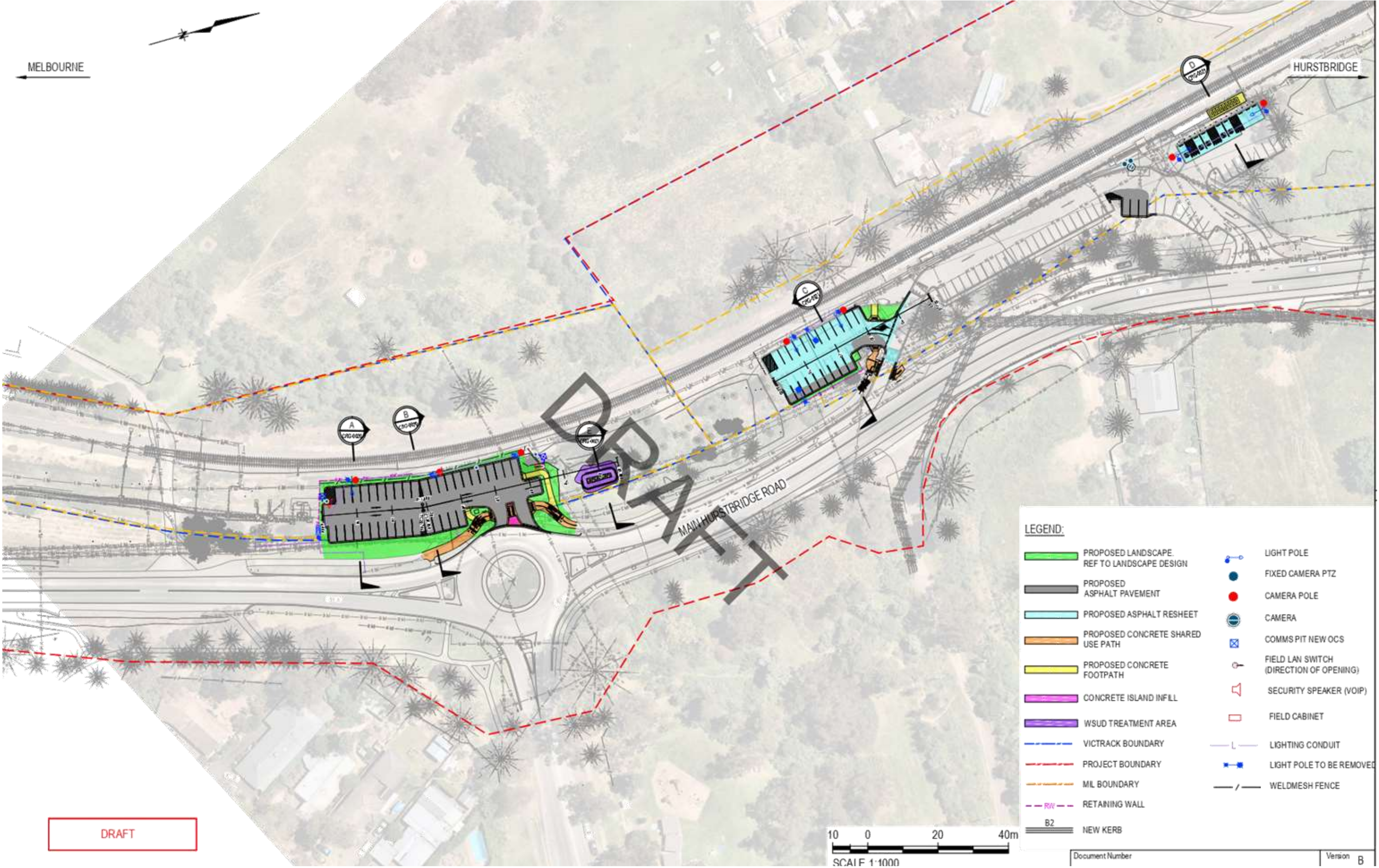










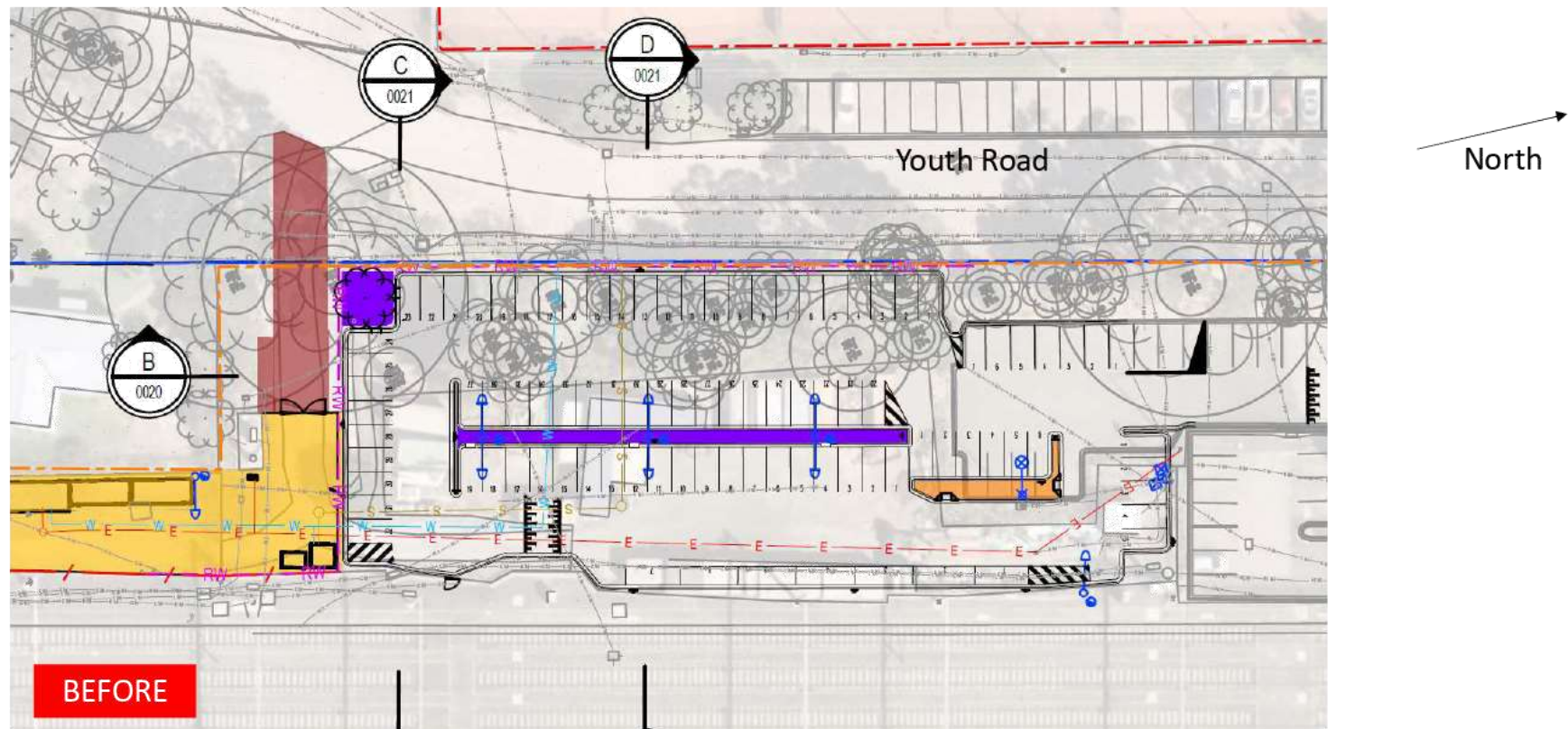




THIS PAGE WAS LEFT INTENTIONALLY BLANK

**Issue:** Impacts on vegetation #1 – Detailed design drawing on which Council Submission was based

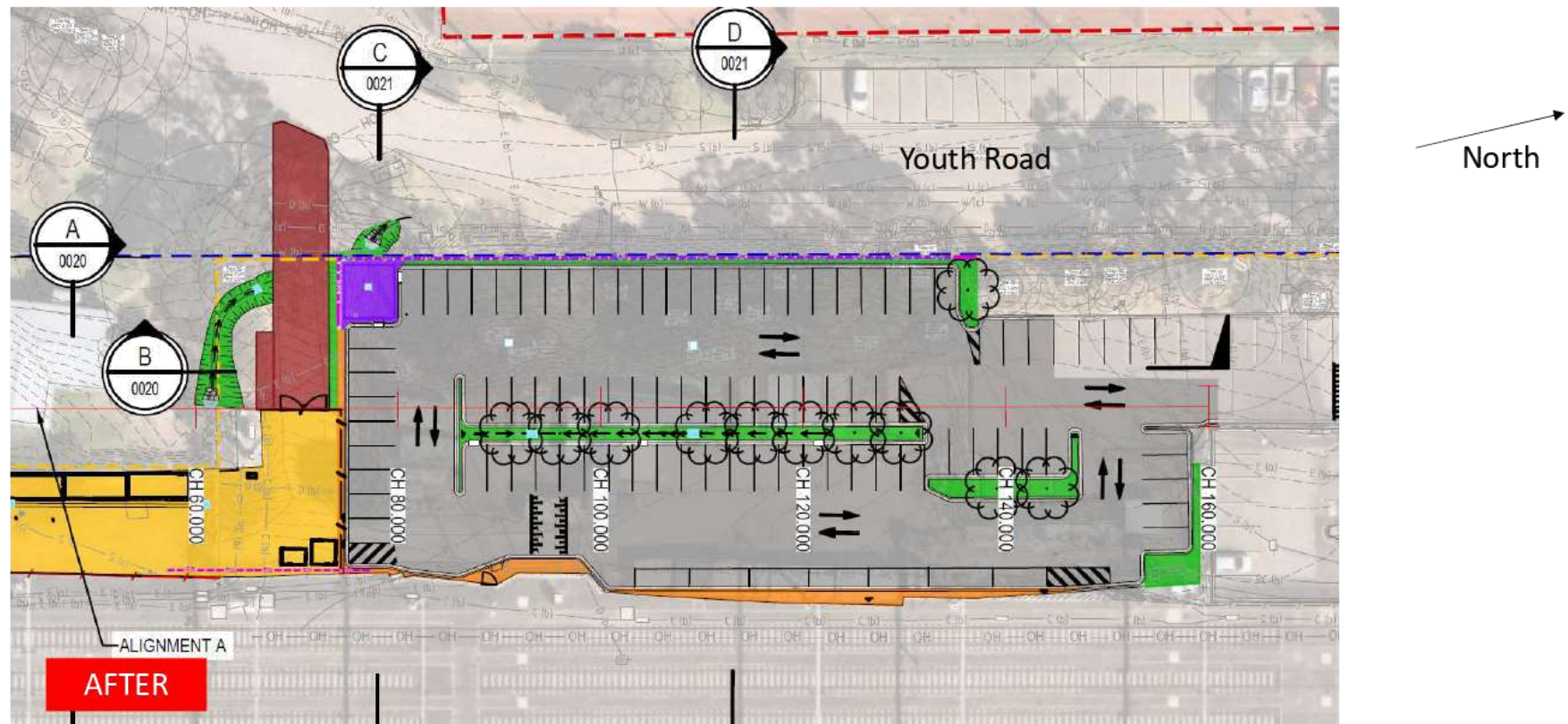
**Location:** Southern end of Youth Road (current screening to Metro maintenance yard)



LXRP drawing, August 2021

**Issue:** Impacts on vegetation #1 – Current drawing from LXP

**Location:** Southern end of Youth Road (current screening to Metro maintenance yard)

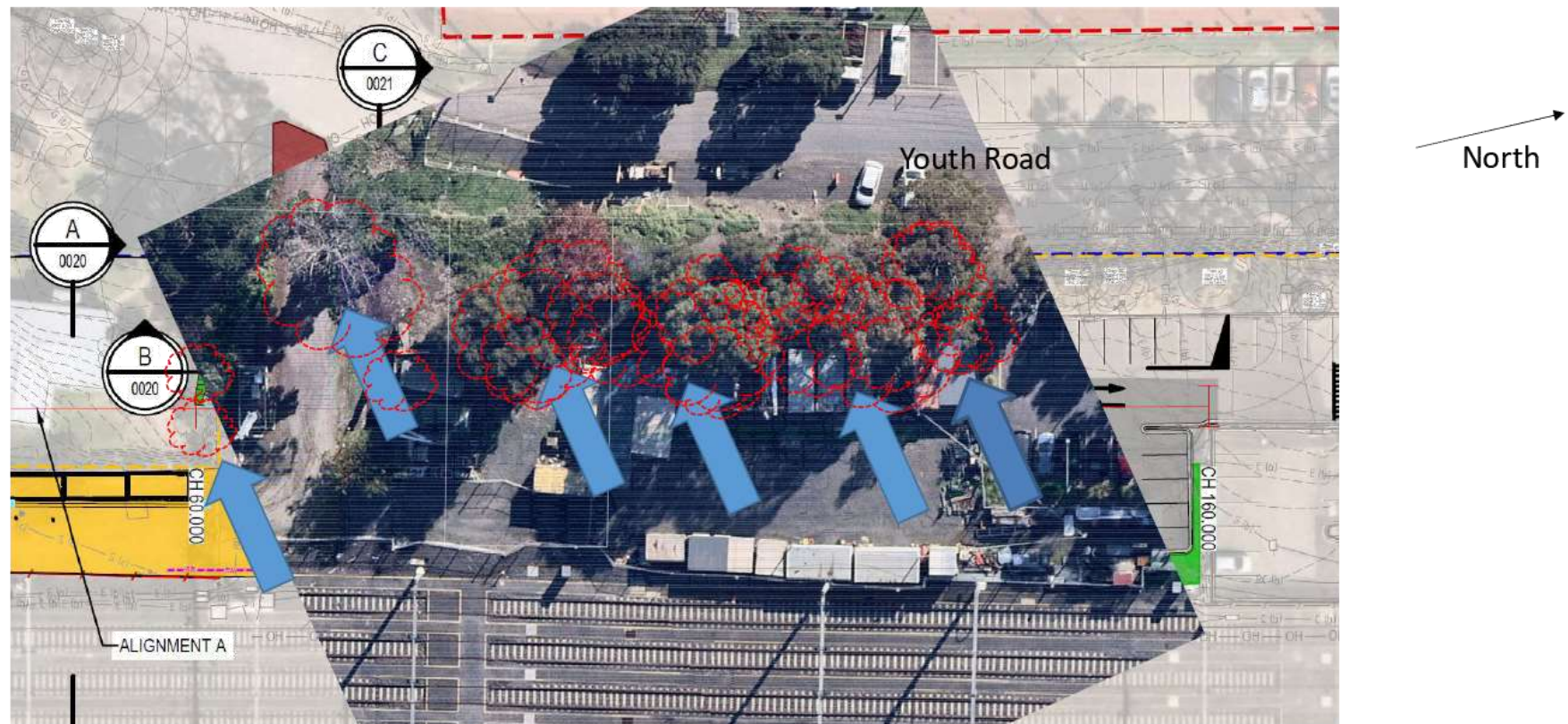


LXP drawing, 24 January 2022



**Issue:** Impacts on vegetation #1

**Location:** Southern end of Youth Road (current screening to Metro maintenance yard)



Aerial image overlaid LXP draft drawing showing vegetation impacts

**Issue:** Impacts on vegetation #1

**Location:** Southern end of Youth Road (current screening to Metro maintenance yard)

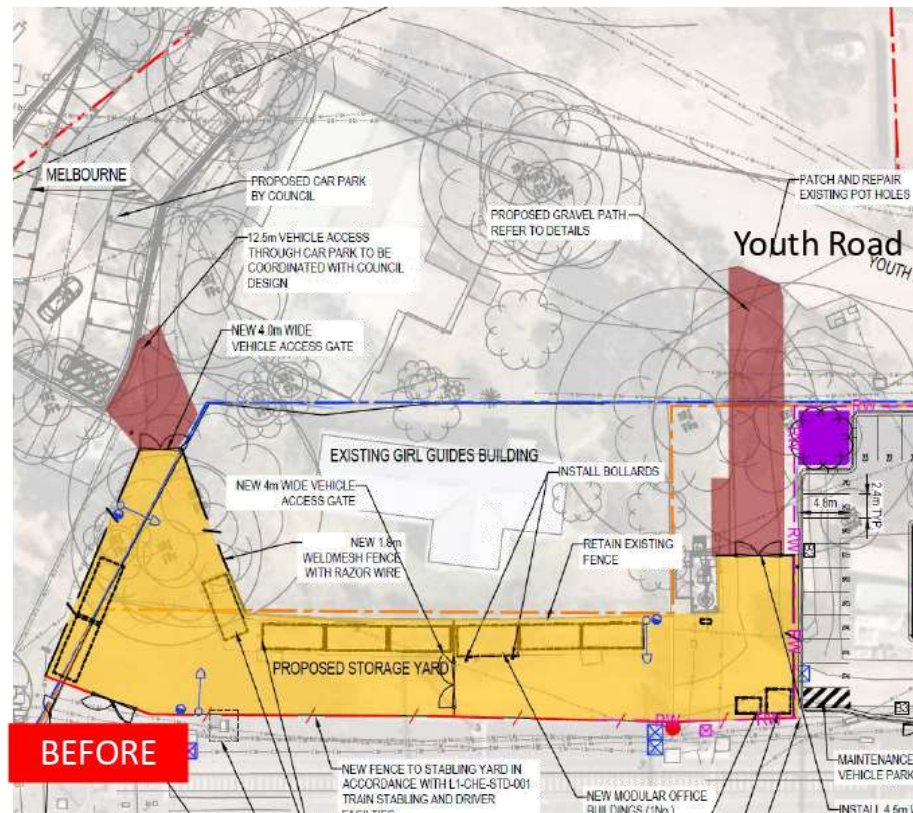


Site photo taken 7 December 2021 showing vegetation impacts



**Issue:** Impacts on vegetation #2 – Detailed design drawing on which Council Submission was based

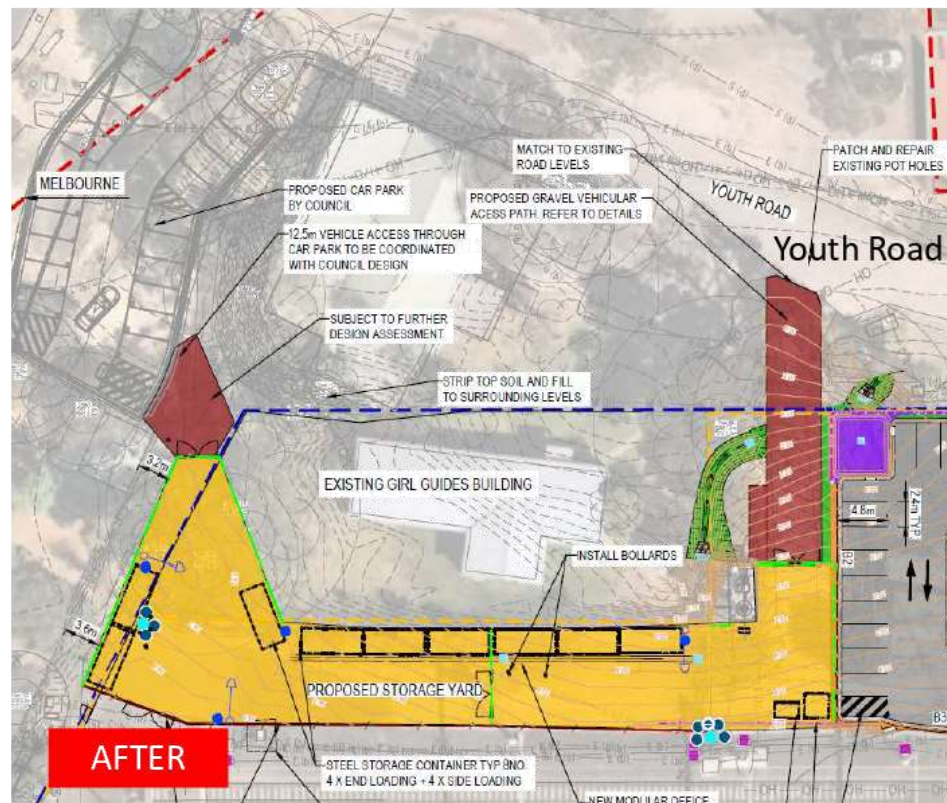
**Location:** Abutting the Eltham Childcare Co-operative



LXRP drawing, August 2021

**Issue:** Impacts on vegetation #2 – Current drawing from LXP

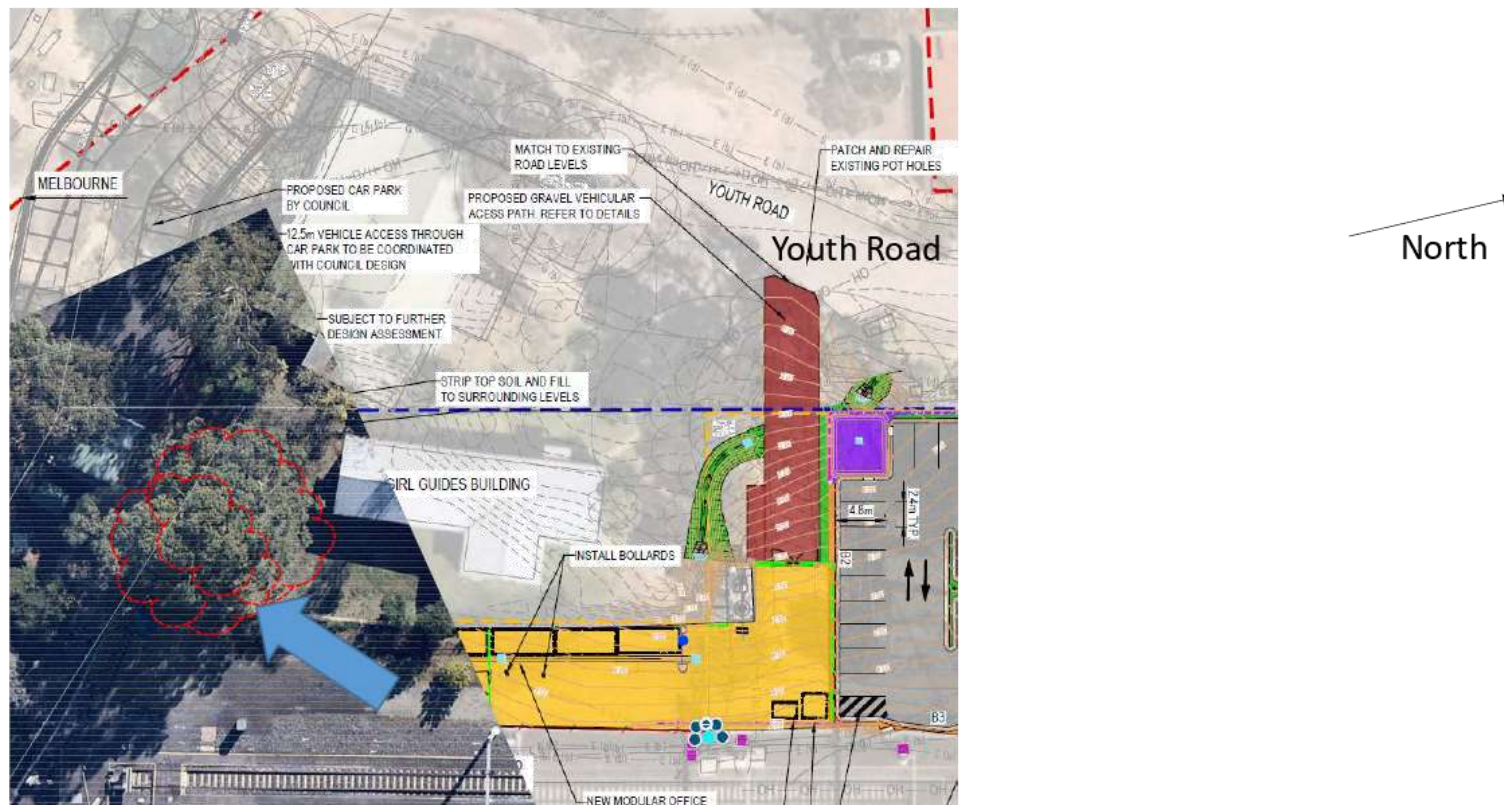
**Location:** Abutting the Eltham Childcare Co-operative



LXP drawing, 24 January 2022

**Issue:** Impacts on vegetation #2

**Location:** Abutting the Eltham Childcare Co-operative



Aerial image overlaid LXP draft drawing showing vegetation impacts



**Issue:** Impacts on vegetation #2

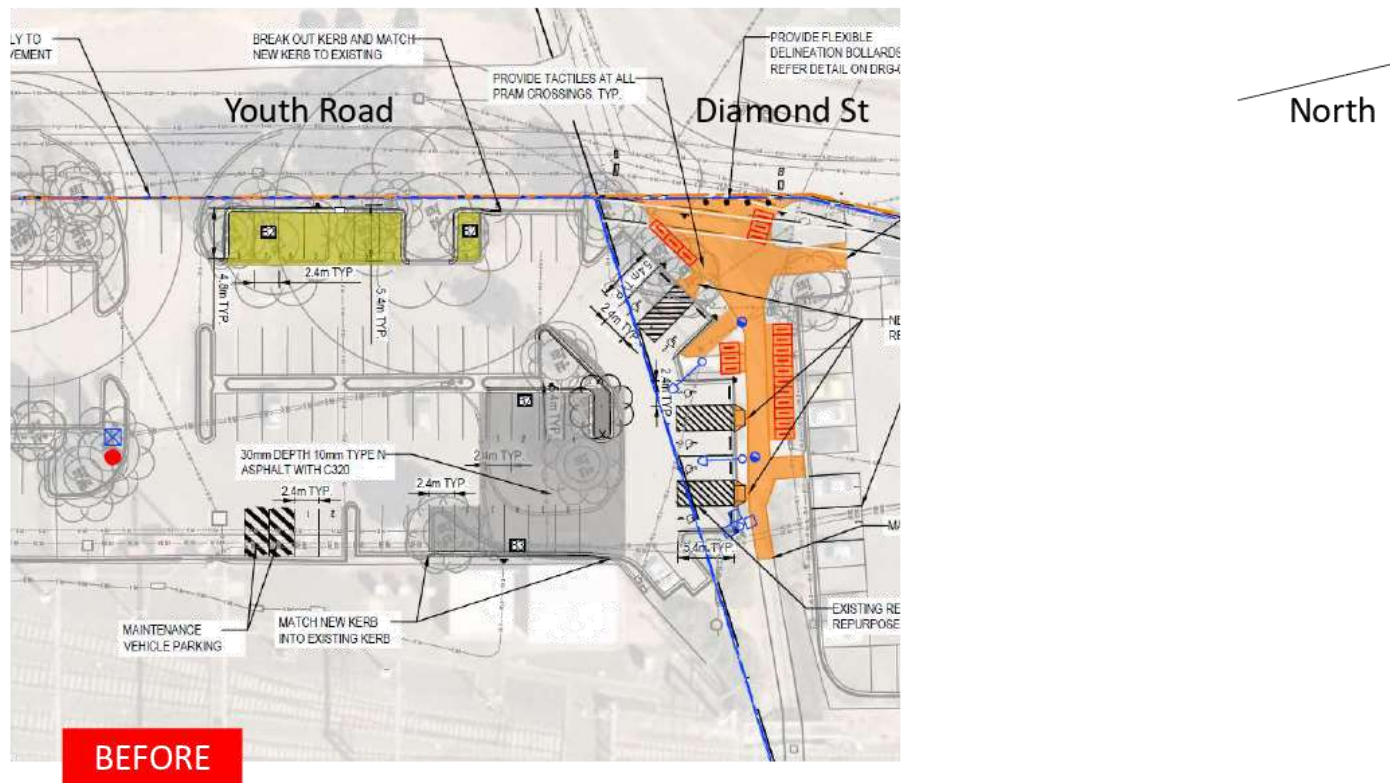
**Location:** Abutting the Eltham Childcare Co-operative



Site photo taken 7 December 2021 showing vegetation impacts

**Issue:** Impacts on vegetation #3 – Detailed design drawing on which Council Submission was based

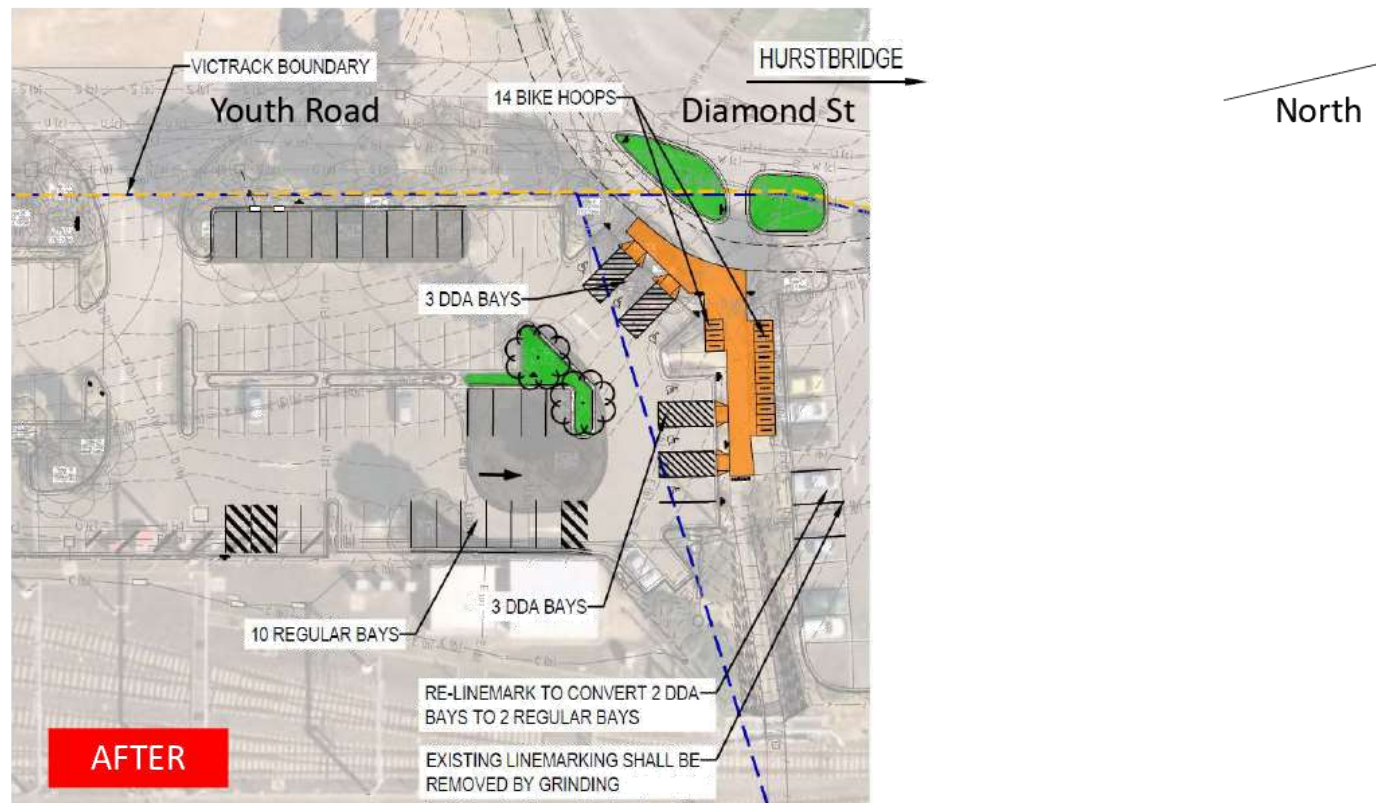
**Location:** Northern end of Youth Road (current trees in car park)



LXRP drawing, August 2021

**Issue:** Impacts on vegetation #3 – Current drawing from LXP

**Location:** Northern end of Youth Road (current trees in car park)



LXP drawing, 24 January 2022



**Issue:** Impacts on vegetation #3

**Location:** Northern end of Youth Road (current trees in car park)



Aerial image overlaid LXP draft drawing showing vegetation impacts

**Issue:** Impacts on vegetation #3

**Location:** Northern end of Youth Road (current trees in car park)

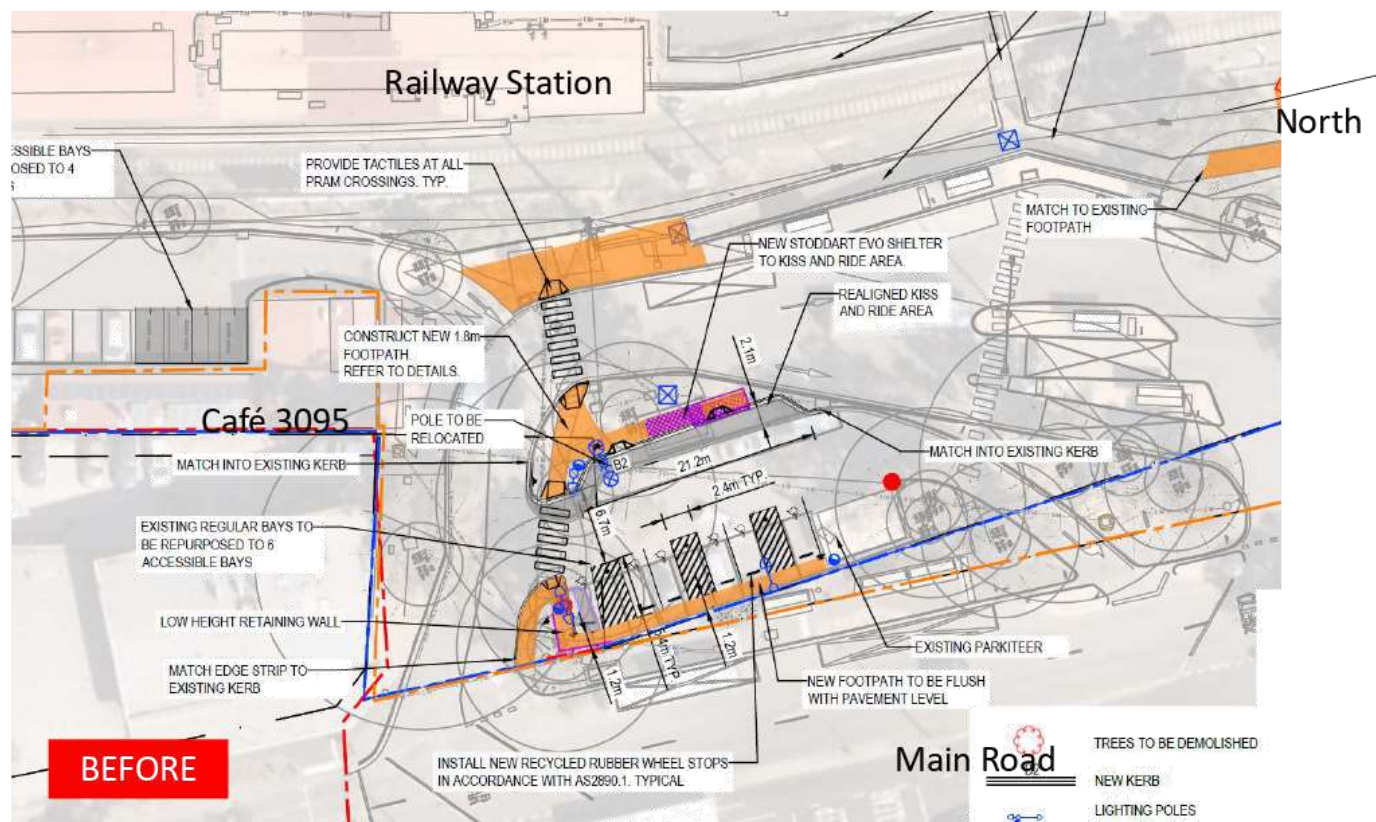


Site photo taken 3 August 2021 showing vegetation impacts



**Issue:** Impacts on vegetation #4 – Detailed design drawing on which Council Submission was based

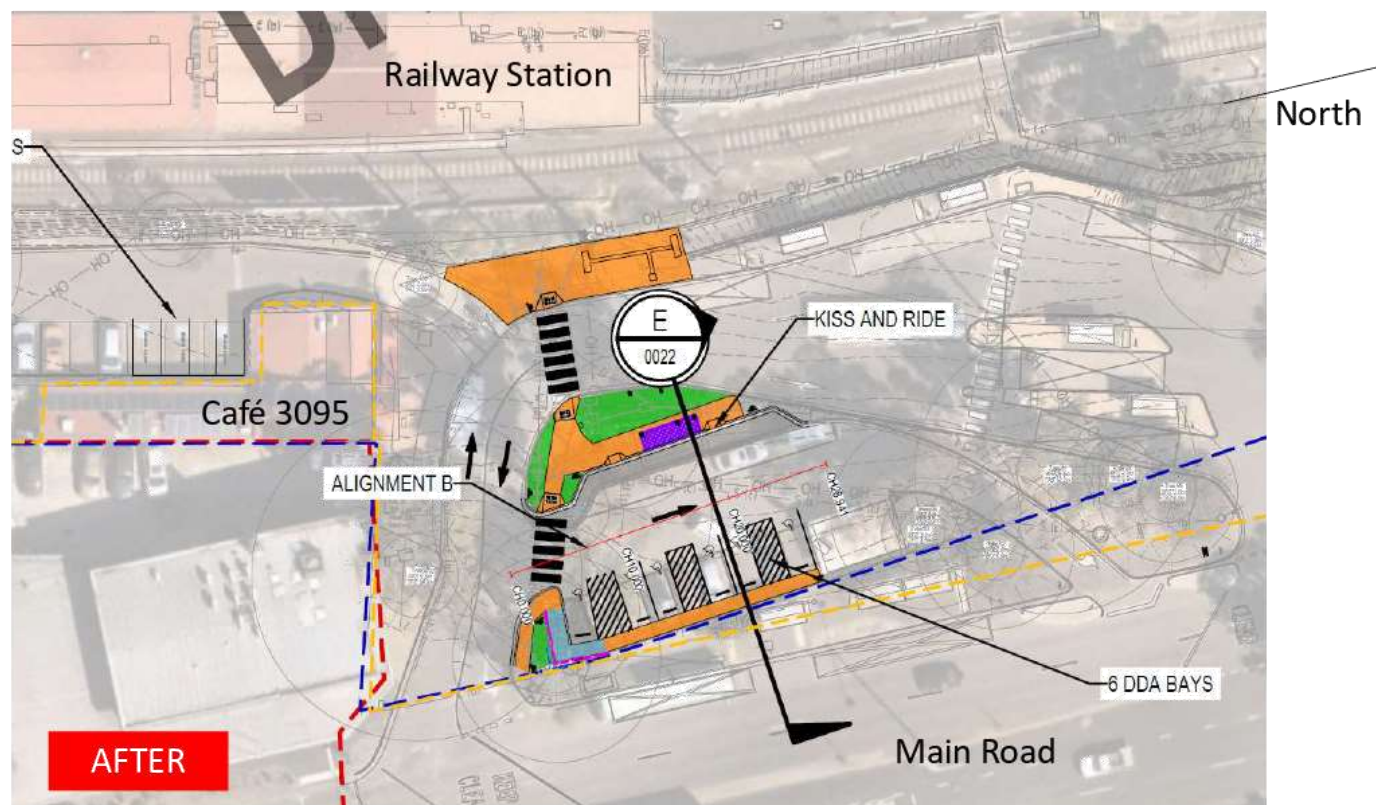
**Location:** Main Road in Eltham (current trees in kiss and ride area)



LXRP drawing, August 2021

**Issue:** Impacts on vegetation #4 – Current drawing from LXP

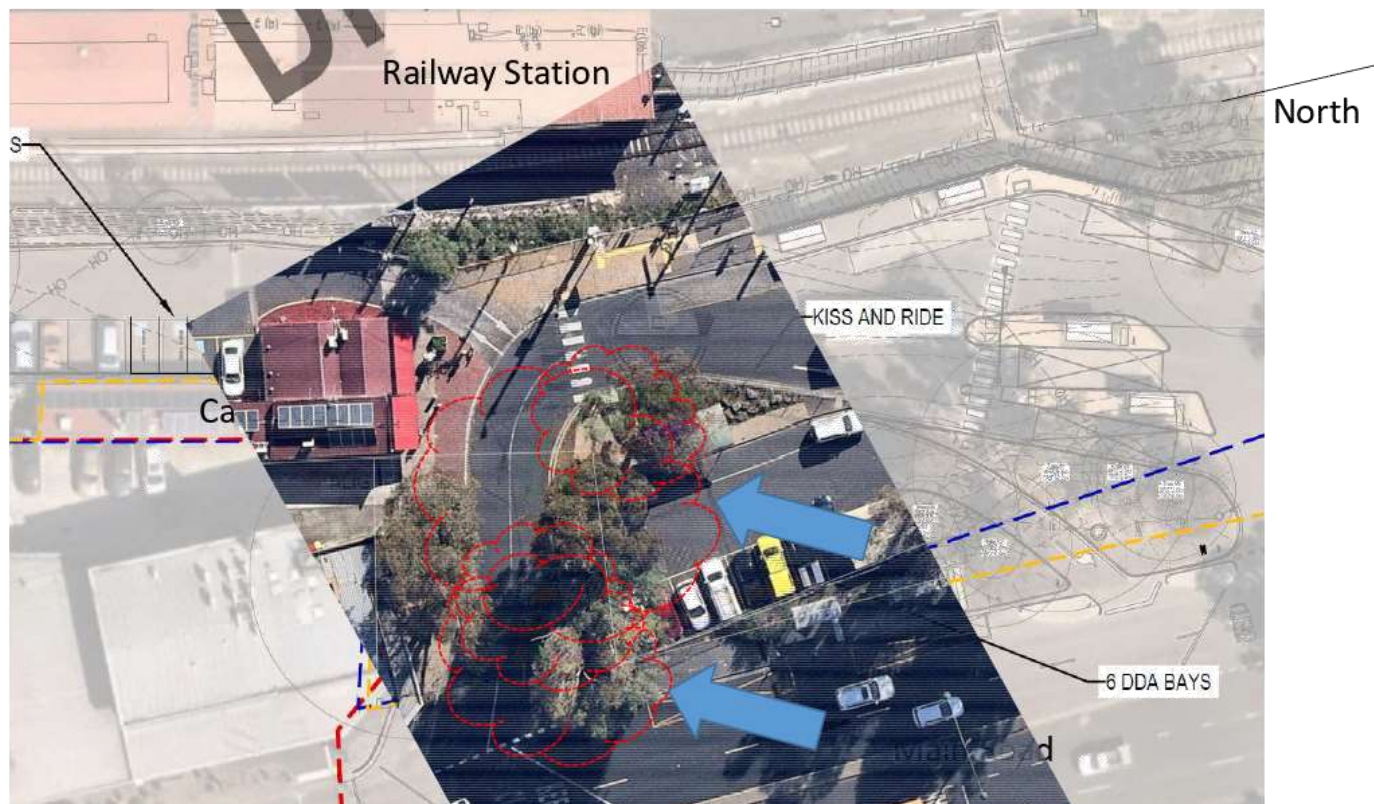
**Location:** Main Road in Eltham (current trees in kiss and ride area)



LXP drawing, 24 January 2022

**Issue:** Impacts on vegetation #4

**Location:** Main Road in Eltham (current trees in kiss and ride area)



Aerial image overlaid LXP draft drawing showing vegetation impacts



**Issue:** Impacts on vegetation #4

**Location:** Main Road in Eltham (current trees in kiss and ride area)



Site photo taken 3 August 2021 showing vegetation impacts

## **STATEMENT OF SIGNIFICANCE**

### **WHAT IS SIGNIFICANT?**

14–26 Browns Lane, Plenty, built in 1924

Elements that contribute to the significance of the place include:

- original single-storey built form and scale, including hip and gable roof that extends down over the return verandah;
- original pattern of openings; and
- materiality that includes weatherboard cladding, double-hung sash windows (some with vertical glazing bars), decorative timber front door surround with side lites and over lites, turned timber verandah posts, timber gable-end roof vents, window hood, gablet with two small air vents, and red brick chimneys.

The 1969–70 rear extension is not significant.

### **HOW IS IT SIGNIFICANT?**

The house at 14–16 Browns Lane, Plenty, is of local historical and representative significance to the Shire of Nillumbik.

### **WHY IS IT SIGNIFICANT?**

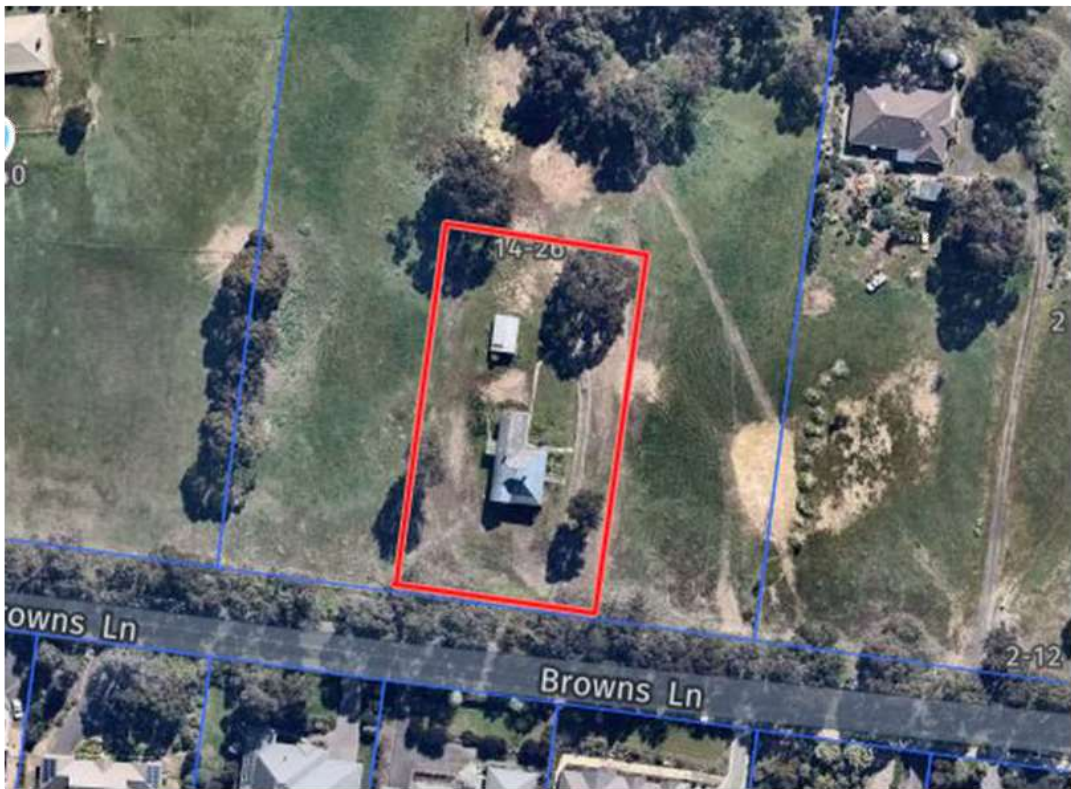
The house at 14–26 Browns Lane, Plenty, is historically significant for its association with the development of Plenty in the interwar years. As an intact timber bungalow built for Marion and Fred Osmond in 1924, originally on a 20 acre lot, it provides tangible evidence of the interwar subdivision pattern in which large rural landholdings in the Plenty area were divided for sale in allotments of 10 or 30 acres. These allotments were advertised as being equally suited to farming and fruit-growing as they were to residential purposes. In response to an increasing population in the area, this development coincided with and supported a growing Plenty town centre. Established in the 1920s, the town centre included a Primary School (HO213), Methodist Church (HO250), Store and Hall (HO248).

Arthurs Creek, Doreen, Hurstbridge, Strathewen, Plenty, Diamond Creek, Yarrambat and Research became important centres for a fruit-growing industry that was based at Diamond Creek. Smaller orchardists, however, often struggled to make a living from their trees and often turned to other activities such as raising chickens, selling firewood or even working for other landowners or in goldmines, as well as tending their fruit trees. In 1927 a poultry farm was operating on the subject site. 14–16 Browns Lane thus provides evidence of these early agricultural activities in the area. The significance of the place is enhanced by its rural setting, which maintains its street frontage to Browns Lane (Criterion A).

The house at 14–26 Browns Lane, Plenty, is a largely intact representative example of a timber interwar bungalow. It has had very few changes made to the original or early built fabric across its principal elevations. Key characteristics include its asymmetric built form with projecting front room below a dominant hip and gable roof, extensive wrap-around verandah under the sweep of the main roof line, and a box bay window that sits under its own skillion roof with a window hood (Criterion D).

## **RECOMMENDATIONS**

Recommended for inclusion in the Schedule to the Heritage Overlay of the Nillumbik Planning Scheme as an Individually Significant place.



Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in Nillumbik Planning Scheme:

**Nillumbik Planning Scheme**

|   |         |
|---|---------|
| External paint controls                           | No      |
| Internal alteration controls                      | No      |
| Tree controls                                     | No      |
| Outbuildings or fences                            | No      |
| To be included on the Victorian Heritage Register | No      |
| Prohibited uses may be permitted                  | No      |
| Aboriginal heritage place                         | Unknown |

**Other**

N/A



*Planning and Environment Act 1987*

## **NILLUMBIK PLANNING SCHEME**

### **AMENDMENT C138**

### **EXPLANATORY REPORT**

#### **Who is the planning authority?**

This amendment has been prepared by the Nillumbik Shire Council, which is the planning authority for this amendment.

The amendment has been made at the request of Nillumbik Shire Council.

#### **Land affected by the amendment**

The amendment applies to part of 14-26 Browns Lane, Plenty 3090.

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

#### **What the amendment does**

Specifically the amendment:

- Amends the Schedule to Clause 43.01 (Heritage Overlay) to apply the heritage overlay (HO270) to part of 14-26 Browns Lane, Plenty on a permanent basis.
- Amends Planning Scheme Map No 009 to apply the new Heritage Overlay.
- Amends the Schedule to Clause 72.04 (Schedule to the Documents Incorporated in this Planning Scheme) to include a Statement of Significance for 14-26 Browns Lane, Plenty
- Amends the Schedule to Clause 72.08 (Backgrounds Documents) to include the citation for 14-26 Browns Lane, Plenty.

#### **Why is the amendment required?**

The amendment places a Heritage Overlay over part of the site known as 14-26 Browns Lane, Plenty.

The house at 14-26 Browns Lane, is historically significant for its association with the development of Plenty in the interwar years. As an intact timber bungalow built for Marion and Fred Osmond in 1924, originally on a 20 acre lot, it provides tangible evidence of the interwar subdivision pattern in which large rural landholdings in the Plenty area were divided for sale in allotments of 10 of 30 acres. These allotments were advertised as being equally suited to farming and fruit growing as they were to residential purposes. In response to an increasing population in the area, this development coincided with and supported a growing Plenty town centre. Established in the 1920's, the town centre included a Primary School (HO213), Methodist Church (HO 250), Store and Hall (HO 248).

Arthurs Creek, Doreen, Hurstbridge, Strathewen, Plenty, Diamond Creek, Yarrambat and Research became important centres for a fruit growing industry that was based at Diamond Creek. Smaller orchardists, however, often struggled to make a living from their trees and often turned to other activities such as raising chickens, selling firewood or even working for other landowners or in the goldmines, as well as tending their fruit trees. In 1927 a poultry farm was operating on the subject site. 14-26 Browns Lane thus provides evidence of these early agricultural activities in the area. The significance of the place is enhanced by its rural setting, which maintains street frontage to Browns Lane.

The house at 14-26 Browns Lane, Plenty, is a largely intact representative example of a timber interwar bungalow. It has very few changes made to the original or early built fabric across its principal elevations. Key characteristics include its asymmetric built form with projecting front room below a dominant hip and gable roof, extensive wrap-around verandah under the sweep of the main roof line, and a bay box window that sits under its own skillion roof with a window hood.

The significance of the property was assessed against the standard criteria contained in Practice Note 01 Applying the Heritage Overlay (August 2018) and is considered to meet the requirements and threshold for local protection through application of the Heritage Overlay. Consequently, Amendment C138nill is required to implement these findings by including the property in the Heritage Overlay.

The Heritage Overlay is the appropriate planning mechanism to protect the heritage values of the property as the Heritage Overlay requires a permit to be granted for building and works, including demolition that could affect the significance of the property.

#### **How does the amendment implement the objectives of planning in Victoria?**

The amendment implements the objectives of planning in Victoria as set out in Section 4 (1) and 12 (1) of the *Planning and Environment Act 1987* (the Act). The following objectives in Section 4 (1) are particularly relevant to the amendment:

- 4(1d) - to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- 4(1g) - to balance the present and future interests of all Victorians

The following objectives in Section 12 (1) are relevant to the amendment:

- 12(1) A planning authority must—
  - (a) implement the objectives of planning in Victoria

#### **How does the amendment address any environmental, social and economic effects?**

The amendment will provide assured protection for a significant heritage site within the Shire of Nillumbik.

The amendment is not expected to have any adverse environmental or economic effects.

#### **Does the amendment address relevant bushfire risk?**

The Amendment will not increase the risk of life, property, community infrastructure and the natural environment from bushfire.

#### **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with the *Ministerial Direction 1 on the Form and Content of Planning Schemes* under section 7(5) of the Act and *Ministerial Direction 11: Strategic Assessment Guidelines* under Section 12(2) of the Act.

The amendment has been prepared with regard to *Ministerial Direction 9: Metropolitan Planning Strategy*, which refers to Plan Melbourne 2017-2050. The amendment is particularly consistent with the following direction in *Plan Melbourne 2017-2050*, as outlined below:

#### **Direction 4.4    Respect Melbourne's heritage as we build for the future**

- Policy 4.4.1 Recognise the value of heritage when managing growth and change

The amendment recognises the need for require careful management of the ongoing processes of change to the urban environment and that decisions must be based on an appreciation of Melbourne's past as well as an understanding of its future needs.

#### **How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

The amendment supports or implements the following clauses of the Planning Policy Framework:

##### **Clause 15 Built Environment and Heritage**

##### **Clause 15.03-1S Heritage conservation**



- Objective: To ensure the conservation of places of heritage significance.
- Strategies:
  - Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.
  - Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
  - Ensure an appropriate setting and context for heritage places is maintained or enhanced.
  - Retain those elements that contribute to the importance of the heritage place.
  - Encourage the conservation and restoration of contributory elements of a heritage place.

#### **How does the amendment support the Municipal Planning Strategy?**

The amendment supports the Municipal Planning Strategy of the Nillumbik Planning Scheme:

*Clause 02.03-5 Built environment  
Heritage*

Council seeks to:

- 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.

#### **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment seeks to ensure that the Victorian Planning Provisions are correctly applied through the application of Heritage Overlay to reflect the current and future intended use of the land.

The Heritage Overlay is the most appropriate mechanism for recognising and protecting the cultural heritage significance of the identified place.

The Amendment is consistent with Planning Practice Note 01 in regard to the amendment mapping. The mapping identifies the dwelling and the remaining outbuilding and extends the overlay to the significant area.

The Amendment is consistent with Planning Practice Note 01 in regard to applying the Heritage Overlay. The schedule to the overlay will be updated and annotated with regard to the extent of the curtilage.

#### **How does the amendment address the views of any relevant agency?**

The views of relevant agencies will be sought during the public exhibition process of this amendment C138.

#### **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The Transport Integration Act 2010 requires that a planning authority have regard to transport system objectives and decision-making principles where a planning scheme amendment is likely to have a 'significant impact on the transport system'. There are no statements of policy principles relevant to the amendment.

#### **Resource and administrative costs**

The amendment will have minimal impact on the resource and administrative costs of the responsible authority.

**Where you may inspect this amendment**

The amendment can be inspected free of charge at the Nillumbik Council website at [www.participate.vic.gov.au/amendment-c138](http://www.participate.vic.gov.au/amendment-c138)

The amendment is also available for public inspection, free of charge, during office hours at the following places:

Nillumbik Shire Council Offices

Civic Drive

Greensborough 3088

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

**Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority about the amendment. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for council to consider submissions and to notify such persons of the opportunity to attend council meetings and any public hearing held to consider submissions. The closing date for submissions is 27th January 2022. A submission must be sent to:

Amendment C138nill

Leigh Northwood

Strategic Planning Lead

Nillumbik Shire Council

Civic Drive (PO Box 476)

Greensborough VIC 3088

Alternatively, a submission can be sent electronically via email to:  
[strategic.planning@nillumbik.vic.gov.au](mailto:strategic.planning@nillumbik.vic.gov.au)

Submissions made in accordance with section 21 of the Act will be made available in accordance with the public availability requirements for inspection at Council offices and on the Participate Nillumbik website to inspect for 2 months after the amendment comes into operation or lapses. Submissions published online will have personal information redacted.

We will not accept submissions without the mandatory information.

You have the right to access and correct your personal information. Enquiries should be made to [privacy@nillumbik.vic.gov.au](mailto:privacy@nillumbik.vic.gov.au).

**Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: 22/04/2022
- panel hearing: 22/05/22

**ATTACHMENT 1 - Mapping reference table**

| Location | Land /Area Affected | Mapping Reference                   |
|----------|---------------------|-------------------------------------|
| Plenty   | 14-26 Browns Lane   | Nillumbik C138 001hoMap9 Exhibition |

THIS PAGE WAS LEFT INTENTIONALLY BLANK

*Planning and Environment Act 1987*

**NILLUMBIK PLANNING SCHEME**

**AMENDMENT C138**

**INSTRUCTION SHEET**

The planning authority for this amendment is the Nillumbik Shire Council.

The Nillumbik Shire Council Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of one (1) attached map sheet.

***Overlay Maps***

1. Amend Planning Scheme Map No 09 in the manner shown on the attached map marked Nillumbik C138nill 001ho Map 09 Exhibition.

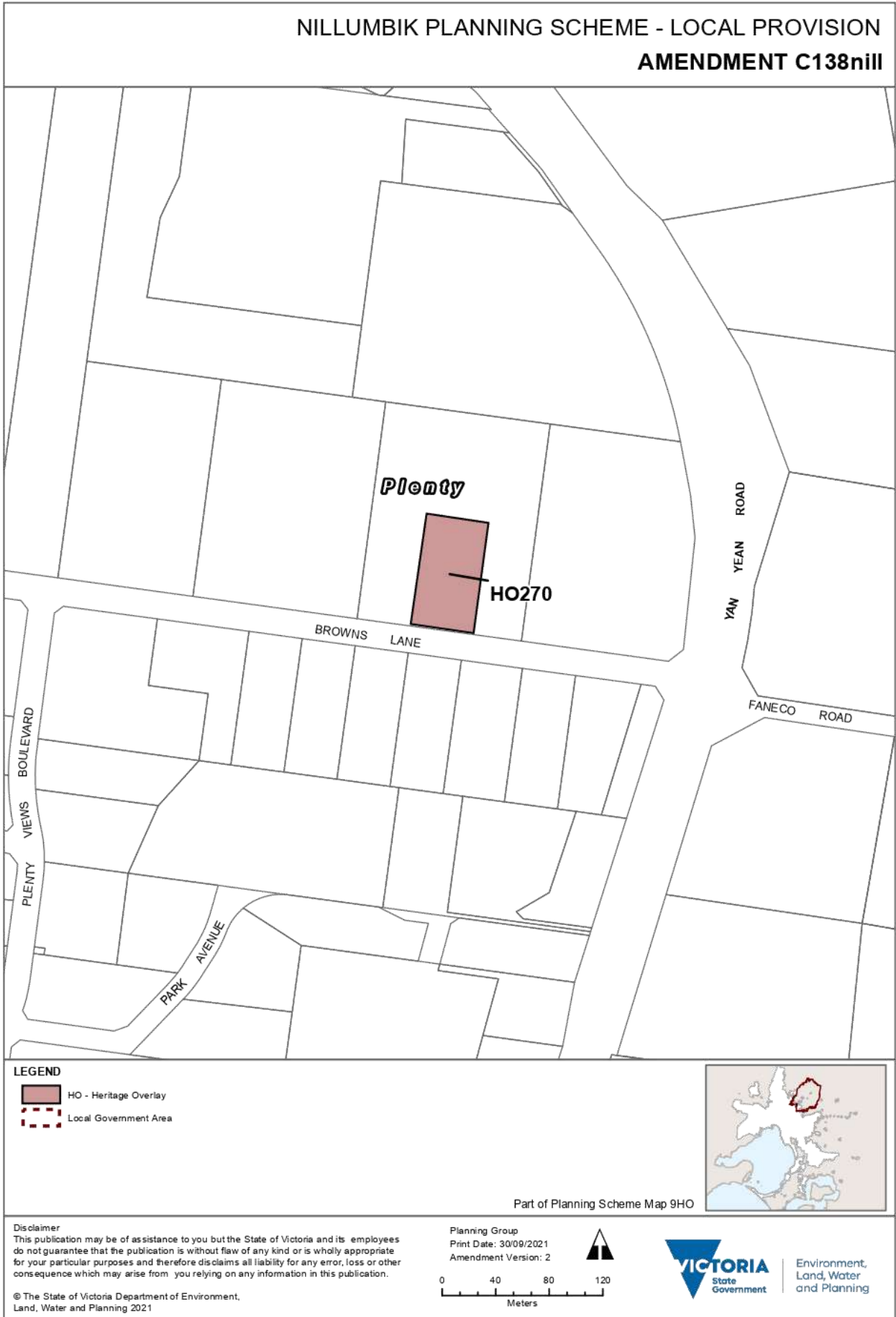
**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

2. In Overlays – Clause 43.01, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
3. In Incorporated Documents – Clause 72.04, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
4. In Background Documents – Clause 72.08, replace Schedule 1 with a new Schedule 1 in the form of the attached document.

End of document

THIS PAGE WAS LEFT INTENTIONALLY BLANK



THIS PAGE WAS LEFT INTENTIONALLY BLANK



Contact: Edward Mahony  
Direct line: 03 9691 0228  
Email: emahony@besthooper.com.au  
Principal: John Cicero  
Our Ref: JDC:EJM:211732



27 January 2022

By email only: Leigh Northwood [strategic.planning@nillumbik.vic.gov.au](mailto:strategic.planning@nillumbik.vic.gov.au); and  
Stuart R Menzies [stuart.menzies@delwp.vic.gov.au](mailto:stuart.menzies@delwp.vic.gov.au)

Dear Sir/Madam,

**Planning Scheme Amendment C138 to Nillumbik Planning Scheme  
14 Browns Lane, Plenty VIC 3090 (subject site)**

---

We act on behalf of Greencor Holding No5 Pty Ltd, being the owner of 14 Browns Lane, Plenty (subject site).

Amendment C138 to the Nillumbik Planning Scheme seeks to introduce a permanent heritage overlay over the subject site. Prior to the exhibition of C138, an interim heritage overlay was introduced over the subject site via planning scheme amendment C137.

Our client was originally advised of the interim heritage protection by way of letter dated 2 July 2021 (**annexed herein**). This letter was received after our client had already submitted a planning permit application to Council to subdivide the subject site in five (5) lots.

The proposed plan of subdivision is **annexed herein**. This subdivision was designed in a manner to ensure that:

- Each of the five proposed lots has safe access to Browns Lane,
- The extent of the crossovers was minimised;
- Lot 3 provided a respectful buffer distance between the lot boundary and the existing dwelling to protect any heritage value of the existing dwelling and its surrounds.
- The building envelope applying to Lot 3 is designed such that an extension to the existing dwelling and other outbuilding/s are respectful to the heritage value of the existing dwelling.

Our client has sought the advice of Trethowan Heritage Architects to review the:

- Heritage report by Context (dated 2016);
- Proposed heritage citation;
- Proposed plan of subdivision and advise whether the extent of the heritage overlay could be appropriately limited to the whole of Lot 3 on the proposed plan of subdivision.

We **attach** the Trethowan advice.

Without limiting its rights, our client does not oppose the introduction of the heritage overlay in accordance with the exhibited statement of significance (**annexed herein**) as long as the extent of the heritage overlay is limited to Lot 3 on the proposed plan of subdivision.

Please do not hesitate to contact us with any questions.

Yours faithfully

**Edward Mahony**  
Associate.

**Best Hooper Lawyers Pty Ltd**

Level 12, 10 Queen Street  
Melbourne VIC 3000

PO Box 306  
Collins Street West VIC 8007

T +61 3 9670 8951  
F +61 3 9670 2954

[www.besthooper.com.au](http://www.besthooper.com.au)  
ACN 137 307 692

gree0084\_211732\_002.docx

THIS PAGE WAS LEFT INTENTIONALLY BLANK

NILLUMBIK PLANNING SCHEME

## 14-26 Browns Lane, Plenty Precinct Statement of Significance

|                        |                           |                   |       |
|------------------------|---------------------------|-------------------|-------|
| <b>Heritage Place:</b> | 14-26 Browns Lane, Plenty | <b>PS ref no:</b> | HO270 |
|------------------------|---------------------------|-------------------|-------|



### What is significant?

14–26 Browns Lane, Plenty, built in 1924

Elements that contribute to the significance of the place include:

- original single-storey built form and scale, including hip and gable roof that extends down over the return verandah;
- original pattern of openings; and
- materiality that includes weatherboard cladding, double-hung sash windows (some with vertical glazing bars), decorative timber front door surround with side lites and over lites, turned timber verandah posts, timber gable-end roof vents, window hood, gablet with two small air vents, and red brick chimneys.

The 1969–70 rear extension is not significant.

### How is it significant?

The house at 14–16 Browns Lane, Plenty, is of local historical and representative significance to the Shire of Nillumbik.

### Why is it significant?

The house at 14–26 Browns Lane, Plenty, is historically significant for its association with the development of Plenty in the interwar years. As an intact timber bungalow built for Marion and Fred Osmond in 1924, originally on a 20 acre lot, it provides tangible evidence of the interwar subdivision pattern in which large rural landholdings in the Plenty area were divided for sale in allotments of 10 or 30 acres. These allotments were advertised as being equally suited to farming and fruit-growing as

they were to residential purposes. In response to an increasing population in the area, this development coincided with and supported a growing Plenty town centre. Established in the 1920s, the town centre included a Primary School (HO213), Methodist Church (HO250), Store and Hall (HO248).

Arthurs Creek, Doreen, Hurstbridge, Strathewen, Plenty, Diamond Creek, Yarrambat and Research became important centres for a fruit-growing industry that was based at Diamond Creek. Smaller orchardists, however, often struggled to make a living from their trees and often turned to other activities such as raising chickens, selling firewood or even working for other landowners or in goldmines, as well as tending their fruit trees. In 1927 a poultry farm was operating on the subject site. 14–16 Browns Lane thus provides evidence of these early agricultural activities in the area. The significance of the place is enhanced by its rural setting, which maintains its street frontage to Browns Lane (Criterion A).

The house at 14–26 Browns Lane, Plenty, is a largely intact representative example of a timber interwar bungalow. It has had very few changes made to the original or early built fabric across its principal elevations. Key characteristics include its asymmetric built form with projecting front room below a dominant hip and gable roof, extensive wrap-around verandah under the sweep of the main roof line, and a box bay window that sits under its own skillion roof with a window hood (Criterion D).

#### **Primary source**

---

*Nillumbik Shire Stage B Heritage Review/ Citation for 14-26 Browns Lane, Plenty.*

This document is an incorporated document in the Nillumbik Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*









Enquiries: Julie Paget  
Telephone: 9433 3210

2 July 2021

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear [REDACTED]

**Re: Request for Report and Consent on Proposed Demolition at 14-26 Browns Lane, PLENTY VIC 3090  
Council Ref: 48/2021/29A**

I write in response to a request lodged with Nillumbik Shire Council (Council) on 16 June 2021, for Council's consent, as required by the *Building Act* 1993, to an application to demolish buildings and structures at 14-26 Browns Lane, Plenty.

The property/farm complex at 14-26 Browns Lane was identified as historically significant in the *North West Nillumbik Heritage Study* undertaken by Council in 2016. Consequently, I write to notify you that Council has requested that the Minister for Planning exercise the power under section 20(4) of the *Planning and Environment Act* 1987 to prepare, adopt and approve Amendment C137 to the Nillumbik Planning Scheme, which proposes to apply the Heritage Overlay (HO269) to 14-26 Browns Lane, Plenty on an interim basis.

As such a request has been made, Section 29B(1) of the Building Act 1993 requires consideration of any application for a building permit to demolish any dwelling or structures on the land **to be suspended**. Consideration of any application cannot recommence until a determination by the Minister for Planning on the planning scheme amendment is given. No demolition of any buildings or structures on the property can occur until consent is provided in accordance with the Building Act 1993.

I wish to advise that as a concurrent action to requesting interim protection, Council resolved at its meeting on 29 June 2021 to request that the Minister for Planning, under Section 8A of the Planning and Environment Act 1987, authorise the future preparation of Amendment C138 to the Nillumbik Planning Scheme, which proposes to apply the Heritage Overlay (HO269) to 14-26 Browns Lane, Plenty on a permanent basis.

This notice advises that council will not consider the request for the report and consent until the outcome of both applications to apply an interim and





permanent heritage control on the land has been made by the Minister of Planning.

The Registered Building Surveyor must suspend consideration of the request to issue a building permit pending the outcome of the two planning scheme amendment applications as required by Section 29B of the *Building Act* 1993.

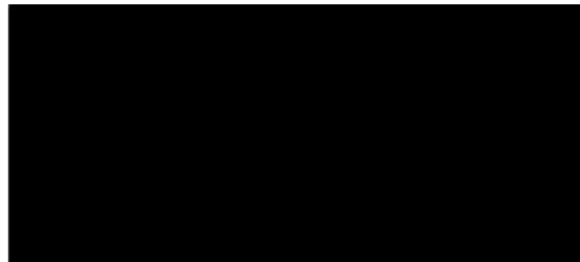
If you have any queries in relation to this matter, please contact Julie Paget (Strategic Planner) on 9433 3210 or [julie.paget@nillumbik.vic.gov.au](mailto:julie.paget@nillumbik.vic.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to read "Rosa".

**Rosa Zouzoulas**  
**Executive Manager Planning and Community Safety**

cc.





## Nillumbik Shire Council

Form B

Our ref: 48/2021/29A

### RESPONSE TO REQUEST FOR REPORT AND CONSENT ON PROPOSED DEMOLITION UNDER SECTION 29A OF *THE BUILDING ACT 1993*

To: [REDACTED]  
Building Surveyor registration number (if applicable):  
Postal Address: [REDACTED]  
Phone No: [REDACTED]

From: RELEVANT RESPONSIBLE AUTHORITY  
NILLUMBIK SHIRE COUNCIL

#### ADDRESS OF PROPERTY

14-26 Browns Lane, PLENTY VIC 3090

**PROPOSAL** (*brief written description of proposal to be provided – copy of application and plans must be attached*)

Demolition of existing dwelling and surrounding structure

**Building Permit Application Reference No:**

#### **C: SUSPENSION OF APPLICATION FOR BUILDING PERMIT FOR DEMOLITION**

This is to advise that:

An application has been made to the Minister for Planning under section 20 of the *Planning and Environment Act 1987* for an amendment to the planning scheme in relation to the land on which the building detailed above is located.\*

Consideration of the application for the building permit for the proposed demolition is suspended pending further notification from the responsible authority.

A handwritten signature in black ink, appearing to read "S Mayman".

Signed: \_\_\_\_\_  
Sarah Mayman - Planning Officer

Date: 1 July 2021

12 December 2021



### **Preliminary Heritage Advice – 14 Browns Lane, Plenty**

Dear Nick,

The following preliminary heritage advice has been prepared to review the proposed Heritage Overlay at the subject property, as per fee agreement dated 22 July, 2021.

## **1 Introduction**

The house and land has been nominated by Council for the Heritage Overlay, with a citation dated 2016. This review considers those relevant planning policies and good heritage practice.



Figure 1: Aerial view showing the extent of the subject site (indicated in red) in relation to Browns Lane and Yan Yean Road. Note that most of the trees and outbuildings shown within the extent have since been removed. Source: Google Maps.

## **2 Statutory Heritage Controls**

### **2.1 National Heritage List**

The subject site is not included on the National Heritage List.



## 2.2 Victorian Heritage Register

The subject site is not included on the Victorian Heritage Register.

## 2.3 Shire of Nillumbik Planning Scheme

The subject site has been proposed for the local Heritage Overlay. Tree, fence and outbuilding controls have been proposed over the site.

There is no specific local Heritage Policy, however Clause 15.03-1S of the local Planning Scheme outlines the Heritage conservation Objective as follows:

*To ensure the conservation of places of heritage significance.*

### **Strategies**

*Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*

*Provide for the protection of natural heritage sites and man-made resources.*

*Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*

*Encourage appropriate development that respects places with identified heritage values. Retain those elements that contribute to the importance of the heritage place. Encourage the conservation and restoration of contributory elements of a heritage place. Ensure an appropriate setting and context for heritage places is maintained or enhanced. Support adaptive reuse of heritage buildings where their use has become redundant.*

*Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.*

### **Policy guidelines**

*Consider as relevant:*

*The findings and recommendations of the Victorian Heritage Council.*

*The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013.*

### 2.3.1 Proposed Statement of Significance

The proposed statement of significance (2016) is as follows:

#### **What is significant?**

The farm complex located at 14 Browns Lane, Plenty. The original form, materials and detailing of the farmhouse, front fence and rear farming sheds and their setting contribute to the significance of the place.

#### **How is it significant?**

The farm complex located at 14 Browns Lane, Plenty is of local historic and aesthetic significance to the Shire of Nillumbik.

#### **Why is it significant?**

The farm complex at 14 Browns Lane is historically significant as a representative of the main development period of the Plenty area when closer settlement occurred and small holdings were establishing themselves. The property contains a rare surviving intact example of an Edwardian timber farmhouse built during the predominant closer settlement period of Plenty. (Criteria A & B)

The farm complex at 14 Browns Lane, Plenty is significant as a substantially intact farm complex from the 1920s. The farmhouse is a picturesque example of a farmhouse of the period and retains its original form and main features including the all encompassing





main hip roof, weatherboard cladding, timber framed windows, return verandah and front gable roofed wing. The early picket fence completes the picture of a 1920s farm small holding. The farming sheds to the rear demonstrate the operation of a mixed farming property and contribute to the setting of the place. (Criterion D)

### **3 History and Site Description**

#### **3.1 History**

The historical information has been summarised from the citation prepared by Shire of Nulimik (2016). The area was subdivided around the time of the creation of Browns Lane c.1911-1917 by poultry farmers, the Brown brothers Alfred and Percival. The subject site was Lot 3, purchased by Thomas Varty Hughes, a farmer, in 1915. However Hughes enlisted in the A.I.F during the First World War and married whilst in England in 1919, and lived in Greensborough upon his return to Australia. The land remained undeveloped through the ownership of the Osmonds (1923-27). In 1927, the land was purchased by Cecil James Stewart, an auctioneer and farm salesman. Stewart likely built the house at this time. The land was sold in a sheriff's sale to absolve Stewart's debts for Alexander Younger in 1933, with the purchase going to Florence Caroline Coopert of Northcote in 1936. Edward Thomas Looney, farmer of Brown's Road Plenty, purchased in 1949, and Cecil Albert Monson, carpenter of Rosanna, in 1950. Monson was a long-time activist in the Carpenters Union. Dirk Marten and Maria Cornelia Leeuwrik purchased in 1960. The 15-acre lot was subsequently divided into three parts.

#### **3.2 Site Description**

The site was visited on 2 August 2021 and inspected both externally and internally. The house is substantially intact to its description in the heritage citation, however the fence, most outbuildings, and trees and garden setting have been removed.

The house itself is a weatherboard house with a hipped main metal sheet roof peaking to a gable form over a return verandah, with a projecting gable to the street. The house is Edwardian in character, and may be expressive of the conservative and less fashionable character of Plenty in the interwar period. It is also possible that some components of the house were removed from other locations. Edwardian details include window hood and detailing. The ventilation board in the front gable, and the diamond pane windows on the side, are more typically interwar. The return verandah extends around the rear of the original house, and as such demonstrates a more Colonial Revival style more typical of its original rural setting. The house has three doors, at front, side, and rear. The verandah is supported on turned timber posts and has a non-original lattice balustrade and side brick steps with timber railing. The house has a prominent central brick chimney, and a chimney over the kitchen to the rear.

The house has been extended later in the twentieth century (post-war), with a weatherboard addition distinguished by its aluminium frame windows and concrete foundation.

At the rear is a vernacular late twentieth century aluminium shed. There are no other extant outbuildings on the site.

There are a few native trees around the site.

There is no fence, and no surviving original landscaping.

The overall condition is fair to poor, with some timbers in need of replacing, and some water damage. The integrity of the fabric is fair, with some missing or severely damaged elements such as the front door.



Figure 2. The subject property viewed from the street. Source: Trethowan Architecture 2021.



Figure 3. View of the house on the eastern elevation. Source: Trethowan Architecture





Figure 4. View of the house from the rear. Source: Trethowan Architecture.



Figure 5. View of the house at the west elevation. The addition begins at the rear chimney and concrete. Source: Trethowan Architecture.



Figure 6. The aluminium shed at rear and post-war path. Source: Trethowan Architecture 2021.



Figure 7. View of the extant native trees at rear. Source: Trethowan Architecture 2021.



Figure 8. View of the side door and bay window under the verandah. Source: Trethowan Architecture 2021.



Figure 9. Remains of the front door. Source: Trethowan Architecture 2021.

### 3.3 Recommendations

The heritage significance of the place should be reconsidered by Council, given that the place has been considerably altered since the 2016 Study.

These alterations comprise the loss of key elements that are referenced in the citation, namely:

- Original fence
- Outbuildings
- Setting

This reconsideration should particularly be the undertaken given that the property was compared with other 'intact farmhouse and outbuildings' and was described as a 'farm complex' alongside the three other examples below:

- House, Farm, 50 Oatland Road, Plenty, 1920s intact farmhouse and outbuildings
- House, Farm, 145 River Avenue, Plenty, Inter-War brick farmhouse and outbuilding
- Nilgiris, 183 Yan Yean Road, Plenty, 1920s farmhouse, poultry farm buildings and associated with soldier settlement



The removal of fence, outbuildings, trees and garden setting mean that the subject site no longer presents as a good example of a 'farm complex'. A better comparator would be the weatherboard house, also of a later 'Edwardian' style, at 936 Heidelberg-Kinglake Road, Hurstbridge (HO76). That house demonstrates similar aesthetic qualities and historical interest as an Edwardian styled house constructed in the 1920s in a less affluent or fashionable outlying area of Melbourne during the period.

It is also noted that the house is in a state of disrepair, with the loss of the front door, and other minor issues that in total will likely necessitate the replacement of significant extents of surviving original fabric. The house is, however, broadly intact in terms of form and modest detailing to its interwar appearance.

### 3.4 Statement of Significance, Heritage Schedule Controls and Extent

It is recommended that errors in the Statement of Significance should be corrected. This includes removing the reference to the place as a 'farm complex' and the house as 'Edwardian', or at least clarification that this relates only to the style rather than the historical period. There is no surviving farm infrastructure on the site, and the historical connection to farming is tenuous and unproven. The house, built c. 1927 is also an Interwar (1919-39) period home, rather than Edwardian (1901-11). There is no original fence or outbuildings surviving, and no remnants of the original garden scheme. While trees in general may contribute to the setting of the place, there are no extant trees likely to be from the original planting or garden scheme, so existing trees are better managed under existing general tree guidelines. It is therefore recommended that fence, outbuilding and tree controls be removed from the proposed Schedule to the Heritage Overlay. The revised Statement of Significance would be as follows:

#### **What is significant?**

The house, to the extent of its original (c.1927) form, located at 14 Browns Lane, Plenty, is significant.

#### **How is it significant?**

The house located at 14 Browns Lane, Plenty is of local historic and aesthetic significance to the Shire of Nillumbik.

#### **Why is it significant?**

The house at 14 Browns Lane is historically significant as a representative of the main development period of the Plenty area when closer settlement occurred, and small holdings were establishing themselves. The property contains an example of an Interwar timber farmhouse built during the predominant closer settlement period of Plenty. (Criteria A & B)

The house at 14 Browns Lane, Plenty is significant as a substantially intact Edwardian styled house from the 1920s that demonstrates the conservative and less affluent character of the area as it was developing in the Interwar period. The house retains its original form and main features including the all encompassing main hip roof, weatherboard cladding, timber framed windows, return verandah and front gable roofed wing. (Criterion D)

The proposed extent of the HO is considered acceptable. However, based on the extant heritage on the site, it is also considered that the boundary of LOT 3 on the proposed subdivision plan by Millar Merrigan, which also proposes front open space and neighbouring setbacks behind the heritage extent of the former farmhouse, would provide an equally sound basis for the HO boundary protecting the key feature on the site, being the house, and its immediate setting. If the Heritage Overlay were to match the boundary of proposed Lot 3 and the proposed setbacks adopted as part of this plan, this would not be detrimental to protecting the Heritage fabric and there would be no benefit to any additional controls being imposed upon the other lots in the proposed subdivision.





### 3.5 Development Recommendations

These high-level recommendations are provided as broad guidelines for development at the site, should the site be added to the Heritage Overlay.

#### 3.5.1 Siting & Location

The house should remain at the current location, with its original siting and orientation to the street.

#### 3.5.2 Demolition Extent

The remaining vernacular twentieth century shed can be removed as it does not date to the period of significance (1920s). The rear wing of the house is a later addition and can also be demolished. Later additions to the house such as the balustrade, stairs, aluminium windows at west elevation, can also be removed provided replacements are sympathetic to the original house.

#### 3.5.3 Additions

Any addition should be separated or lightly connected to the original front form of the house and adopt heights and setbacks that avoid dominating or detracting from the original. The addition could be connected via a similar structural join to the existing post-war addition in terms of extent, but could adopt a more contemporary design that takes some cues from the house but does not replicate heritage features. It is recommended that a space be retained at the rear of the house to leave open the rear return verandah.

#### 3.5.4 Landscape

There are no extant original landscape elements. Any new landscape scheme should provide an appropriate setting for the heritage place. This could comprise:

- Front and side garden, with informal plantings and garden beds
- Minimise hard surfaces to necessary path and driveway

#### 3.5.5 Restoration

It is recommended that restoration works be undertaken on the front original c.1927 house. These may include restumping as necessary, replacing rotten timbers and making good the roof where necessary. The front door needs to be replaced. Replacement of materials should take place in consultation with a heritage professional.

### 3.6 Conclusion

The heritage significance of the property should be reassessed by Council considering the significant alterations to the property's setting that compromise its demonstration of a 'farm complex'.

If the heritage nomination is to proceed, the Statement of Significance should be updated to better address the current conditions and description of the house. An HO boundary limited to Lot 3 within the proposed subdivision plan would have no detrimental effect on its heritage significance.

In the event that the site is developed under the Heritage Overlay, the front main section of the house should be retained, with an appropriate garden setting immediately around, with particular attention to the front and eastern side setbacks. The rear wing addition can be demolished, and an extension or addition should adopt heights and setbacks that avoid dominating or detracting from the original house.

Yours sincerely,

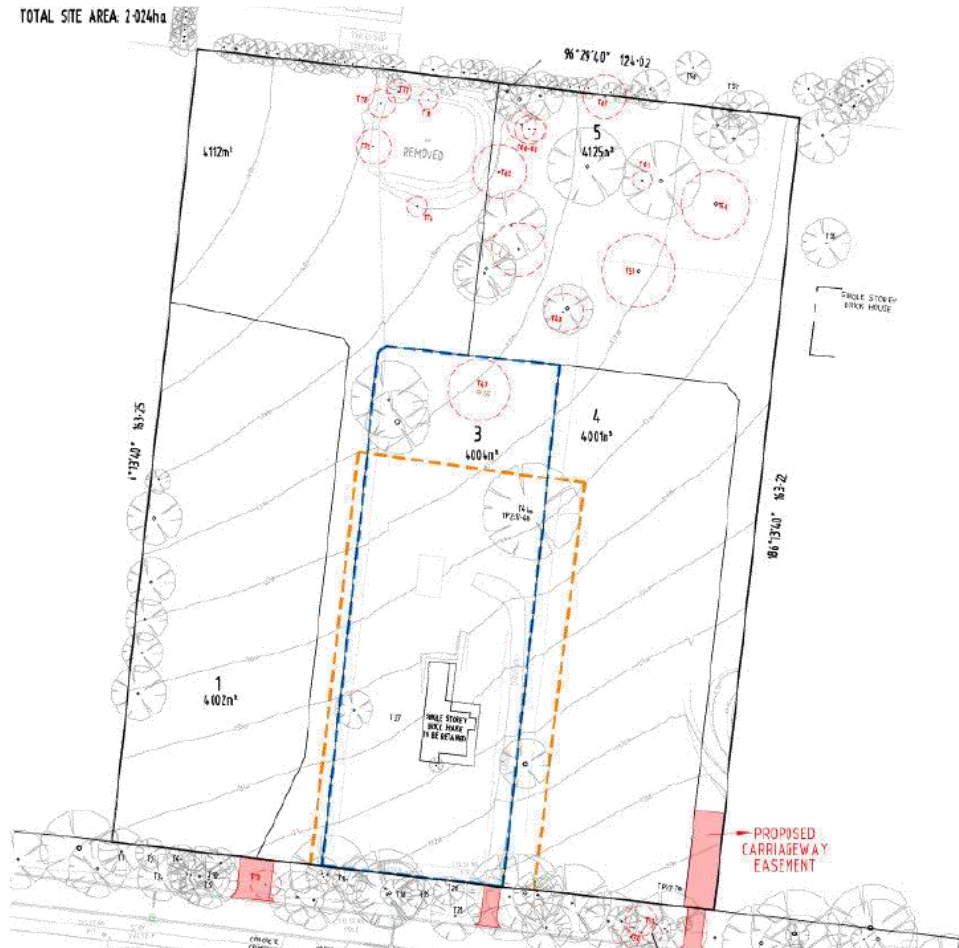
Dr Aron Paul M.ICOMOS

Trethowan Architecture



## APPENDIX

Proposed Subdivision Plan with Council's proposed HO in orange and that proposed by the Applicant in blue. Source: Millar Merrigan.



**From:** [REDACTED]  
**To:** [Strategic Planning](#)  
**Subject:** Municipal Planning Strategy email to address "Vision"  
**Date:** Wednesday, 22 September 2021 12:30:35 PM

---

To whom it may concern

Nillumbik plays a major role in metro Melbourne as an accessible area of natural landscape beauty -particularly in these hard times of rolling lockdowns. This natural environment is a significant reason why my family and I chose to live and work in Nillumbik. Lots of vegetation exists, particularly in the outlying areas of the Shire, and also in inner more urbanised areas like parts of Eltham and North Warrandyte, especially around the Yarra 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. Indeed, I am blessed to have a number of these species in my own local area just on the outskirts of the urban area of Research and Warrandyte.

**Vision:**

- 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.
- To preserve and nurture the natural environment of the Green Wedge for future and current generations.

As identified in Melbourne 2030, the Nillumbik Green Wedge is of social, economic and environmental value because of the following features:

- environmental and landscape quality (particularly the Yarra River and surrounds)
- river red gums and other habitat areas
- national parks
- metropolitan water storages.

A Nilumbik Vision which includes these essential elements is respectful of the results of community-wide surveys conducted by Council that showed the Top Three Things valued in Nillumbik are:

- Preservation of the Green Wedge
- Protection of environment and biodiversity
- Action on climate

**The Municipal Planning Strategy Vision** must be consistent with the community's aspirations for 2040 and reflect the intent for Nillumbik as a Green Wedge Conservation Shire.

An overarching statement could be (borrowed from elsewhere):

***In 2040 Nillumbik is a National leader in - biodiversity protection and reinvigoration - community stewardship of the environment; - climate change mitigation and adaptation; - sustainable urban design and living; - community inclusiveness, equity and connection, with a focus on its First Nations People; - community participation in the Arts and celebration of its Cultural Heritage***

Thank you for considering these ideas

Regards

[REDACTED]



Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation



Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

Submitter 2

**From:** [REDACTED]  
**Sent:** Thursday, 7 October 2021 5:13 PM  
**To:** Strategic Planning [REDACTED]  
**Subject:** Municipal Planning Statement written submission

Hi Bea

Please find my written submission for draft MPS attached.

Regards

[REDACTED]  
North Warrandyte

# Nillumbik Municipal Planning Strategy Review

This submission has two parts. Part one seeks to clarify points I made during the workshops. Part 2 is a discussion of the merits of the new framework proposed for the MPS.

## PART 1 Clarification of Workshop contributions

**ACTIVITY CENTRES:** The small group discussion canvassed the idea of extending the breadth and scale of offerings at MACs. I raised Council historic strategic concerns about a '*leakage*' of consumption spending to department stores in Doncaster and Greensborough. So called *leakage* of this kind is seen as a problem by some Councils (Hume eg) where consultants have been commissioned to measure its impact, the 'loss' to the shire, and advise on remedial strategies.

I sought to make the point that when applied to LGAs the concept of leakage of consumption expenditure can lead to decisions that, in the end make, everyone worse off. (Assuming the market is better than Councils in determining the best location of such stores.)

I make this point because of concern that the written record (to which I have no access) might show the opposite point being made. If so it is due to the complexity of the concept and limited time allocated to small group mode.

**ECONOMIC DEVELOPMENT:** This discussion canvassed the ratio of workplace location to LGA of residence. Knowing that Council's has a stated aim of increasing the: '*Number of local residents who work within the Shire*.' I made a point similar to the above. That is from the point of view of the most effective and efficient allocation of resources, market economies rely on the perfect mobility of labour. It is not in the economic interest of the entire population, therefore, to control the movement of labour in the quest for (unspecified) local benefits.

## PART 2 Assessment of proposed MPS draft

The OPOPOF process revealed the propensity of Council to steer an engagement process by basing it on a structured framework of its own making, then avoiding discussion of the relative merits of the framework. This reduces costs but shifts engagement towards the 'Inform' and away from the 'Empower' end of the IAP2 spectrum (*Council Engagement Policy P.6*). A Council established framework can be a beneficial starting point, but to truly empower the community, the framework itself needs to be based on community input.

This mirrors my experience in the subsequent MPS workshops. I submit the following assessment by way of illustration.

- When it was pointed out that two (1 & 2) of the Climate Change objectives had nothing to do with land use, the Council representative was defensive, alleging that given the State monopoly, there was little room for Council to establish its own LPP in the field.
- When it was pointed out that the introduction of layers of social capital outcomes into MPS objectives (accessibility, inclusiveness, health and well being eg) may be adding to capital and budgetary costs beyond Council's current financial capacity, the Council rep was again defensive, alleging that the draft related to an ideal world uninhibited by capital and cash limitations.

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

Regardless of the merits of the interchanges, the treatment of feedback about the framework indicated a lack of flexibility. I remain concerned that the MPS draft framework suffers from some basic flaws, the leading one being divergence from the VPF without substantial reason.

### THE 11 POINT FRAMEWORK

Nillumbik Council has established an 11-part framework for the redrafting the MPS. *'These eleven themes will form the base of the new MPS'*.

Council's framework

- retains half the current 9 sections of the Victorian Planning Framework (VPF),
- creates 4 new sections and
- promotes what were sub headings to head the balance.

Each of the 11 Sections has from 3 – 9 associated objectives. There are 46 objectives in all. The objectives range in type from land use and development strategy:

*'Protect and enhance places of heritage significance, including sites of Aboriginal heritage significance.'*

to feel good statements of quasi political intent:

*'Our connection to the Green Wedge is celebrated by all who live, work or enjoy their time in it.'*

About half a dozen are either redundant or ultra-vires.

The proposed framework is not always mindful of the purpose and objectives of the Act (Section 4). It is also at odds with the intent of the state's current structural reform agenda, which seeks a more user friendly alignment of local and state provisions. The need for this kind of alignment has been a focus of suggested reforms by the VAGO, and is fundamental to the restructure of the state's 79 planning schemes: *'...unnecessary complexity due to the inclusion of a number of local planning controls that do not effectively support the intent of state policy planning objectives.'*<sup>2</sup>

It is therefore incumbent upon Council to explain the advantages of the proposed framework over integration into the VPF as presently structured. The following raises some of the issues raised by the creation of the proposed new sections.

### ASSESSMENT of SELECTED NEW SECTIONS

As indicated above, the proposed framework includes 46 objectives which seems disproportionate given that Nillumbik's LPPs include less than a dozen objectives altogether. In so doing it adds new sections to house the LPPs, including Green Wedge, Climate Change, Heritage Arts and Culture and Open Space. The following considers the relative strength of some of the new sections:

**GREEN WEDGE:** The existing planning provisions for the green wedge are complex, diverse and mostly beyond the control of local governments. The proposed framework's objectives relate to a range of issues, notably avoiding the currently contentious clean fill dumping amendments. Some are vacuous (8) or redundant (3, 5, 7), while others are simply misplaced (5). The fourth points to an as yet unannounced (and unfunded) dispute settlement process.

While there may be merit in bringing these and related issues together in a dedicated local planning section, it risks oversimplifying green wedge landowners rights and responsibilities. Alternatively local green wedge policy provisions would seem to fit comfortably into VPPs 12-14.

**CLIMATE CHANGE:** It is heartening to see that Council is willing to explore planning provisions around the theme Climate Change. However there are questions about the best strategic approach. Strategic considerations are important because:

---

1: Information Package. Workshop Attendees P.1

2: Managing Victoria's Planning System for Land Use and Development (March 2017).

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

1. It is not clear that Climate Change and related (hypothesised) outcomes are an accepted basis for making land use decisions. Climate is not listed amongst the accepted considerations at Section 4.
2. the section's 7 objectives reveal a low level of research and strategic support. Compared to other Councils, mitigation objectives (7 & 6) are weak. 1, 2 have no relationship to land use/development. Objective 6 is encouraging although Council has had similar objectives in the past yet its emissions have continued to grow. Objectives 3 & 4 are also encouraging, although neither they, nor the proposed new Climate Action Plan include commitments to the kinds of sustainable planning requirements introduced long since by neighbouring Councils.
3. when presented with the logic associated with the need to reduce emissions because of Climate Change, VCAT has been ambivalent.
4. it lacks a collaborative basis. Working through organisations like CASBE (Council Alliance for Sustainable Built Environments) many Victorian Councils have found ways to integrate climate change solutions into sustainable land use provisions (see Appendix A). Sustainability is an accepted consideration at Section 4 of the Act.

**CULTURE AND LOCAL HERITAGE:** This is also an important initiative. My concerns are threefold.

1. it is weak (15.03 appears to offer greater and better based heritage protections).
2. it treats culture by way of commodification and history rather than living and current.
3. objective 4 references the outcome of Culture and Heritage responses in the 'Connected Engaged' section of the OPOPOF engagement process. I note that the '**Culture and Local heritage**' item in the associated survey attracted leading interest from just 24 of the 750 potential respondents. The intention to promote it (objective 4) is likely to not only prove expensive, but also such a project does not fit the purpose and objectives of the Act.

**OPEN SPACE:** Shares many of the limitations of the above 3, being based mostly on recreational and leisure uses while ignoring the pressing environmental issues expressed in Council's (albeit dated) Open Space strategy. Especially it ignores the need to protect and extend biolinks.

### CONCLUSION

An audit of the proposed new framework against existing LPPs and adopted strategies and policies reveals that either the framework is based on inside knowledge about comprehensive changes to both in the medium term, or a complete failure to conform to the state government brief around drafting a new MPS. That is not to say that the proposed 11 point framework is without merit, rather to question the solidity and ultimate operational effectiveness of the framework as it is currently proposed.

### RECOMMENDATIONS

Would the Shire be better off in the long run if, instead of naming a section Climate Change, for example, Council found ways to integrate sustainability planning regulations such as Banyule's sustainable housing clause throughout the 9 VPPs in the existing framework?

It would also be helpful if, during the extended engagement process for the MPS, Council gave residents a clear indication of what strategies it intends incorporating into the scheme to support the new directions implied by the 11 point framework.

For support and to boost its leadership role in this and related matters, Council might also join forces with half the Victorian municipalities already members of CASBE, and strengthen its participation in the Northern Alliance for Greenhouse Action (NAGA).

Consider joining forces with the global United Cities and Local Governments organisation to better understand and work towards the implementation of the UN sustainable development goals, including culture as the fourth pillar of sustainability (the others are economic, social and environmental sustainability).

I said I would provide more information on the Earth Canvas project in Connection with theme 'Open Space' managing rural urban conflict. See brochure Appendix B. For more go to <https://earthcanvas.com.au/>



Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation  
**APPENDIX A - Extract from LPP 'Environmentally Sustainable Development' Banyule Planning Scheme**

**22.05-4**

19/11/2015  
C73

### Application Requirements

An application must be accompanied by either a Sustainable Design Assessment or a Sustainability Management Plan as specified in Table 1, as appropriate.

A Sustainable Design Assessment will usually not need to be prepared by a suitably qualified professional. It should:

- provide a simple assessment of the development. It may use relevant tools from the examples listed in the table or an alternative assessment approach to the satisfaction of the responsible authority; and
- identify environmentally sustainable development measures proposed in response to policy objectives, having regard to the site's opportunities and constraints.

A Sustainability Management Plan should:

- provide a detailed assessment of the development. It may use relevant tools from the examples listed in the table or an alternative assessment approach to the satisfaction of the responsible authority; and
- identify achievable environmental performance outcomes having regard to the objectives of this policy (as appropriate); and
- demonstrate that the building has the design potential to achieve the relevant environmental performance outcomes, having regard to the site's opportunities and constraints; and
- document the means by which the performance outcomes can be achieved.

Various assessment tools have been listed in Table 1 which may be used to assess how the proposed development addresses the objectives of this policy, as appropriate.

**Table 1 – ESD Application Requirements**

| Type of Development  | Application requirements  | Example tools                        |
|--|---|--------------------------------------|
| <b>Accommodation/Mixed Use with residential component of:</b>  |   |                                      |
| <ul style="list-style-type: none"> <li>▪ 2- 9 dwellings; or</li> <li>▪ Development of a building for accommodation other than dwellings with a gross floor area between 50m<sup>2</sup> and 1000m<sup>2</sup>.</li> </ul>    | Sustainable Design Assessment (SDA)                             | BESS<br>STORM                        |
| <ul style="list-style-type: none"> <li>▪ Development of 10 or more dwellings.</li> <li>▪ Development of a building for accommodation other than dwellings with a gross floor area of more than 1000m<sup>2</sup>.</li> </ul> | Sustainability Management Plan (SMP)                            | BESS<br>Green Star<br>MUSIC<br>STORM |
| <b>Non-residential</b>   |   |                                      |
| <ul style="list-style-type: none"> <li>▪ Development of a non-residential building with a gross floor area between 100m<sup>2</sup> and 1000m<sup>2</sup>.</li> </ul>  | Sustainable Design Assessment (SDA)                             | BESS                                 |
|  |   | MUSIC<br>STORM                       |
| <ul style="list-style-type: none"> <li>▪ Development of a non-residential building with a gross floor area of more than 1000m<sup>2</sup>.</li> </ul>  | Sustainability Management Plan (SMP)<br>Green Travel Plan (GTP) | Green Star<br>BESS<br>MUSIC<br>STORM |

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

Submitter 3

**From:** [REDACTED]  
**Sent:** Friday, 8 October 2021 8:56 AM  
**To:** Strategic Planning <[Strategic.Planning@nillumbik.vic.gov.au](mailto:Strategic.Planning@nillumbik.vic.gov.au)>  
**Subject:** Add on to MPS submission

Hi

I sent through my MPS submission last night but forgot that I had promised to provide more info about the Earth Canvas project in respect of rural/urban conflict management under 'Open Spaces'. The attached version adds an Appendix B with a brochure and weblink.

Hoping you can substitute this version for the last.

Regards

[REDACTED]  
Warrandyte Nth

# Nillumbik Municipal Planning Strategy Review

This submission has two parts. Part one seeks to clarify points I made during the workshops. Part 2 is a discussion of the merits of the new framework proposed for the MPS.

## PART 1 Clarification of Workshop contributions

**ACTIVITY CENTRES:** The small group discussion canvassed the idea of extending the breadth and scale of offerings at MACs. I raised Council historic strategic concerns about a '*leakage*' of consumption spending to department stores in Doncaster and Greensborough. So called *leakage* of this kind is seen as a problem by some Councils (Hume eg) where consultants have been commissioned to measure its impact, the 'loss' to the shire, and advise on remedial strategies.

I sought to make the point that when applied to LGAs the concept of leakage of consumption expenditure can lead to decisions that, in the end make, everyone worse off. (Assuming the market is better than Councils in determining the best location of such stores.)

I make this point because of concern that the written record (to which I have no access) might show the opposite point being made. If so it is due to the complexity of the concept and limited time allocated to small group mode.

**ECONOMIC DEVELOPMENT:** This discussion canvassed the ratio of workplace location to LGA of residence. Knowing that Council's has a stated aim of increasing the: '*Number of local residents who work within the Shire*.' I made a point similar to the above. That is from the point of view of the most effective and efficient allocation of resources, market economies rely on the perfect mobility of labour. It is not in the economic interest of the entire population, therefore, to control the movement of labour in the quest for (unspecified) local benefits.

## PART 2 Assessment of proposed MPS draft

The OPOPOF process revealed the propensity of Council to steer an engagement process by basing it on a structured framework of its own making, then avoiding discussion of the relative merits of the framework. This reduces costs but shifts engagement towards the 'Inform' and away from the 'Empower' end of the IAP2 spectrum (*Council Engagement Policy P.6*). A Council established framework can be a beneficial starting point, but to truly empower the community, the framework itself needs to be based on community input.

This mirrors my experience in the subsequent MPS workshops. I submit the following assessment by way of illustration.

- When it was pointed out that two (1 & 2) of the Climate Change objectives had nothing to do with land use, the Council representative was defensive, alleging that given the State monopoly, there was little room for Council to establish its own LPP in the field.
- When it was pointed out that the introduction of layers of social capital outcomes into MPS objectives (accessibility, inclusiveness, health and well being eg) may be adding to capital and budgetary costs beyond Council's current financial capacity, the Council rep was again defensive, alleging that the draft related to an ideal world uninhibited by capital and cash limitations.

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

Regardless of the merits of the interchanges, the treatment of feedback about the framework indicated a lack of flexibility. I remain concerned that the MPS draft framework suffers from some basic flaws, the leading one being divergence from the VPF without substantial reason.

### THE 11 POINT FRAMEWORK

Nillumbik Council has established an 11-part framework for the redrafting the MPS. *'These eleven themes will form the base of the new MPS'*.

Council's framework

- retains half the current 9 sections of the Victorian Planning Framework (VPF),
- creates 4 new sections and
- promotes what were sub headings to head the balance.

Each of the 11 Sections has from 3 – 9 associated objectives. There are 46 objectives in all. The objectives range in type from land use and development strategy:

*'Protect and enhance places of heritage significance, including sites of Aboriginal heritage significance.'*

to feel good statements of quasi political intent:

*'Our connection to the Green Wedge is celebrated by all who live, work or enjoy their time in it.'*

About half a dozen are either redundant or ultra-vires.

The proposed framework is not always mindful of the purpose and objectives of the Act (Section 4). It is also at odds with the intent of the state's current structural reform agenda, which seeks a more user friendly alignment of local and state provisions. The need for this kind of alignment has been a focus of suggested reforms by the VAGO, and is fundamental to the restructure of the state's 79 planning schemes: *'...unnecessary complexity due to the inclusion of a number of local planning controls that do not effectively support the intent of state policy planning objectives.'*<sup>2</sup>

It is therefore incumbent upon Council to explain the advantages of the proposed framework over integration into the VPF as presently structured. The following raises some of the issues raised by the creation of the proposed new sections.

### ASSESSMENT of SELECTED NEW SECTIONS

As indicated above, the proposed framework includes 46 objectives which seems disproportionate given that Nillumbik's LPPs include less than a dozen objectives altogether. In so doing it adds new sections to house the LPPs, including Green Wedge, Climate Change, Heritage Arts and Culture and Open Space. The following considers the relative strength of some of the new sections:

**GREEN WEDGE:** The existing planning provisions for the green wedge are complex, diverse and mostly beyond the control of local governments. The proposed framework's objectives relate to a range of issues, notably avoiding the currently contentious clean fill dumping amendments. Some are vacuous (8) or redundant (3, 5, 7), while others are simply misplaced (5). The fourth points to an as yet unannounced (and unfunded) dispute settlement process.

While there may be merit in bringing these and related issues together in a dedicated local planning section, it risks oversimplifying green wedge landowners rights and responsibilities. Alternatively local green wedge policy provisions would seem to fit comfortably into VPPs 12-14.

**CLIMATE CHANGE:** It is heartening to see that Council is willing to explore planning provisions around the theme Climate Change. However there are questions about the best strategic approach. Strategic considerations are important because:

---

1: Information Package. Workshop Attendees P.1

2: Managing Victoria's Planning System for Land Use and Development (March 2017).

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

1. It is not clear that Climate Change and related (hypothesised) outcomes are an accepted basis for making land use decisions. Climate is not listed amongst the accepted considerations at Section 4.
2. the section's 7 objectives reveal a low level of research and strategic support. Compared to other Councils, mitigation objectives (7 & 6) are weak. 1, 2 have no relationship to land use/development. Objective 6 is encouraging although Council has had similar objectives in the past yet its emissions have continued to grow. Objectives 3 & 4 are also encouraging, although neither they, nor the proposed new Climate Action Plan include commitments to the kinds of sustainable planning requirements introduced long since by neighbouring Councils.
3. when presented with the logic associated with the need to reduce emissions because of Climate Change, VCAT has been ambivalent.
4. it lacks a collaborative basis. Working through organisations like CASBE (Council Alliance for Sustainable Built Environments) many Victorian Councils have found ways to integrate climate change solutions into sustainable land use provisions (see Appendix A). Sustainability is an accepted consideration at Section 4 of the Act.

**CULTURE AND LOCAL HERITAGE:** This is also an important initiative. My concerns are threefold.

1. it is weak (15.03 appears to offer greater and better based heritage protections).
2. it treats culture by way of commodification and history rather than living and current.
3. objective 4 references the outcome of Culture and Heritage responses in the 'Connected Engaged' section of the OPOPOF engagement process. I note that the '**Culture and Local heritage**' item in the associated survey attracted leading interest from just 24 of the 750 potential respondents. The intention to promote it (objective 4) is likely to not only prove expensive, but also such a project does not fit the purpose and objectives of the Act.

**OPEN SPACE:** Shares many of the limitations of the above 3, being based mostly on recreational and leisure uses while ignoring the pressing environmental issues expressed in Council's (albeit dated) Open Space strategy. Especially it ignores the need to protect and extend biolinks.

### CONCLUSION

An audit of the proposed new framework against existing LPPs and adopted strategies and policies reveals that either the framework is based on inside knowledge about comprehensive changes to both in the medium term, or a complete failure to conform to the state government brief around drafting a new MPS. That is not to say that the proposed 11 point framework is without merit, rather to question the solidity and ultimate operational effectiveness of the framework as it is currently proposed.

### RECOMMENDATIONS

Would the Shire be better off in the long run if, instead of naming a section Climate Change, for example, Council found ways to integrate sustainability planning regulations such as Banyule's sustainable housing clause throughout the 9 VPPs in the existing framework?

It would also be helpful if, during the extended engagement process for the MPS, Council gave residents a clear indication of what strategies it intends incorporating into the scheme to support the new directions implied by the 11 point framework.

For support and to boost its leadership role in this and related matters, Council might also join forces with half the Victorian municipalities already members of CASBE, and strengthen its participation in the Northern Alliance for Greenhouse Action (NAGA).

Consider joining forces with the global United Cities and Local Governments organisation to better understand and work towards the implementation of the UN sustainable development goals, including culture as the fourth pillar of sustainability (the others are economic, social and environmental sustainability).

I said I would provide more information on the Earth Canvas project in Connection with theme 'Open Space' managing rural urban conflict. See brochure Appendix B. For more go to <https://earthcanvas.com.au/>

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation  
**APPENDIX A - Extract from LPP 'Environmentally Sustainable Development' Banyule Planning Scheme**

**22.05-4**

19/11/2015  
C73

### Application Requirements

An application must be accompanied by either a Sustainable Design Assessment or a Sustainability Management Plan as specified in Table 1, as appropriate.

A Sustainable Design Assessment will usually not need to be prepared by a suitably qualified professional. It should:

- provide a simple assessment of the development. It may use relevant tools from the examples listed in the table or an alternative assessment approach to the satisfaction of the responsible authority; and
- identify environmentally sustainable development measures proposed in response to policy objectives, having regard to the site's opportunities and constraints.

A Sustainability Management Plan should:

- provide a detailed assessment of the development. It may use relevant tools from the examples listed in the table or an alternative assessment approach to the satisfaction of the responsible authority; and
- identify achievable environmental performance outcomes having regard to the objectives of this policy (as appropriate); and
- demonstrate that the building has the design potential to achieve the relevant environmental performance outcomes, having regard to the site's opportunities and constraints; and
- document the means by which the performance outcomes can be achieved.

Various assessment tools have been listed in Table 1 which may be used to assess how the proposed development addresses the objectives of this policy, as appropriate.

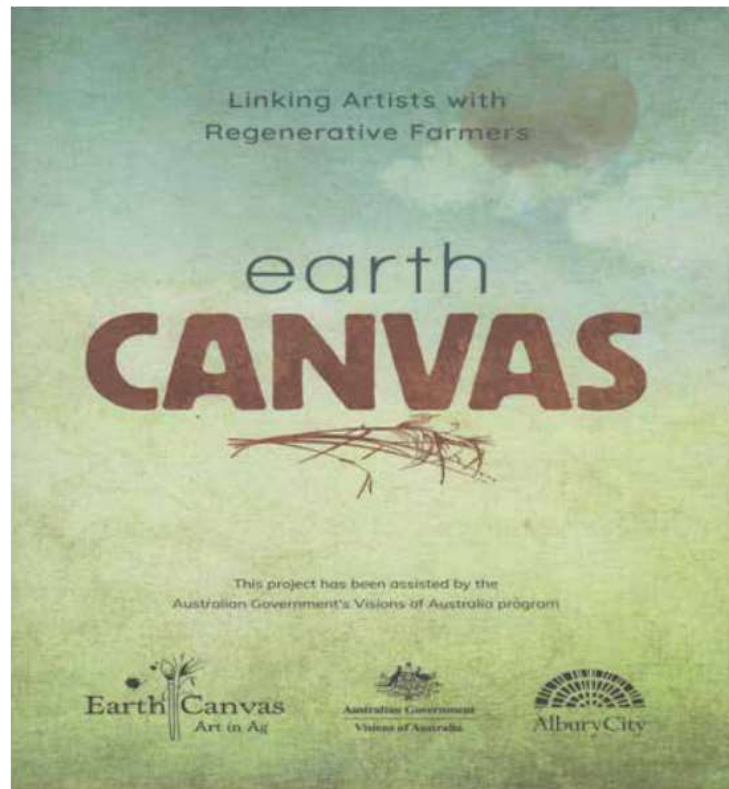
**Table 1 – ESD Application Requirements**

| Type of Development  | Application requirements  | Example tools                        |
|--|---|--------------------------------------|
| <b>Accommodation/Mixed Use with residential component of:</b>  |   |                                      |
| <ul style="list-style-type: none"> <li>▪ 2- 9 dwellings; or</li> <li>▪ Development of a building for accommodation other than dwellings with a gross floor area between 50m<sup>2</sup> and 1000m<sup>2</sup>.</li> </ul>    | Sustainable Design Assessment (SDA)                             | BESS<br>STORM                        |
| <ul style="list-style-type: none"> <li>▪ Development of 10 or more dwellings.</li> <li>▪ Development of a building for accommodation other than dwellings with a gross floor area of more than 1000m<sup>2</sup>.</li> </ul> | Sustainability Management Plan (SMP)                            | BESS<br>Green Star<br>MUSIC<br>STORM |
| <b>Non-residential</b>   |   |                                      |
| <ul style="list-style-type: none"> <li>▪ Development of a non-residential building with a gross floor area between 100m<sup>2</sup> and 1000m<sup>2</sup>.</li> </ul>  | Sustainable Design Assessment (SDA)                             | BESS                                 |
|  |   | MUSIC<br>STORM                       |
| <ul style="list-style-type: none"> <li>▪ Development of a non-residential building with a gross floor area of more than 1000m<sup>2</sup>.</li> </ul>  | Sustainability Management Plan (SMP)<br>Green Travel Plan (GTP) | Green Star<br>BESS<br>MUSIC<br>STORM |



Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

**APPENDIX B** - Brochure promoting Earth Canvas exhibition in connection with project.



Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

**Jo Davenport** WORKING WITH THE AUSTON FAMILY AT MUNDARLO, MUNDARLO

Jo has studied extensively including the completion of a Master of Fine Art (Visual Arts) at the Victorian College of the Arts, University of Melbourne. Jo paints in oil on Belgian linen and paper and her works are predominantly concerned with the language of point and painting. She has exhibited comprehensively in solo and group shows, and her work is represented in public, tertiary and private collections in Australia and internationally.



Jo Davenport, Mundarlo, 2020

**Jenny Bell** WORKING WITH THE COUGLAN FAMILY AT MT NARRA, NARRA, HOLBROOK

Jenny attended the National Art School and completed a Bachelor of Art at Sydney College of the Arts. She works in a range of mediums including charcoal, oil paint and mixed media. Her works, which revolve around the farm she has lived on for almost thirty years, combine her two great passions of regenerative farming practices and art. In addition to regular solo exhibitions in Sydney, she has exhibited in Canberra, Melbourne and regional galleries in New South Wales.



Jenny Bell, Lifeblood (detail), 2019

**Idris Murphy** WORKING WITH THE COUGLAN FAMILY AT EURIMBLA, GEROGERY

Idris attended the National Art School and undertook postgraduate studies at Winchester College of Art in the UK. He completed a Doctor of Creative Arts at the University of Wollongong. A renowned landscape artist and respected educator, Idris served as Head of Drawing at the National Art School and has lectured at the University of Wollongong and the College of Fine Art, UNSW. He has exhibited extensively throughout Australia and internationally, including over 40 solo exhibitions. His work is represented in public collections including the National Gallery of Australia, National Library of Australia and the Bibliothèque National de France.



Idris Murphy, Eurimbla no 1, 2019

**John Wolseley** WORKING WITH GILLIAN SANBROOK AT BIBBARINGA, BOWNA

John studied at St Martins School of Art and the Byam Shaw School of Art, London. After working in the UK and Europe, John relocated to Australia and travelled extensively through the outback, teaching painting in communities in the Northern Territory. A painter, printmaker and installation artist, John has held solo exhibitions in Melbourne, Sydney and Canberra. His work has been part of group exhibitions at the National Museum of Australia, the National Gallery of Australia and the Museum of Contemporary Art, Sydney. His work is represented in state, regional and tertiary collections throughout Australia and internationally in collections in England and Yugoslavia.



John Wolseley, Healing the Fowlers Creek gully, Bibbaringa 8, 2019-20

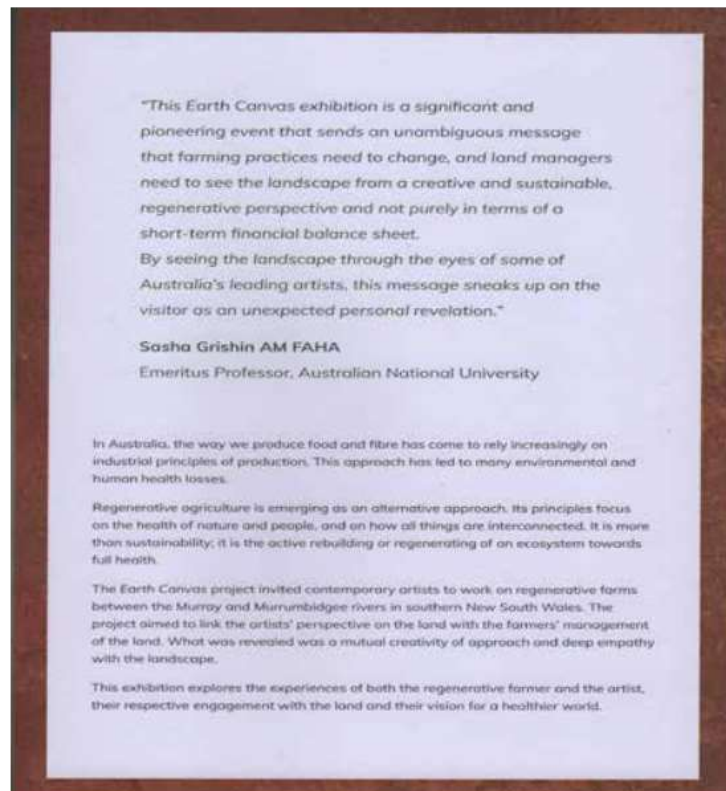
**Janet Laurence** WORKING WITH REBECCA GORMAN & FAMILY AT YABTREE WEST, MUNDARLO

Janet completed a Graduate Diploma in Professional Art Studies and holds a Master of Fine Arts from the University of New South Wales. Practicing and exhibiting for over thirty five years, Janet is a multi-disciplinary artist working across painting, sculpture, installation, photography and video. She exhibits extensively in solo and group exhibitions throughout Australia and overseas. She has worked on many public artworks and site-specific installations including the Australian War Memorial (Hyde Park, London), Changi Airport and the Sydney Sculpture Walk. She is a recipient of Australia Council, Rockefeller and Churchill Fellowships, and her work is represented in public, university, corporate and private collections nationally and internationally.



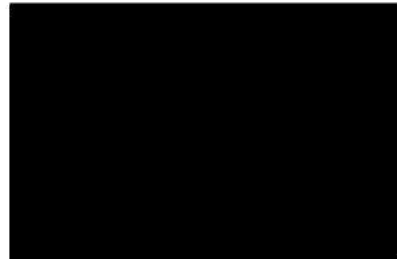
Janet Laurence, Notes from the Land, 2019

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation



**Strategic Planning**

**Nillumbik Shire Council**



**Nillumbik Draft Housing Strategy**

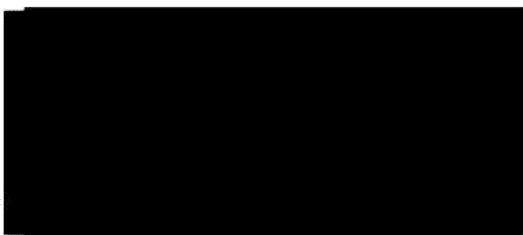
To Whom It May Concern,

We are and have been resident ratepayers of the above address for forty nine (49) years. We are concerned over the proposed inclusion of our property and area as that of “incremental change” zone (ref. page 2). The back fence of our property is the end boundary of the bushfire-prone danger zone - an area with tall canopies of native and indigenous trees - and yet at least six (6) high density or multiple occupancy dwellings have been permitted to be built in our street.

As the crow flies, our property may appear to be in close proximity to “activity centres”; however, if the steep gradients of Silver and Diamond Streets are taken into account, our part of the zone is not easily accessible – especially for those with physical disability. Likewise, access from St Helena, Diamond Creek and Eltham North via Ryans Road involve extremely steep gradients and yet our street is being used as a shortcut by motorists from these dormitory suburbs as well as those wanting to avoid traffic in Main Road and Bridge Street (including large schoolbuses from the Catholic Ladies College in Diamond Street). Any further “incremental change” to our area would further reduce our quality of life and render living here untenable.

We therefore submit that our area be considered as “no more change” zone.

Yours sincerely,





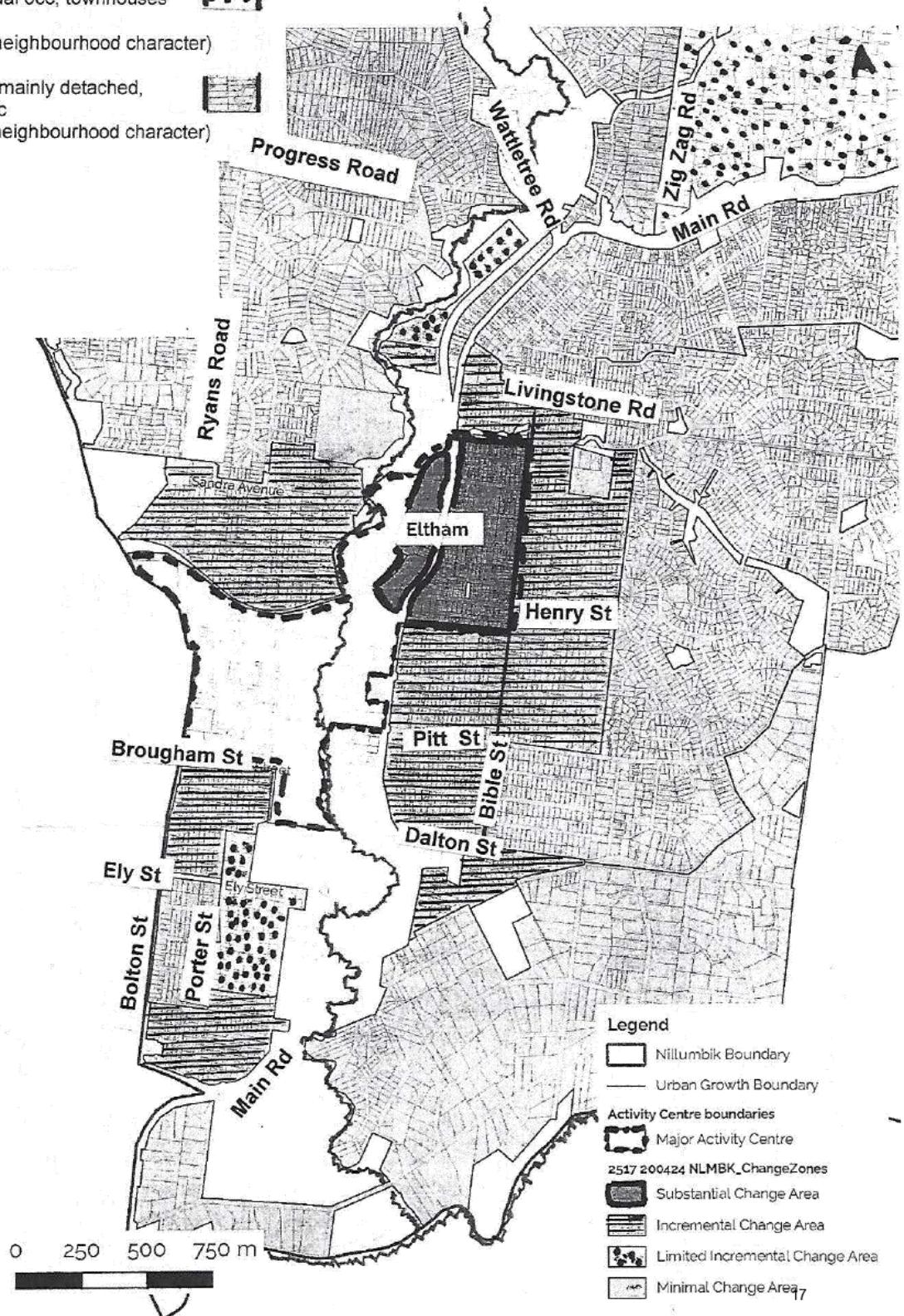
**Substantial change area** = townhouses, villa units, terraced houses & apartments to 5 storey

**Incremental Change**=a mix of Detached dwellings, dual occ, townhouses, villa units & terraces (if consistent with neighbourhood character)

**Limited Incremental Change**=mainly detached, some dual occ, townhouses & villa units (if consistent with neighbourhood character)

**Minimal Change**- mainly detached, occasional dual occ (if consistent with neighbourhood character)

# Where do you live?



**From:** [REDACTED]  
**To:** [Strategic Planning](#)  
**Cc:** [REDACTED]  
**Subject:** Municipal Planning Strategy submission from [REDACTED]  
**Date:** Monday, 4 October 2021 12:57:25 PM

---

Dear Strategic Planners

Below is a submission from [REDACTED] regarding the Draft Municipal Planning Strategy. She would appreciate her comments being included and considered as part of the current consultation.

[REDACTED]

[REDACTED]

Kind Regards

[REDACTED]

To all concerned

I am unable to respond as much as I would like and hope that there are many positive responses received by residents.

It does concern me that pesticides are used in parks along the creeksides. It bothers me that pesticides will affect birdlife and animal life and poison the creeks. The use of pesticides along road sides appears to me to be unnecessary rather than Whipper snipping. It is also dangerous for water Contamination along private and Main roadside guttering's.

It concerns me that the pavements through parks are not wide enough to allow for walkers and cyclists. And paths are in poor repair. We also need more seating along pathways through parks and we need more rubbish bins.

We need to retain our trees and not allow them to be destroyed for new developments or unnecessary destruction By residents.

And good shading (blinds) along Main Road in front of shops should be considered as protection from the heat and rain.

I am only able to dictate this so please accept my apologies if any typos. This is all that I can add for the time being.

Many thanks and kind regards to all concerned.

[REDACTED]



**From:** [REDACTED]  
**To:** [Strategic Planning; Karen Egan](#)  
**Subject:** Themes Municipal Planning Strategy Feedback Attached  
**Date:** Wednesday, 6 October 2021 9:20:19 AM  
**Attachments:** [Municipal Planning.docx](#)

---

Hi Bea

Hope you are well.

My feedback is attached because I note council appears to "loose" or "crop" my feedback when I complete it on line.

I am not able to access any of the proposed MPS outside of the themes - not clear why this is - so am unable to provide input to or feedback on this.

There appears to be an error in the on line forms that require personal information to be provided for themes 1, 2, 7 and 11 - and do not require personal information for themes 3, 4, 5, 6, 8, 9, 10. This may skew the feedback you receive.

I strongly recommend council obtains credible legal advice prior to progressing this - my assessment based on advice received is that council has now published in the public domain it's intention to participate in property speculation and is attempting to alter, and decrease, the economic value of rural lifestyle grazing and hobby farming properties in rural Nillumbik. This activity is both unconscionable and unlawful - so it is probably worth ensuring advisors at council are briefed and prepared. I am going to seek advice from IBAC and the Ministers just to clarify.

Happy to discuss and work with council on a municipal statement that serves the needs and interests of rural lifestyle grazing and hobby farming landowners, residents and families if council decides to develop and interest in acknowledging us. Until this happens please confirm that our lands are excluded from this MPS - they certainly don't represent ground truth, and as I understand it council does not have the \$2.4 billion plus to fund it do they?

Thanks. Have a great day

Cheers

[REDACTED]

## Feedback on the Municipal Planning Statement Engagement

This engagement is about the Nillumbik Planning Scheme – Municipal Statement. The scheme dictates how private land is used, and what activities require a permit. The Municipal Statement dictates the conditions of the area, and its values. These things are used by council to decide on permits and will be used by VCAT to make determinations when council refuses to grant a permit.

Summary – The Municipal Statement Themes and Objectives ignore the existence of rural grazing and hobby farming lifestyle property owners and lands in rural Nillumbik. This is problematic because 20 per cent of Nillumbik, and 25 per cent of rural Nillumbik is rural grazing and hobby farming residents and their land holdings. Future consequences of not being included specifically according to this proposal is the consolidation of rural landholdings, rural economic decline and significant limitations and restrictions imposed on rural land use. This is unfunded by council.

Summary: Themes and objectives as they pertain to rural areas are not based on ground truth, or Victorian Government policy and practice. Themes and objectives contain numerous errors of fact. Themes and objectives fail to acknowledge rural lifestyle grazing and hobby farming residents and their properties, which make up 25 per cent of rural Nillumbik. This means they are not fit for purpose. Themes and objectives as proposed can be expected to have the effect of supporting a planning scheme locally that compounds housing insecurity for rural residents and promotes property speculation and economic decline in rural areas, particularly rural lifestyle grazing and hobby farming properties. This is measurable and quantifiable. Themes and objectives therefore represent unconscionable conduct for a council, breach council's duty and are unlawful.

Specific comments are listed in the right hand column.

| What the proposal says  | Lifestyle grazing and hobby farming resident response   |
|---|---|
| <b>THEME ACTIVITY CENTRES</b><br><u>Key Objective 1</u> The Eltham and Diamond Creek Major Activity Centres will continue to provide inclusive and accessible commercial activities, community services, recreational facilities and housing opportunities, as well as containing a substantial public transport hub.<br><u>Key Objective 2</u> The Major Activity Centres will continue to accommodate most of the Shire's growth and will have an increased role in providing for a diversity of housing and in particular, medium density housing (including mid-rise commercial development and apartments).<br><u>Key Objective 3</u> The Hurstbridge and Research Neighbourhood Activity Centres will continue to 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. | Activity Centres have limited relevance to grazing and hobby farming residents. The only consideration for rural residents in the planning scheme for these areas is that there must be sufficient road access and car parking so that rural residents can park to conduct family and property business. If these needs are ignored, we will conduct this business elsewhere. This move would not contribute to the economic sustainability of Nillumbik Activity Centres.  |
| <b>THEME GREEN WEDGE</b><br><u>Key Objective 1</u><br>Recognise the rural areas (land zoned Rural Conservation or Green Wedge) contain sites of environmental and landscape significance, natural resource based activities and residences.   | <b>Delete Key Objective 1 and replace with this objective – Private land Zoning in rural areas reflects ground truth and is fit for purpose.</b> Zoning in the Nillumbik Green Wedge areas is currently not fit for purpose. Zones imposed on land do not reflect the actual settlement on the ground. 85 per cent of rural residents experience housing insecurity because of this failure. Amending the planning scheme to correct this anomaly will be welcomed by rural residents. Note the Victorian government does |

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

|  |  |
|--|--|
| <p><u>Key Objective 2</u><br/>Protect our Green Wedge and its environmental integrity to ensure a safe haven for native wildlife, thriving biodiversity and native vegetation</p> <p><u>Key Objective 3</u><br/>Recognise that the rural areas often lack existing infrastructure. Including essential services, community facilities and internet coverage.</p> <p><u>Key Objective 4</u><br/>Acknowledgment of land use conflict between agricultural and rural residential land uses and a risk that further residential development will fragment rural land into unviable land parcels.</p> <p><u>Key Objective 5</u><br/>Manage the issues of land use conflict, resource use and environmental management arising from the diversity of uses through sustainable land use and natural resource management.</p> <p><u>Key Objective 5</u><br/>Ensure development in rural areas mitigates potential fire risk.</p> <p><u>Key Objective 6</u><br/>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. Advocate to State Government to undertake Shire Wide testing and analysis of contaminated land.</p> <p><u>Key Objective 7</u><br/>Protect and enhance agricultural land for both its productive potential and environmental value.</p> <p><u>Key Objective 8</u><br/>Our connection to the Green Wedge is celebrated by all who live, work or enjoy their time in it.</p> | <p>not support Nillumbik containing sites of environmental and landscape significance. The state requires significance sites to be identified as significant from a state-wide or regional perspective. Regional planning does not identify significance of landscapes in Nillumbik. State planning doesn't either. A current ground truth assessment would determine if Nillumbik has places with environmental and landscape significance worthy of recognition. There is no current ground truth assessment to inform this.</p> <p><b>Delete Key Objective 2 and replace with this objective – Nillumbik welcomes and celebrates the diversity of land use of rural green wedge areas. This diversity includes rural agricultural use, and rural lifestyle use including grazing and hobby farming, and bush living.</b> About 20 per cent of Nillumbik and 25 per cent of rural Nillumbik is lifestyle grazing and hobby farming properties. About 25 per cent of Nillumbik is public land, 20 per cent is agricultural land and the balance is lifestyle properties that are bush blocks. Council has a long history of ignoring rural lifestyle grazing and hobby farming residents and the landholdings they own and live on. This does not mean these residents, and their landholdings do not exist. It just means Council would prefer we didn't. The effect of the purposeful alienation is the perception that council does not serve the needs of these residents, and council, and the planning scheme are irrelevant to these residents and their land. If council wants meaningful, equitable, acceptable, and enforceable land use planning, council should acknowledge and celebrate the diversity of land use in rural areas. The green wedge is already protected, and the Victorian government is currently taking steps to enshrine this protection. Council does not need to duplicate what Vic Gov is already doing</p> <p><b>Delete Key Objective 3</b> - this recognition serves no useful purpose and does not benefit rural residents or landholdings. It ignores the major infrastructure that is located here (Melbourne's Water purification and storage at Sugarloaf Dam, Melbourne's Power Lines, Melbourne's Water pipelines), and the state assets of significance (Warrandyte State Park). It ignores Victorian government planning to address essential communications and services infrastructure in rural areas.</p> <p><b>Delete Key objective 4</b> – there is no land use conflict in Nillumbik. There are few opportunities for further sub-division in rural Nillumbik. There is little risk of further residential development in Green Wedge areas in Nillumbik (with the possible exceptions of replacement housing in Christmas Hills and potentially some vacant acreage parcels – neither of which is significant). See comments for Objective 2. This objective is based on a misunderstanding of ground truth. Perpetuating the ongoing lie about land use in rural areas does not make it true, it simply perpetuates a lie.</p> <p><b>Delete Key Objective 5 (a)</b> – there are no issues of land use conflict, resource use and environmental management arising from diversity of uses in Nillumbik. This misrepresents the truth (again).</p> <p><b>Amend Key Objective 5 (b) – support development and management of land in rural areas mitigating fire risk (note delete the word potential – the use of this word is misleading).</b></p> <p><b>Delete Key Objective 6</b> – This is not a priority for the planning scheme in rural areas</p> |
|--|--|

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

|   |   |
|---|---|
|   | <p>and its meaning and application are unclear.<br/>Delete Key Objective 7 – It is not clear what this means. No opinion unless clarity is provided<br/>Delete Key Objective 8 – What does this mean within the context of the planning scheme? Its purpose and application is not clear. The connection to the Green Wedge is not celebrated by rural grazing and hobby farming residents who moved here for lifestyle reasons that council does not appear to welcome, acknowledge, or celebrate. Clarify this or delete it.<br/><b>Consider adding an objective</b> about recognising and celebrating the multigenerational rural residents. Rural Nillumbik has many families with multi-generational occupancy and use of rural land, mainly agricultural, lifestyle and hobby farming land, and artistic pursuits. These relationships should be encouraged, welcomed, and recognised for cultural and heritage value in rural areas.</p> |
| <p><b>THEME NATURAL ENVIRONMENT</b><br/><u>Key Objective 1</u><br/>Given the large number of threatened native species and threats occurring to those species in the Shire, Planning needs to protect and conserve biodiversity, provide habitats for native flora and fauna, and control pest plants and animals.<br/><u>Key Objective 2</u><br/>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. Use and development have the potential to affect stormwater quality and adversely affect downstream areas.<br/><u>Key Objective 3</u><br/>Discourage development, including vegetation removal that degrades stormwater quality and increases potential risk of soil erosion, expansion and landslip or other hazards.<br/><u>Key Objective 4</u><br/>Address threatening processes associated with the loss and degradation of the natural and built environment in order to maintain the landscape values in the Shire.</p> | <p><b>Amend Key Objective 1</b> – Planning decisions should balance the need to protect and conserve biodiversity, provide habitats for native flora and fauna, control pest plants and animals, and manage bushfire risk. The biggest threats to the natural environment is fire, then weed and pest species, then drought, then erosion.<br/><b>Delete Key Objective 2</b> – Nillumbik does not have an urban growth area<br/><b>Delete Key Objective 3 or rewrite – encourage</b> development and vegetation removal that plans for and accommodates stormwater quality, reduces soil erosion, expansion, and landslip, and manages hazards.<br/><b>Delete Key Objective 4</b> – write this in plain English or delete it. Refer earlier comments, the landscape values of the shire are unknown and much land use is not acknowledged by council – so any objective mentioning it is meaningless.</p>                                       |
| <p><b>THEME BUILT ENVIRONMENT</b><br/><u>Key Objective 1</u><br/>Apply design principles which will create a built environment that strengthens the inclusiveness and accessibility of our neighbourhoods, activity centres, facilities and services, while respecting our natural environment.<br/><u>Key Objective 2</u><br/>Promote urban design outcomes in activity centres and townships that retain the historical and individual characteristics of each area while enhancing its</p>   | <p>Key objectives 1 – 3 are irrelevant to rural grazing and hobby farming residents as they deal exclusively with urban built development. If car parking for rural residents coming into these areas could be specifically mentioned this would be useful.<br/><b>Rewrite Key Objective 4</b> is already covered – needs to be rewritten to read – providing for the safety and amenity of rural residents and their properties, minimising fire risk, minimising flood and erosion and protecting habitat links are important considerations in siting buildings and works in rural areas.<br/>If the same is required in urban areas it is suggested this is already protected in</p>  |

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

|  |  |
|--|--|
| <p>attractiveness, distinctiveness, safety and accessibility.<br/><u>Key Objective 3</u><br/>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.<br/><u>Key Objective 4</u><br/>Protecting habitat links and minimising fire and flood risk and erosion are important considerations in siting buildings and works, particularly in rural areas.</p>  | <p>waterways planning, and public land planning.</p>   |
| <p><b>THEME HOUSING</b><br/><u>Key Objective 1</u><br/>Recognise that the Shire will experience a reduction in household size due to an ageing of the population. The trend of decreasing average household size provides the impetus to provide for some medium density housing as an alternative housing choice.<br/><u>Key Objective 2</u><br/>Direct housing growth and diversity to activity centres in which are accessible, close to infrastructure, public transport, commercial areas, public open space and other community facilities.<br/><u>Key Objective 3</u><br/>Ensure a considered approach to planning and development will retain and enhance Nillumbik's unique environment and neighbourhood character.</p>  | <p>This is all urban and is irrelevant to rural areas and residents. Rural housing needs are not considered by Council in this, or any other council document. Note this reinforces the perception that council is unable to acknowledge and serve the needs of rural communities, and specifically rural lifestyle grazing and hobby farming communities and agricultural communities.<br/>If council were to decide it had an interest in serving rural communities, consideration of existing and historic multi-generational land management and use would require council to acknowledge these communities, and their need to accommodate secondary dwellings to facilitate growing and ageing in place options, and ongoing needs for property management in bushfire prone areas and areas covered by bushfire management overlay. This would be welcomed by these communities.</p>   |
| <p><b>THEME ECONOMIC DEVELOPMENT</b><br/><u>Key Objective 1</u><br/>Focus on strengthening existing enterprises and facilitating new business initiatives that respect the Shire's environmental, social and economic development priorities.<br/><u>Key Objective 2</u><br/>Maintain the main employment locations, the Eltham and Diamond Creek Major Activity Centres (which includes the commercial and industrial areas), Hurstbridge Neighbourhood Activity Centre and the industrial land at Research, to continue to provide opportunities for local employment.<br/><u>Key Objective 3</u><br/>Protect industrial precincts from non-industrial use and development unless otherwise identified.<br/><u>Key Objective 4</u><br/>Agriculture is an important area of economic development:<br/>Promote land use in rural areas in accordance with the capability and productive potential of the land.<br/>Retain existing agricultural land for soil based agricultural production.</p> | <p>Key objectives 1 – 3 are irrelevant to rural residents.<br/><b>Review and rewrite Key objective 4</b> – this is contradictory – the productive potential of the land is not necessarily soil based agricultural production – sustainable agricultural activities are not necessarily soil based agricultural production – land management practices that minimise adverse impacts of primary production and environmental values may not be soil based agriculture either. Agricultural land is already being protected by the Victorian Government. Nillumbik does not need to duplicate what is already occurring.<br/><b>Delete Key objective 5</b> and replace it with something more appropriate – this objective is not true or desirable. Green wedge rural areas house significant home business and “commercial” activities (whatever these are). They always have and always will. This is appropriate now and into the future. What is a rural industry? Horse agistment is a significant economic activity in rural Nillumbik now, and will remain so into the future. This is appropriate.<br/>Where is the tourism, accommodation and day stay destination economic development objective? The purpose of green wedge areas is to provide infrastructure, recreation opportunities, environmental benefits, and agriculture for metropolitan Melbourne. If council removes opportunities for this area to deliver to it's purpose the area will continue to be vulnerable. Let's be really clear on this – most</p> |

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

|  |   |
|--|---|
| <p>Promote sustainable agricultural activities and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment.</p> <p>Protect and enhance agricultural land for both its productive potential and environmental value.</p> <p><u>Key Objective 5</u></p> <p>In the Green Wedge (that is areas outside of the Urban Growth Boundary), 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.</p>   | <p>lifestyle grazing and hobby farming families do not particularly value the influx of visitors driving through here on weekends – but we all recognise it is important for the viability and sustainability of the area and so we share. It is interesting to us that our sharing is reciprocated with proposals that seek to ignore, undermine, punish, limit, restrict, economically and socially disadvantage and harm us for no benefit – which is what council proposals have consistently done for more than 16 years.</p>  |
| <p><b><u>THEME TRANSPORT</u></b></p> <p><u>Key Objective 2</u></p> <p>Enhance the accessibility and vibrancy of local townships, neighbourhoods and activity centres through connectivity with a focus on improving active and public transport options.</p> <p><u>Key Objective 2</u></p> <p>Further development of pedestrian and cycle trails to link the key activity centres is a priority to encourage safe pedestrian access for residents.</p> <p><u>Key Objective 3</u></p> <p>Facilitate increased public transport usage to aid in issues such as increased greenhouse gas emissions and traffic congestion.</p> <p><u>Key Objective 4</u></p> <p>Incorporate greater links between land use planning and transport, especially in relation to activity centres and the public transport network.</p> <p><u>Key Objective 5</u></p> <p>Facilitate safe and efficient roads and road links within the municipality and to the wider region that cater for all users given that the majority of residents travel to employment outside the Shire.</p> | <p>Key objectives 1 (or 2a) through 4 are irrelevant to rural residents except for the ability to travel to and from activity centres and park when we get there.</p> <p><b>Key objective 5 – support the principle – noting that it is poorly written</b></p>  |
| <p><b><u>THEME INFRASTRUCTURE</u></b></p> <p><u>Key Objective 1</u></p> <p>Enhance the accessibility and vibrancy of local townships, neighbourhoods and activity centres through connectivity with a focus on improving active and public transport options</p> <p><u>Key Objective 2</u></p> <p>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.</p> <p><u>Key Objective 3</u></p> <p>Recognise the difficulties created through the dispersed nature of low-density residential areas in providing a full range of infrastructure services, and that rural areas have only limited physical infrastructure.</p>   | <p>Key objectives 1, 2 and 4 are irrelevant to rural residents.</p> <p><b>Delete or rewrite Key objective 3</b> – amend see earlier comments about Victorian Government planning to improve communications infrastructure in rural areas.</p> <p><b>Delete Key objective 5</b> – it is factually incorrect - all lots are capable of containing effluent on site regardless of their size. This is a function of engineering design and execution. We know this because areas like St Andrews and many other rural areas in Victoria, New South Wales, South Australia, Northern Territory, Queensland, Western Australia and Tasmania have lots smaller than a quarter of an acre with on-site effluent containment. This stated purpose is therefore demonstrably false. Do not under any circumstances support the consolidation of rural lots. It is neither desirable, or practical, and is unfunded. If council proceeds with this proposed objective, be aware that the likely cost to council of consolidating rural lifestyle grazing and hobby farming lots can be expected to be more than \$2.4 billion. To publish this is to signal</p> |



Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

|   |   |
|---|---|
| <p><u>Key Objective 4</u><br/>Facilitate efficient provision of infrastructure to areas designated for residential and low-density residential development.</p> <p><u>Key Objective 5</u><br/>Facilitate the consolidation of rural lots to create larger lots capable of containing effluent on site.</p>  | <p>to the market the intention to engage in property speculation and devalue the local property market. This action by council appears to be in breach of several laws. Is council planning to fund this? Suggest seeking legal advice.</p>   |
| <p><b>THEME OPEN SPACE</b></p> <p><u>Key Objective 1</u><br/>Ensure the planning, maintenance and enhancement of public open spaces enables and encourages safe, healthy and active lifestyles.</p> <p><u>Key Objective 2</u><br/>Ensure open space and recreational facilities are equitable and accessible to all community members.</p> <p><u>Key Objective 3</u><br/>Facilitate the provision of active and passive recreational facilities as an integral part of each township.</p> <p><u>Key Objective 4</u><br/>In rural areas the emphasis is towards developing key regional and district recreational areas, protecting native flora and fauna as well as developing a comprehensive regional based trail network.</p> <p><u>Key Objective 5</u><br/>Facilitate the provision and linking of open space and local recreational facilities to form a network across the Shire.</p>  | <p>Objectives 1 – 4 and 5 are irrelevant to rural residents.</p> <p><b>Key Objective 4 needs to be reviewed and amended</b> – the emphasis in rural areas is on local open space that serves the needs of local rural residents, open space that serves, supports, and compliments rural economic development, tourism and visitation to rural areas, and developing comprehensive multi use trail networks to link to those in Yarra Ranges, Murrindindi, Whittlesea, Manningham and Banyule. (note that regional cross over does not incorporate all surrounding local government areas)</p>  |
| <p><b>THEME CLIMATE CHANGE</b></p> <p><u>Key Objective 1</u><br/>Recognise that planning and preparedness for bushfire and other emergencies protects life, critical infrastructure, property and the environment.</p> <p><u>Key Objective 2</u><br/>Ensure emergency management information and capabilities are shared in the pursuit of preparedness, prevention, response and recovery.</p> <p><u>Key Objective 3</u><br/>Avoid intensifying bushfire risk to people and property through poorly located, designed or managed use or development.</p> <p><u>Key Objective 4</u><br/>Apply particular attention to fire issues in the design of subdivisions, the siting and design of buildings, and use and management of land in bushfire prone areas.</p> <p><u>Key Objective 5</u><br/>Reduce Council's direct contribution to climate change</p> <p><u>Key Objective 6</u><br/>Prepare for, respond and adapt to the risks and impacts of a changing climate</p> | <p>Do not support the insertion of these key objectives into the planning scheme.</p> <p><b>Delete Key Objectives 1, 2, 5, 6 and 7</b> – these are irrelevant for planning purposes and the planning scheme.</p> <p><b>Delete Key Objective 3</b> – this is factually incorrect – it is not location, design, or use of property that intensifies risk – as much as it is management of private property, the management of surrounding private property and the management of surrounding public properties. These activities are not covered by the planning scheme.</p> <p><b>Amend Key Objective 4</b> is already covered by the Bushfire Management Overlay and Bushfire Prone Areas Mapping, planning and building codes. These should be referenced.</p> |

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

|   |   |
|---|---|
| <p>on our community, environment, infrastructure and services.<br/> <u>Key Objective 7</u><br/> Support our community to reduce their contributions to climate change and to adapt to climate change risks and impacts</p>  |   |
| <p><b><u>THEME HERITAGE ARTS AND CULTURE</u></b><br/> <u>Key Objective 1</u><br/> Protect and enhance places of heritage significance, including sites of Aboriginal heritage significance.<br/> <u>Key Objective 2</u><br/> Ensure new use and development do not impede on or detract from sites and features of Aboriginal cultural heritage and archaeological significance.<br/> <u>Key Objective 3</u><br/> The culture and heritage of the Wurundjeri Woi Wurrung people is understood and recognised as a proud part of our shared identity<br/> <u>Key Objective 4</u><br/> Promote our shared heritage, history, arts and artistic culture to strengthen our community – Aspiration from OPOPOF engagement: "Residents enjoy a wide variety of recreational and cultural pursuits and have a strong sense of feeling part of their local community and townships."<br/> <u>Key Objective 5</u><br/> Implement goals of the Arts and Cultural Plan 2018-2022:<br/> Public participatory arts as an everyday experience<br/> Develop and grow creative and cultural industries and;<br/> Support and promote arts and cultural activities that maximise access.</p> | <p>Key Objective 1, 2 and 3 is already achieved through the application of aboriginal heritage overlays across much of the shire. It is not required.<br/> Key Objective 4 – is nice but does not say anything much and has no place in the planning scheme.<br/> Key Objective 5 – agree – and again, it's nice – but it has no place in the planning scheme</p> |

## Draft Municipal Planning Strategy

### Eltham Community Action Group submission

Whilst in agreement with the general thrust of the Draft Municipal Planning Strategy, we consider several areas need to be strengthened in order to more fully protect now, and for future generations, the many aspects of Nillumbik highly valued by the community.

#### CONTEXT AND VISION

The community's feedback to Council's recent Vision 2040 consultation should be taken into account when writing the Vision statement for the Municipal Planning Strategy.

In both Context and Vision, the importance of Nillumbik as a sustainable 'green wedge' with its unique natural environment should underline all planning in the shire, be it social, physical or economic.

The vision should be based around the statement made in 1994 on the formation of the shire. 'A conservation shire with the Green Wedge as its focus'.

Preservation of the Green Wedge, Protection of the Environment and Biodiversity and Action on Climate were the community's top priorities for the shire in the 'Our People, Our Place, Our Future' survey. These should be reflected in the Vision statement in the strongest terms.

#### THEME 1: ACTIVITY CENTRES

##### *Objectives*

- 1. The Eltham and Diamond Creek Major Activity Centres will continue to provide inclusive and accessible commercial activities, community services, recreational facilities and housing opportunities, as well as containing a substantial public transport hub.*
- 2. The Major Activity Centres will continue to accommodate most of the Shire's growth and will have an increased role in providing for a diversity of housing and in particular, medium density housing (including mid-rise commercial development and apartments).*
- 3. The Hurstbridge and Research Neighbourhood Activity Centres will continue to 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.*

##### **Comments:**

- a) Any development in the Activity Centres should be based on the vision and guidelines of the Structure Plans specific to each area.
- b) Development should fit with and maintain the overall local neighbourhood character.

- c) The importance of retaining tree canopy should be highlighted and form a separate point, not merely be included as a part of neighbourhood character.
- d) Definitions of the diversity of housing allowable in each activity centre would be useful.
- e) Encouragement of increased levels of walking and cycling should be included eg as in the recent Eltham Urban Congestion plans.
- f) In a post COVID world informal social connections should be facilitated.
- g) Public spaces should be developed to enable social cohesion.
- h) Seating in public spaces should be placed to encourage conversation eg rather than a single 3 seat bench taken up by 1 person, two 2 person benches appropriately placed. This form of seating should also be replicated along pedestrian /bike paths as well as in Activity Centres.
- i) As Nillumbik is not in an Urban Growth Corridor and State Government expectations are that population growth will be low, Council should grasp this opportunity and not see itself under pressure to provide more and denser housing.
- j) Nillumbik should continue to highlight its distinctive urban areas as a positive point of difference to other Metropolitan suburbs.
- k) It is possible to develop different housing styles and grow in a way that sustains and retains our local heritage and environment.

## **THEME 2: GREEN WEDGE**

### **Objectives**

- 1. Recognise the rural areas (land zoned Rural Conservation or Green Wedge) contain sites of environmental and landscape significance, natural resource-based activities and residences.*
- 2. Protect our Green Wedge and its environmental integrity to ensure a safe haven for native wildlife, thriving biodiversity and native vegetation*
- 3. Recognise that the rural areas often lack existing infrastructure. Including essential services, community facilities and internet coverage.*
- 4. Acknowledgment of land use conflict between agricultural and rural residential land uses and a risk that further residential development will fragment rural land into unviable land parcels.*
- 5. Manage the issues of land use conflict, resource use and environmental management arising from the diversity of uses through sustainable land use and natural resource management.*
- 6. Ensure development in rural areas mitigates potential fire risk.*
- 7. 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. Advocate to State Government to undertake Shire Wide testing and analysis of contaminated land.*
- 8. Protect and enhance agricultural land for both its productive potential and environmental value.*
- 9. Our connection to the Green Wedge is celebrated by all who live, work or enjoy their time in it.*

**Comments:**

- a) Protecting the Green Wedge, climate change, and biodiversity were top priorities for residents in the recent survey.
- b) These should be the umbrella under which all other areas fall. Activities, whether for example, agricultural or residential, should always have protection of the environment as their base line.
- c) Development in rural areas should mitigate bushfire risk but should not be permitted where such development would result in destruction or damage to the environment. Agricultural practices must employ sustainable and regenerative practices.

**THEME 3: NATURAL ENVIRONMENT**

*Objectives*

- 1. Given the large number of threatened native species and threats occurring to those species in the Shire, Planning needs to protect and conserve biodiversity, provide habitats for native flora and fauna, and control pest plants and animals.*
- 2. 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**. Use and development have the potential to affect stormwater quality and adversely affect downstream areas.*
- 3. Discourage development, including vegetation removal that degrades stormwater quality and increases potential risk of soil erosion, expansion and landslip or other hazards.*
- 4. Address threatening processes associated with the loss and degradation of the natural and built environment in order to maintain the landscape values in the Shire.*

**Comments**

- a) The need to establish and maintain connecting habitat corridors, both land and waterways should be mentioned.
- b) Drainage and sewerage concerns relating to runoff into any waterway, river or creek, throughout the shire is of concern, whether it be from residential development, sporting fields or road infrastructure.
- c) Promote and protect indigenous vegetation, particularly canopy trees and connectivity within and between urban areas should be included.
- d) "Biodiversity urban sensitive design" should be included as a requirement in urban areas, in line with contemporary practice such as those described by RMIT and University of Melbourne.
- e) The environment enforcement system should be properly resourced including environmentally qualified Council Officers to enforce regulations.
- f) In all areas but especially in Urban areas, the Councils own document 'Live Local Plan Local' should be followed when assessing development and extension applications.
- g) Council landscapers should also follow this same document in order to protect and enhance the unique landscape qualities found in Nillumbik's indigenous vegetation. If not followed by Council the reason should be demonstrated as to why this divergence is proposed.

#### **THEME 4: BUILT ENVIRONMENT**

##### *Objectives*

- 1. Apply design principles which will create a built environment that strengthens the inclusiveness and accessibility of our neighbourhoods, activity centres, facilities and services, while respecting our natural environment.*
- 2. 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.*
- 3. 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.*
- 4. Protecting habitat links and minimising fire and flood risk and erosion are important considerations in siting buildings and works, particularly in rural areas.*

##### **Comments:**

- a) The Natural Environment, particularly through retention, but also increase, in indigenous tree canopy and understorey, should be a mandatory prerequisite for any type of development.
- b) 'Biodiversity sensitive urban design' should be introduced.
- c) Siting of buildings in rural areas of bushfire risk should not be allowed if mitigating the risk of fire involves large clearing of native vegetation.
- d) Any buildings should reflect and nestle within the landscape rather than impose themselves on the landscape
- e) Buildings should not be allowed on ridgelines

#### **THEME 5: HOUSING**

##### *Objectives*

- 1. Recognise that the Shire will experience a reduction in household size due to an ageing of the population. The trend of decreasing average household size provides the impetus to provide for some medium density housing as an alternative housing choice.*
- 2. Direct housing growth and diversity to activity centres in which are accessible, close to infrastructure, public transport, commercial areas, public open space and other community facilities.*
- 3. Ensure a considered approach to planning and development will retain and enhance Nillumbik's unique environment and neighbourhood character.*

##### **Comments**

- a) A stronger word than 'direct' is needed if the intention is to contain and restrict housing growth to activity centres. To not contain or restrict would be to seriously endanger the whole of the urban areas.



- b) Most of the 'unique environment and neighbourhood character' (point 3 above) of for instance Eltham, is as a result of the tree canopy and native and bushy gardens. This would not exist if housing growth and in particular, diversity of housing, was to spread throughout the urban area.
- c) Tree loss is occurring in urban areas at an alarming rate which will destroy local character and increase the impact of global warming.
- d) Developments where the application requires tree removal should be required to be strongly assessed against neighbourhood character and zone requirements.
- e) As stated in relation to Activity Centres, Nillumbik is not a Growth Corridor and is not expected to see a large growth in population.
- f) We therefore are able to plan for an increase in housing that is both sustainable and will retain our unique character, notably our indigenous vegetation.
- g) A Nillumbik Urban Forestry Strategy covering streets, parks and industrial areas as well as the introduction of Biodiversity Sensitive Urban Design would be welcome additions.
- h) Developments aimed to attract smaller households should be encouraged to include opportunities for informal social interaction of residents – joint stairwells, internal letterboxes with adequate space for a seat/pot plants, lift areas with space for a seat.

#### **THEME 6: ECONOMIC DEVELOPMENT**

##### *Objectives*

- 1. Focus on strengthening existing enterprises and facilitating new business initiatives that respect the Shire's environmental, social and economic development priorities.*
- 2. Maintain the main employment locations, the Eltham and Diamond Creek Major Activity Centres (which includes the commercial and industrial areas), Hurstbridge Neighbourhood Activity Centre and the industrial land at Research, to continue to provide opportunities for local employment.*
- 3. Protect industrial precincts from non-industrial use and development unless otherwise identified.*
- 4. Agriculture is an important area of economic development: • Promote land use in rural areas in accordance with the*
- 5. In the Green Wedge (that is areas outside of the Urban Growth Boundary), 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.*

##### **Comments**

- a) Economic Development should not be pursued at the expense of community, neighbourhood character, the natural environment.
- b) Commercial enterprises must reflect and sit within the ethos of a green wedge shire in relation to sustainability, natural environment.
- c) Tourism and commercial activities outside urban areas should be restricted to those that are part of the prime business of the property/area. 'CAN be used in conjunction with' is too broad a statement and would potentially allow commercial enterprises that are out of keeping with the rural area.

- d) A permit for a development proposal in the Green Wedge Shire that states that it will potentially comply with any existing requirements should not be granted unless there is proof of that connection eg. ruit trees need to have been planted.

## **THEME 7: TRANSPORT**

### *Objectives*

- 1. Enhance the accessibility and vibrancy of local townships, neighbourhoods and activity centres through connectivity with a focus on improving active and public transport options.*
- 2. Further development of pedestrian and cycle trails to link the key activity centres is a priority to encourage safe pedestrian access for residents.*
- 3. Facilitate increased public transport usage to aid in issues such as increased greenhouse gas emissions and traffic congestion.*
- 4. Incorporate greater links between land use planning and transport, especially in relation to activity centres and the public transport network.*
- 5. Facilitate safe and efficient roads and road links within the municipality and to the wider region that cater for all users given that the majority of residents travel to employment outside the Shire.*

### **Comments**

- a) Encouragement of electric vehicle use could be included and the recharging facilities installed where needed. The numbers of these should be regularly reviewed and increased in line with the uptake of electric cars in Nillumbik
- b) Active transport ie walking and cycling should be mentioned.
- c) Facilitating road networks should make reference to balancing this against retention of the neighbourhood character in particular tree canopy and indigenous vegetation.

## **THEME 8: INFRASTRUCTURE**

### *Objectives*

- 1. Enhance the accessibility and vibrancy of local townships, neighbourhoods and activity centres through connectivity with a focus on improving active and public transport options*
- 2. 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.*
- 3. Recognise the difficulties created through the dispersed nature of low-density residential areas in providing a full range of infrastructure services, and that rural areas have only limited physical infrastructure.*

*4. Facilitate efficient provision of infrastructure to areas designated for residential and low-density residential development.*

*5. Facilitate the consolidation of rural lots to create larger lots capable of containing effluent on site.*

**Comments**

- a) Why Is 'low density residential' considered an appropriate or a necessary inclusion in the objective 'Facilitate efficient provision of infrastructure to areas designated for residential and low density residential development'?
- b) Encouragement of reduction in waste and consumption in all sectors and use of renewable energy and recycling materials to reduce the need for service infrastructure is important.

**THEME 9: OPEN SPACE**

*Objectives*

*1. Ensure the planning, maintenance and enhancement of public open spaces enables and encourages safe, healthy and active lifestyles.*

*Note that enhancement needs to be consistent with the value of greatest priority as expressed by the community in Our People, Our Place, Our Future ie preservation of the green wedge, protection of biodiversity, & action on climate change. Open space development prioritises protection of indigenous flora and fauna.*

*2. Ensure open space and recreational facilities are equitable and accessible to all community members.*

*3. Facilitate the provision of active and passive recreational facilities as an integral part of each township*

*4. In rural areas the emphasis is towards developing key regional and district recreational areas, protecting native flora and fauna as well as developing a comprehensive regional based trail network.*

*5. Facilitate the provision and linking of open space and local recreational facilities to form a network across the Shire.*

**Comments**

- a) Enhancement of open space should prioritise the retention and protection of indigenous vegetation.
- b) Passive and individual unstructured recreation should be included as a more important use of open space than activating passive spaces.
- c) Succession planting of canopy trees should be carried out annually in public places to ensure that in future mature trees will still form part of the public open space as well as in the overall landscape of Nillumbik.

## **THEME 10: CLIMATE CHANGE**

### *Objectives*

- 1. Recognise that planning and preparedness for bushfire and other emergencies protects life, critical infrastructure, property and the environment.*
- 2. Ensure emergency management information and capabilities are shared in the pursuit of preparedness, prevention, response and recovery.*
- 3. Avoid intensifying bushfire risk to people and property through poorly located, designed or managed use or development.*
- 4. Apply particular attention to fire issues in the design of subdivisions, the siting and design of buildings, and use and management of land in bushfire prone areas.*
- 5. Reduce Council's direct contribution to climate change*
- 6. Prepare for, respond and adapt to the risks and impacts of a changing climate on our community, environment, infrastructure and services.*
- 7. Support our community to reduce their contributions to climate change and to adapt to climate change risks and impacts*

### **Comments**

- a) Include the crucial importance of tree canopy, green spaces, bushy gardens and tree lined streets and public spaces in mitigating the effects of a warming climate.
- b) Include encouragement of housing that positively demonstrates sustainable contribution to the mitigation of climate change and its effects.

## **THEME 11: HERITAGE, ARTS AND CULTURE**

### *Objectives*

- 1. Protect and enhance places of heritage significance, including sites of Aboriginal heritage significance.*
- 2. Ensure new use and development do not impede on or detract from sites and features of Aboriginal cultural heritage and archaeological significance.*
- 3. The culture and heritage of the Wurundjeri Woi Wurrung people is understood and recognised as a proud part of our shared identity.*

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

*4. Promote our shared heritage, history, arts and artistic culture to strengthen our community – Aspiration from OPOPOF engagement: “Residents enjoy a wide variety of recreational and cultural pursuits and have a strong sense of feeling part of their local community and townships.”*

*5. Implement goals of the Arts and Cultural Plan 2018-2022:*

- *Public participatory arts as an everyday experience*
- *Develop and grow creative and cultural industries and;*
- *Support and promote arts and cultural activities that maximise access.*

#### **Comments**

- a) Place the recognition of the culture and heritage of the Woi Wurrung people as the first objective.
- b) As all aspects of their culture and history are tied to the natural environment it should be an integral part of our stated intentions for protecting the environment and biodiversity of the green wedge.
- c) The Natural Environment is part of our culture and could be included in this section.
- d) Our heritage of alternative building materials should be included.
- e) Buildings of local or wider interest and significance should be noted, maintained and heritage listed.
- f) Through signage and other information systems the whole population of Nillumbik now and in the future should be educated and made aware of the heritage of the area. As residents come and go more easily nowadays our history and culture is in danger of being lost. ‘If you don’t understand the past how can you make decisions for the future?’.

Thank you for the opportunity to provide input into the Municipal Planning Strategy. For clarification or to discuss any of the points mentioned please contact Eltham Community Action Group at [elthamcag@yahoo.com](mailto:elthamcag@yahoo.com)

or Carlota Quinlan, President, at [REDACTED] or Sue Dyet, Secretary [REDACTED]

Carlota Quinlan

6/10/21

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

**From:** [REDACTED]  
**To:** [Rosa Zouzoulas](#); [Nillumbik](#); [REDACTED]; [Strategic Planning](#); [REDACTED]  
**Cc:** [Peter Perkins](#); [Frances Eyre](#); [Carl Cowie](#); [Leigh Northwood](#)  
**Subject:** Submission to MPS  
**Date:** Thursday, 7 October 2021 1:46:52 PM  
**Attachments:** [Submission to MPS.pdf](#) [REDACTED]

---

7.10.21

Dear Rosa Executive Manager Planning and Community Safety,

Attention: Strategic Planning Team at Nillumbik Council responsible for the MPS.

Please find attached my submission to the Municipal Planning Strategy MPS due today.

I give permission for my submission to be made public. The attachments however must remain confidential to Councillors, Council Staff, State and Federal Government, Service providers and not publicly available.

Please provide me with my submission number.

Many thanks  
[REDACTED]



6.10.21

**INDIVIDUAL SUBMISSION TO MUNICIPAL PLANNING STATEMENT MPS**

I reserve all my rights. Equity issues matter and Justice does not date.

I or nominee wish to be heard by Council. If my objections and suggestions cannot be accommodated I wish to be heard by an independent panel appointed by the Minister.

My submission concerns lots [REDACTED] and [REDACTED] Purchased in early 1940's. Comprising ½ km of road frontage with urban reticulated infrastructure to the entire area of the acreages. And in opinion acreage landowners likewise affected in Nillumbik's Green Wedge.

*As a first priority all planning mistakes, irregularities and anomalies in the Nillumbik Planning Scheme must be equitably corrected before any changes are made to or re-write of the MSS/MPS and the Local Planning Policy Framework. This applies specifically to above lands. Please see confidential evidence attached.*

*These properties must be removed from the Green Wedge and returned to within Melbourne's new metropolitan boundary irrespective of final site specific land use.*

*New community aspirations such as Green Wedge, conservation and Climate change cannot be used as an excuse to deny this.*

Major missing gap is the overwhelming omission of the impact of the MPS and the Local Planning Policies on acreage landowners who are forced to provide the Green Wedge for the benefit of all without consideration of their own security, planning and expectations.

The Context, Vision and strategic direction in the MPS need to be amended accordingly.

Please incorporate my suggestions into your submission to Melbourne's Future Planning Framework and all documents that inter-relate to the MPS.

All those gaining by the Green Wedge amenity include:

- urban landowners whose land/house value have increased thanks to the proximity to the Green Wedge
- those who value and appreciate the natural environment and choose to live in Nillumbik because it provides this
- city dwellers who can escape to the Green Wedge for their 'nature fix' without having to travel for hours
- city dwellers who can breath cleaner air because of the 'green lungs' that the Green Wedges provide

There appears to be a lack of empathy towards the acreages landowners. I feel for those like myself, who have relied on a well-planned life investment and are now

being treated as if their land does not even belong to them! The rural land, Green Wedge and conservation restrictions/prohibitions are so extreme they are effectively confiscating our land.

There is in Nillumbik a growing division between angry, very distressed acreage owners who have worked hard in good faith for their investments and those who now see the Green Wedge as an asset that they expect to get at zero cost to themselves. I believe a large proportion of acreage landowners in Nillumbik's Green Wedge are being trampled on, robbed of their rights/entitlements and even going bankrupt or forced off their land. There is an increasing concentration of more rules, expensive regulations, and prohibitions. Many are being made to feel like 'criminals' for simply fighting for their rights.

We have been lost in the rush to 'green wash' Melbourne Planning.

There is a pandemic going on and no one knows where it is going to go, what it is going to change and we need to be realistic about peoples need to survive.

There needs to be more emphasis on a fair and workable Green Wedge with understanding and reasonable changes for those acreage landowners forced to provide it.

I suggest voluntary partnership and co-operation with acreage landowners with incentives and rewards to achieve a Green Wedge that suits all. Please work together amicably with them and you will be surprised by how co-operative and resourceful most will be. This can be on a case to case basis, maybe street by street or even township by township or suburb by suburb. They are all different, with different aspirations, entitlements, history, land use and other relied on in short and long term planning.

Yet they are given the same blanket, overarching boia constrictive rural land use and conservation laws as if they are one. I question where else in planning do you have such a blanket, one size fits all approach?

A common argument in support of the extreme and rigid rural, conservation planning restrictions in Nillumbik is the line 'I choose to live in Nillumbik because it is providing and protecting the Green Wedge'.

Our family too chose to live in Nillumbik (previously City of Heidelberg then Diamond Valley) since the 1940's when the Green Wedge did not exist. I was born in Diamond Creek, it has always been my home town and I challenge anyone who thinks I don't treasure the area and the properties I am a stakeholder of. My family and I have held on to this land with blood, sweat and tears. This has been our life time vision for myself, family members, friends and others and I continue to enjoy and share this beautiful land every-day.

This land is big enough and not fragmented for that ultimate vision. After 2000 we dismantled our self-sufficient, private water and diesel electric systems (that supplied intensive farming) to make way for our long term planned vision that included a retirement village. We made the application to Council to allow aging in place for those needing various living options from independent to full care. This didn't even

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

get off the ground due to new policy, even though it complied with zoning rules. We also made other applications that allowed the sharing of the acreages with others with considerable open space.

The disregard of rural acreage landowners cannot be justified with the line 'it is for the greater or net good of the community'. Nobody in Nillumbik should be targeted as sacrificial lambs.

The Green Wedge must be achieved with respect, integrity and dignity for ALL.

Please see relevant objective suggestions/additions in [REDACTED] submission as they apply to these properties. I also advocate for these entirely.

I give permission for this submission to be made public. All attachments however must remain confidential and not be made available to the public.

Please note this experience has for me been stressful and traumatic. Yet another process has again discarded our pleas.

[REDACTED]

[REDACTED]

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations



This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations



This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations



This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations



This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations



This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations



This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations



This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

Submitter 9

**From:** [REDACTED]  
**To:** [Rosa Zouzoulas](#); [Nillumbik](#); [Strategic Planning](#); [REDACTED]; [REDACTED]  
**Cc:** [Carl Cowie](#); [Peter Perkins](#); [Frances Eyre](#)  
**Subject:** [REDACTED] Submission to MPS with permitted public attachments  
**Date:** Thursday, 7 October 2021 2:50:51 PM  
**Attachments:** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[Individual Submission MPS.pdf](#)

---

7.10.21

Dear Rosa Executive Manager Planning and Community Safety,

Attention: Strategic Planning Team at Nillumbik Council responsible for the MPS.

Please find attached my submission to the Municipal Planning Strategy MPS due today.

I give permission for my submission and all attachments to be made public.

An email will follow directly with a copy of my submission together with its *confidential* attachments.

Please provide me with my submission number.

Many thanks

[REDACTED]



22.9.21 PART ONE

**[REDACTED] as an Individual Submission to the Nillumbik MPS.**

I/we reserve all my/our rights. Justice does not date.

I or nominees wish to be heard on this submission by Council. I will expand on this submission when I speak. If my objections and suggestions can-not be accommodated I wish to be heard by an independent panel appointed by the Minister.

All contents are directly relevant to the new Nillumbik MPS, the Local Planning Policy Framework LPPF and the new Melbourne State Planning Policy Framework MSPPF. Scope, terms of reference, purview or other cannot be used as an excuse to disqualify any of this submission.

This submission concerns the materially impacted properties:

**[REDACTED]** bought early 1940's

**[REDACTED]** bought early 1940's. And in opinion like neighbouring properties.

We plead with Nillumbik Shire Council to assist us in the course and cause of justice by ensuring our lands are included rightfully and equitably, as general residential in the suburb of Diamond Creek and included within Melbourne's new Metropolitan urban boundary. This is irrespective of any final site specific land use. The outstanding zoning and mapping mistakes for our lands, continuously drawn to the attention of Council and others must be corrected as a first priority, together with other like lands in Diamond Creek and Yarrambat. This is to ensure there is no impact whatsoever on our lands by Councils new Municipal Planning Strategy MPS. Failure to do so will mean this strategy and Councils Planning scheme will continue to have a flawed and unacceptable foundation.

In 2000/2001 when the planning mistake/anomaly/irregularity for our lands was first made we lobbied the then infrastructure sector of Premier and Cabinet. Shortly afterwards Premier Steve Bracks issued a directive to Nillumbik Council stating that land with infrastructure was to be released with Metropolitan Strategy and that Green Wedge was not to be an excuse to fail to do so. We remain mystified as to why this did not occur with our lands. We question if others have been included in some way for the future while we have been inequitably excluded?

If at any point in time these lands were planned differently to like lands with mandatory urban infrastructure, be it by mistake, jealousy, discrimination, financial advantage or any other reason, then the owners were not notified and proper process was not followed. If this was/is the case immediate equitable rectification is required, not perpetuation of same.

We have participated continually in processes since year 2000 requesting this equitable urban correction to no avail. This is despite Council acknowledging at that time that our

lands had distinctive infrastructure. There is a direct connection between the infrastructure and the lands correct urban status. The excuse given for ignoring both as not being of strategic merit is baseless. It was strategic to Diamond Creek, Plenty and Yarrambat and this was the very reason it became urban to begin with. It is not acceptable to make new 'strategic' directions that 'knowingly' exclude these lands as general residential, thereby allowing our paid for, established urban reticulated infrastructure to be eroded or diverted to others instead. Doing so 'knowingly' allows these lands to become infrastructure stripped unmanageable, rural bush blocks worse in value and use to that of 80 years ago. It is not a matter of Council determining their preferred housing locations but a rather an obligation on their part to release our lands for urban housing. They have a duty of care and trust to do so. These lands are not subject to new criteria and goalposts of this or any other new strategy or policies.

It is understood that Nillumbik will need an additional 4,200 new dwellings by 2036 (draft of abandoned Housing Strategy). There is also an acknowledgment that various housing density/requirements will be necessary. We argue subject lands remain ideal for any residential development. This includes retirement homes or small groups of homes surrounded by and including abundant open green space. There could easily be a plan that incorporates high to medium density housing options or indeed for a retirement precinct that would appeal to those who have spent their life on a rural property. This opportunity is the very reason people are choosing to come to Diamond Creek. Subject lands are the very essence of liveability!

Subject lands combined with [REDACTED], cover 60 acres. They have dual road frontages and dual infrastructure supply options, urban reticulated infrastructure to the whole area of the lands, they are situated in an area that offers the best of both worlds and they are located on a main road (rightfully arterial) that connects Diamond Creek and Yarrambat. At the very least it makes strong financial sense for Council to correct the mistake and allow these lands to utilise their urban infrastructure as was always the intention. Our lands have both the capacity and capability called for by the Key objectives.

In terms of the safety and security as to any Bushfire threat to the population of Diamond Creek and surrounding areas, subject lands remain immensely strategic as to their location and reticulated infrastructure. If subject lands are not developed for housing they risk creating a 'funnel' of unmanaged rural space with eventual spreading of a bushfire to the densely developed suburb of Diamond Creek. If by Council planning, the infrastructure is diverted to other catchments the ability to fight and prevent fire is removed as well. The danger presented by both of these scenarios to the township of Diamond Creek is very real. Development of these lands would preserve the urban reticulated infrastructure with the pressures and flows measured at 21 00 kpa. It would also remove the threat that unmanaged rural space creates. The original environment was heavily farmed and completely altered. What exists there today has been introduced in the last 10-15 years. Giving the land an environmental value is disingenuous.

Although Council is saying this is a new MPS it can-not be separated from preceding policies and strategies. In our case this includes the Mernda Doreen and inter-related Diamond Creek (and Nillumbik) 2020 dating from 2001/2002. The former discriminatorily and wrongly omitted our lands. Our distinctive urban infrastructure was acknowledged by Nillumbik Shire Council in the year 2000 when the New format Nillumbik Planning Scheme was adopted and yet to date it is being ignored in all urban strategies and policies. We fear the recent major infrastructure works passing our door, along Ironbark Rd are evidence of our exclusion. All new strategies must include our lands and importantly allow us to utilise our infrastructure for residential development. This certainty was and is being relied on in our families long term financial planning.

If Council fails to do so the consequences for our lands and our Family will be devastating and there can-not be any objectivity for any further processes. Major losses and damages will occur, thwarting and compromising otherwise equitable remedies at the least cost to Council and others.

True urban values (not rural) must be preserved for these lands. We must be returned to the original suburban area of Diamond Creek. The major equity issues can no longer be ignored. Please again review all our hard evidence, professional supporting statements, together with what is known or ought to be known in support of our case (the latest being that submitted for the Green Wedge and Agricultural Land Review, the Council Plan, Council Budget and State electoral boundary changes).

New community aspirations such as Green Wedge or Climate change are not to be used as an excuse to deny our requests as they can be protected and incorporated in to the site specific property plan.

We remind Council that should there be any changes to Shire boundaries we continue to ask for our lands return to the City of Banyule and not be gerrymandered out to City of Whittlesea.

**Therefore I ask for the following suggestions to be included in the Municipal Planning Strategy MPS and associated Local Planning policy Framework LPPF.**

As Nillumbik did not consult with ratepayers on their submission to Melbourne's State Planning Policy Framework, I now ask for these suggestions to be incorporated into same.

**Clause 02.01 Context**

\* Nillumbik covers an area that extends approximately 23-38km from Melbourne GPO. The only areas included within 25kms are Diamond Creek, Yarrambat, Plenty and Research. Areas such as Arthurs Creek, Strathewen and Kinglake National Park are well beyond 25km from Melbourne GPO. The urban fringe starts beyond Diamond Creek.

\*Yarrambat must be listed as a township or suburb as demonstrated in the Study area of the Yan Yean rd upgrade Stage 2. Please add to all MPS mapping and text.

Yarrambat has been recognised as a township at least since the 1960's. Diamond Creek Plenty and Yarrambat were originally part of the North Ward of the City of Heidelberg. After this broke away they became part of the Diamond Valley Shire. It was the city of Heidelberg that established the Plenty Yarrambat Waterworks Trust to supply water reticulation to the townships of Yarrambat and Plenty.

\*All townships, suburbs, neighbourhood centres should be listed and included in the MPS Context and Mapping. Diamond Creek and Eltham must be listed as suburbs.

\* Correct the population statistics to current numbers. Please indicate the population breakdown and area size in both rural and urban areas of Nillumbik.

\* Include hobby farms in the uses of land in Nillumbik.

#### **Clause 02.04-1 Strategic Framework Plan Map**

\*Review and reinstate Ironbark Rd as an Arterial Rd not a minor road network. Include all of Pioneer Rd as its collector road. Lobby State Government for same.

\*Review and extend township boundaries to include all land to the boundary of the suburb of Diamond Creek with utility infrastructure attached.

\*Include all of original Diamond Creek town centre within the Activity Centre. This includes Collins st and Main St an integral part of Diamond Creek. Point marked as town centre must be west of the train station as originally planned since 1950's.

\*Areas with infrastructure must be marked as urban.

**As per the Themes and Key Objectives I have identified gaps and would make the following additions/changes to address these:**

#### **Activity Centres**

##### **Key objective 4**

All of original Diamond Creek will be included within the Activity Centre. Collins st and Main st must be included.

I believe commercial, tourism and education uses in the Green Wedge should not be limited to within Activity Centres. They are essential for land sustainability and maintenance e.g. large acreages can provide innovative and creative options for self-contained communities that share in the costs of maintaining that particular Green Wedge pocket, like retirement living, student accommodation.

The 20 minute neighbourhood is a wrong fit strategy for Nillumbik. Variety in location and lot sizes is more applicable for Nillumbik.

#### **Green Wedge**

##### **Key Objective 9**

Achieve a Green Wedge with respect, integrity and dignity for ALL.

Key objective 10

Recognise and correct planning mistakes, mapping errors and irregularities in the Nillumbik Planning Scheme. The Green wedge must be based on a correct planning foundation.

Key Objective 11

Recognise agricultural pursuits as an as of right use to all rural land irrespective of zoning.

This is necessary for land sustainability, land management and fire protection.

Key objective 12

Mapping tools will not be used in a discriminatory manner to exclude lands from various land uses based on soil type, depth, climate change or other. Options for use must be site specific and based on past ability/ land use, it should not be based on broad acreage mapping.

See our submission to the Future of Agriculture in Nillumbik process.

Natural Environment

Key objective 5

Consider the role major road upgrades, traffic, transport, utility assets and land uses play in the protection of wildlife.

Housing

Key objective 4

Permit a variety of housing options and lot sizes (including low density) in original areas of Diamond Creek, Plenty and Yarrambat. A variety of housing density options must be available to those outside the major activity centres.

These areas are being impacted by the leapfrogging of development in the new outer northern suburbs, to Nillumbik's notable exclusion. This poses new land use threats e.g traffic, flora and fauna.

Key objective 5

Council should support an Aging in place strategy to allow residents to stay in their own home.

Such a strategy would prevent the trauma involved when the elderly are forced to leave their cherished home to access care. It would also aid those who have adult children that require care and cannot live independently.

Economic Development

Key objective 5

This needs to be replaced with ‘Tourism, and commercial activities should not be restricted to the Activity Centres or township boundaries. Retirement homes, education or accommodation will be optional uses in the Green Wedge’. These are essential options for the survival and economic support of the Green Wedge’.

Key objective 6

Recognise agriculture as key to land sustainability.

Key objective 7

Soft urban edge needed in Diamond Creek.

Infrastructure

Key objective 6

Recognise infrastructure and associated planning/zoning irregularities, anomalies, mistakes and major inequities.

Key objective 7

Facilitate the corrections needed for all zoning/mapping/planning irregularities.

Key objective 8

Ensure recognition and then equitable utilisation of existing utility infrastructure.

Key objective 9

Include [REDACTED] in the Eltham Sewer Catchment.

Open Space

Key objective 5

Ensure open spaces have been achieved equitably.

Climate Change

Key objective 8

Consider the role major road upgrades, traffic, transport, utility assets and land uses play in Nillumbik’s Bushfire Mitigation Strategy.

[REDACTED]

[REDACTED]

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations



This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

THIS PAGE WAS LEFT INTENTIONALLY BLANK

This Submission/Attachment has been removed to ensure Council complies with  
it’s privacy obligations

THIS PAGE WAS LEFT INTENTIONALLY BLANK



This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

THIS PAGE WAS LEFT INTENTIONALLY BLANK



This Submission/Attachment has been removed to ensure Council complies with  
it’s privacy obligations

THIS PAGE WAS LEFT INTENTIONALLY BLANK

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

22.9.21 PART ONE

**[REDACTED] as an Individual Submission to the Nillumbik MPS.**

I/we reserve all my/our rights. Justice does not date.

I or nominees wish to be heard on this submission by Council. I will expand on this submission when I speak. If my objections and suggestions can-not be accommodated I wish to be heard by an independent panel appointed by the Minister.

All contents are directly relevant to the new Nillumbik MPS, the Local Planning Policy Framework LPPF and the new Melbourne State Planning Policy Framework MSPPF. Scope, terms of reference, purview or other cannot be used as an excuse to disqualify any of this submission.

This submission concerns the materially impacted properties:

**[REDACTED]** early 1940's

**[REDACTED]** bought early 1940's. And in opinion like neighbouring properties.

We plead with Nillumbik Shire Council to assist us in the course and cause of justice by ensuring our lands are included rightfully and equitably, as general residential in the suburb of Diamond Creek and included within Melbourne's new Metropolitan urban boundary. This is irrespective of any final site specific land use. The outstanding zoning and mapping mistakes for our lands, continuously drawn to the attention of Council and others must be corrected as a first priority, together with other like lands in Diamond Creek and Yarrambat. This is to ensure there is no impact whatsoever on our lands by Councils new Municipal Planning Strategy MPS. Failure to do so will mean this strategy and Councils Planning scheme will continue to have a flawed and unacceptable foundation.

In 2000/2001 when the planning mistake/anomaly/irregularity for our lands was first made we lobbied the then infrastructure sector of Premier and Cabinet. Shortly afterwards Premier Steve Bracks issued a directive to Nillumbik Council stating that land with infrastructure was to be released with Metropolitan Strategy and that Green Wedge was not to be an excuse to fail to do so. We remain mystified as to why this did not occur with our lands. We question if others have been included in some way for the future while we have been inequitably excluded?

If at any point in time these lands were planned differently to like lands with mandatory urban infrastructure, be it by mistake, jealousy, discrimination, financial advantage or any other reason, then the owners were not notified and proper process was not followed. If this was/is the case immediate equitable rectification is required, not perpetuation of same.

We have participated continually in processes since year 2000 requesting this equitable urban correction to no avail. This is despite Council acknowledging at that time that our

lands had distinctive infrastructure. There is a direct connection between the infrastructure and the lands correct urban status. The excuse given for ignoring both as not being of strategic merit is baseless. It was strategic to Diamond Creek, Plenty and Yarrambat and this was the very reason it became urban to begin with. It is not acceptable to make new 'strategic' directions that 'knowingly' exclude these lands as general residential, thereby allowing our paid for, established urban reticulated infrastructure to be eroded or diverted to others instead. Doing so 'knowingly' allows these lands to become infrastructure stripped unmanageable, rural bush blocks worse in value and use to that of 80 years ago. It is not a matter of Council determining their preferred housing locations but a rather an obligation on their part to release our lands for urban housing. They have a duty of care and trust to do so. These lands are not subject to new criteria and goalposts of this or any other new strategy or policies.

It is understood that Nillumbik will need an additional 4,200 new dwellings by 2036 (draft of abandoned Housing Strategy). There is also an acknowledgment that various housing density/requirements will be necessary. We argue subject lands remain ideal for any residential development. This includes retirement homes or small groups of homes surrounded by and including abundant open green space. There could easily be a plan that incorporates high to medium density housing options or indeed for a retirement precinct that would appeal to those who have spent their life on a rural property. This opportunity is the very reason people are choosing to come to Diamond Creek. Subject lands are the very essence of liveability!

Subject lands combined with [REDACTED], cover 60 acres. They have dual road frontages and dual infrastructure supply options, urban reticulated infrastructure to the whole area of the lands, they are situated in an area that offers the best of both worlds and they are located on a main road (rightfully arterial) that connects Diamond Creek and Yarrambat. At the very least it makes strong financial sense for Council to correct the mistake and allow these lands to utilise their urban infrastructure as was always the intention. Our lands have both the capacity and capability called for by the Key objectives.

In terms of the safety and security as to any Bushfire threat to the population of Diamond Creek and surrounding areas, subject lands remain immensely strategic as to their location and reticulated infrastructure. If subject lands are not developed for housing they risk creating a 'funnel' of unmanaged rural space with eventual spreading of a bushfire to the densely developed suburb of Diamond Creek. If by Council planning, the infrastructure is diverted to other catchments the ability to fight and prevent fire is removed as well. The danger presented by both of these scenarios to the township of Diamond Creek is very real. Development of these lands would preserve the urban reticulated infrastructure with the pressures and flows measured at 21 00 kpa. It would also remove the threat that unmanaged rural space creates. The original environment was heavily farmed and completely altered. What exists there today has been introduced in the last 10-15 years. Giving the land an environmental value is disingenuous.

Although Council is saying this is a new MPS it can-not be separated from preceding policies and strategies. In our case this includes the Mernda Doreen and inter-related Diamond Creek (and Nillumbik) 2020 dating from 2001/2002. The former discriminatorily and wrongly omitted our lands. Our distinctive urban infrastructure was acknowledged by Nillumbik Shire Council in the year 2000 when the New format Nillumbik Planning Scheme was adopted and yet to date it is being ignored in all urban strategies and policies. We fear the recent major infrastructure works passing our door, along Ironbark Rd are evidence of our exclusion. All new strategies must include our lands and importantly allow us to utilise our infrastructure for residential development. This certainty was and is being relied on in our families long term financial planning.

If Council fails to do so the consequences for our lands and our Family will be devastating and there can-not be any objectivity for any further processes. Major losses and damages will occur, thwarting and compromising otherwise equitable remedies at the least cost to Council and others.

True urban values (not rural) must be preserved for these lands. We must be returned to the original suburban area of Diamond Creek. The major equity issues can no longer be ignored. Please again review all our hard evidence, professional supporting statements, together with what is known or ought to be known in support of our case (the latest being that submitted for the Green Wedge and Agricultural Land Review, the Council Plan, Council Budget and State electoral boundary changes).

New community aspirations such as Green Wedge or Climate change are not to be used as an excuse to deny our requests as they can be protected and incorporated in to the site specific property plan.

We remind Council that should there be any changes to Shire boundaries we continue to ask for our lands return to the City of Banyule and not be gerrymandered out to City of Whittlesea.

**Therefore I ask for the following suggestions to be included in the Municipal Planning Strategy MPS and associated Local Planning policy Framework LPPF.**

As Nillumbik did not consult with ratepayers on their submission to Melbourne's State Planning Policy Framework, I now ask for these suggestions to be incorporated into same.

**Clause 02.01 Context**

\* Nillumbik covers an area that extends approximately 23-38km from Melbourne GPO. The only areas included within 25kms are Diamond Creek, Yarrambat, Plenty and Research. Areas such as Arthurs Creek, Strathewen and Kinglake National Park are well beyond 25km from Melbourne GPO. The urban fringe starts beyond Diamond Creek.

\*Yarrambat must be listed as a township or suburb as demonstrated in the Study area of the Yan Yean rd upgrade Stage 2. Please add to all MPS mapping and text.



Yarrambat has been recognised as a township at least since the 1960's. Diamond Creek Plenty and Yarrambat were originally part of the North Ward of the City of Heidelberg. After this broke away they became part of the Diamond Valley Shire. It was the city of Heidelberg that established the Plenty Yarrambat Waterworks Trust to supply water reticulation to the townships of Yarrambat and Plenty.

\*All townships, suburbs, neighbourhood centres should be listed and included in the MPS Context and Mapping. Diamond Creek and Eltham must be listed as suburbs.

\* Correct the population statistics to current numbers. Please indicate the population breakdown and area size in both rural and urban areas of Nillumbik.

\* Include hobby farms in the uses of land in Nillumbik.

**Clause 02.04-1 Strategic Framework Plan Map**

\*Review and reinstate Ironbark Rd as an Arterial Rd not a minor road network. Include all of Pioneer Rd as its collector road. Lobby State Government for same.

\*Review and extend township boundaries to include all land to the boundary of the suburb of Diamond Creek with utility infrastructure attached.

\*Include all of original Diamond Creek town centre within the Activity Centre. This includes Collins st and Main St an integral part of Diamond Creek. Point marked as town centre must be west of the train station as originally planned since 1950's.

\*Areas with infrastructure must be marked as urban.

**As per the Themes and Key Objectives I have identified gaps and would make the following additions/changes to address these:**

Activity Centres

Key objective 4

All of original Diamond Creek will be included within the Activity Centre. Collins st and Main st must be included.

I believe commercial, tourism and education uses in the Green Wedge should not be limited to within Activity Centres. They are essential for land sustainability and maintenance e.g. large acreages can provide innovative and creative options for self-contained communities that share in the costs of maintaining that particular Green Wedge pocket, like retirement living, student accommodation.

The 20 minute neighbourhood is a wrong fit strategy for Nillumbik. Variety in location and lot sizes is more applicable for Nillumbik.

Green Wedge

Key Objective 9

Achieve a Green Wedge with respect, integrity and dignity for ALL.

Key objective 10

Recognise and correct planning mistakes, mapping errors and irregularities in the Nillumbik Planning Scheme. The Green wedge must be based on a correct planning foundation.

Key Objective 11

Recognise agricultural pursuits as an as of right use to all rural land irrespective of zoning.

This is necessary for land sustainability, land management and fire protection.

Key objective 12

Mapping tools will not be used in a discriminatory manner to exclude lands from various land uses based on soil type, depth, climate change or other. Options for use must be site specific and based on past ability/ land use, it should not be based on broad acreage mapping.

See our submission to the Future of Agriculture in Nillumbik process.

Natural Environment

Key objective 5

Consider the role major road upgrades, traffic, transport, utility assets and land uses play in the protection of wildlife.

Housing

Key objective 4

Permit a variety of housing options and lot sizes (including low density) in original areas of Diamond Creek, Plenty and Yarrambat. A variety of housing density options must be available to those outside the major activity centres.

These areas are being impacted by the leapfrogging of development in the new outer northern suburbs, to Nillumbik's notable exclusion. This poses new land use threats e.g traffic, flora and fauna.

Key objective 5

Council should support an Aging in place strategy to allow residents to stay in their own home.

Such a strategy would prevent the trauma involved when the elderly are forced to leave their cherished home to access care. It would also aid those who have adult children that require care and cannot live independently.

Economic Development

Key objective 5

This needs to be replaced with ‘Tourism, and commercial activities should not be restricted to the Activity Centres or township boundaries. Retirement homes, education or accommodation will be optional uses in the Green Wedge’. These are essential options for the survival and economic support of the Green Wedge’.

Key objective 6

Recognise agriculture as key to land sustainability.

Key objective 7

Soft urban edge needed in Diamond Creek.

Infrastructure

Key objective 6

Recognise infrastructure and associated planning/zoning irregularities, anomalies, mistakes and major inequities.

Key objective 7

Facilitate the corrections needed for all zoning/mapping/planning irregularities.

Key objective 8

Ensure recognition and then equitable utilisation of existing utility infrastructure.

Key objective 9

Include listed properties and adjoining [REDACTED] in the Eltham Sewer Catchment.

Open Space

Key objective 5

Ensure open spaces have been achieved equitably.

Climate Change

Key objective 8

Consider the role major road upgrades, traffic, transport, utility assets and land uses play in Nillumbik’s Bushfire Mitigation Strategy.

[REDACTED]

[REDACTED]

Submitter 11

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

**From:** [REDACTED]  
**To:** [Rosa Zouzoulas](#); [Nillumbik](#); [Strategic Planning](#); [REDACTED]; [REDACTED]  
**Cc:** [Carl Cowie](#); [Peter Perkins](#); [Frances Eyre](#)  
**Subject:** G.Schnapp Submission to MPS with confidential attached documents.  
**Date:** Thursday, 7 October 2021 2:51:22 PM  
**Attachments:** [REDACTED]  
[REDACTED]  
[Individual Submission MPS.pdf](#)

---

7.10.21

Dear Rosa Executive Manager Planning and Community Safety,

Attention: Strategic Planning Team at Nillumbik Council responsible for the MPS.

Please find attached my submission to the Municipal Planning Strategy MPS due today.

I give permission for my submission to be made public. The attachments however must remain confidential to Councillors, Council Staff, State and Federal Government, Service providers and not publicly available.

Please provide me with my submission number.

Many thanks

[REDACTED]

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations



This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations



This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations



This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations



This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations



This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations



This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

22.9.21 PART ONE

**[REDACTED] as an Individual Submission to the Nillumbik MPS.**

I/we reserve all my/our rights. Justice does not date.

I or nominees wish to be heard on this submission by Council. I will expand on this submission when I speak. If my objections and suggestions can-not be accommodated I wish to be heard by an independent panel appointed by the Minister.

All contents are directly relevant to the new Nillumbik MPS, the Local Planning Policy Framework LPPF and the new Melbourne State Planning Policy Framework MSPPF. Scope, terms of reference, purview or other cannot be used as an excuse to disqualify any of this submission.

This submission concerns the materially impacted properties:

[REDACTED] (40 acres) bought early 1940's

[REDACTED] (5 acres) bought early 1940's. And in opinion like neighbouring properties.

We plead with Nillumbik Shire Council to assist us in the course and cause of justice by ensuring our lands are included rightfully and equitably, as general residential in the suburb of Diamond Creek and included within Melbourne's new Metropolitan urban boundary. This is irrespective of any final site specific land use. The outstanding zoning and mapping mistakes for our lands, continuously drawn to the attention of Council and others must be corrected as a first priority, together with other like lands in Diamond Creek and Yarrambat. This is to ensure there is no impact whatsoever on our lands by Councils new Municipal Planning Strategy MPS. Failure to do so will mean this strategy and Councils Planning scheme will continue to have a flawed and unacceptable foundation.

In 2000/2001 when the planning mistake/anomaly/irregularity for our lands was first made we lobbied the then infrastructure sector of Premier and Cabinet. Shortly afterwards Premier Steve Bracks issued a directive to Nillumbik Council stating that land with infrastructure was to be released with Metropolitan Strategy and that Green Wedge was not to be an excuse to fail to do so. We remain mystified as to why this did not occur with our lands. We question if others have been included in some way for the future while we have been inequitably excluded?

If at any point in time these lands were planned differently to like lands with mandatory urban infrastructure, be it by mistake, jealousy, discrimination, financial advantage or any other reason, then the owners were not notified and proper process was not followed. If this was/is the case immediate equitable rectification is required, not perpetuation of same.

We have participated continually in processes since year 2000 requesting this equitable urban correction to no avail. This is despite Council acknowledging at that time that our

lands had distinctive infrastructure. There is a direct connection between the infrastructure and the lands correct urban status. The excuse given for ignoring both as not being of strategic merit is baseless. It was strategic to Diamond Creek, Plenty and Yarrambat and this was the very reason it became urban to begin with. It is not acceptable to make new 'strategic' directions that 'knowingly' exclude these lands as general residential, thereby allowing our paid for, established urban reticulated infrastructure to be eroded or diverted to others instead. Doing so 'knowingly' allows these lands to become infrastructure stripped unmanageable, rural bush blocks worse in value and use to that of 80 years ago. It is not a matter of Council determining their preferred housing locations but a rather an obligation on their part to release our lands for urban housing. They have a duty of care and trust to do so. These lands are not subject to new criteria and goalposts of this or any other new strategy or policies.

It is understood that Nillumbik will need an additional 4,200 new dwellings by 2036 (draft of abandoned Housing Strategy). There is also an acknowledgment that various housing density/requirements will be necessary. We argue subject lands remain ideal for any residential development. This includes retirement homes or small groups of homes surrounded by and including abundant open green space. There could easily be a plan that incorporates high to medium density housing options or indeed for a retirement precinct that would appeal to those who have spent their life on a rural property. This opportunity is the very reason people are choosing to come to Diamond Creek. Subject lands are the very essence of liveability!

Subject lands combined with 40-60 Pioneer Rd, cover 60 acres. They have dual road frontages and dual infrastructure supply options, urban reticulated infrastructure to the whole area of the lands, they are situated in an area that offers the best of both worlds and they are located on a main road (rightfully arterial) that connects Diamond Creek and Yarrambat. At the very least it makes strong financial sense for Council to correct the mistake and allow these lands to utilise their urban infrastructure as was always the intention. Our lands have both the capacity and capability called for by the Key objectives.

In terms of the safety and security as to any Bushfire threat to the population of Diamond Creek and surrounding areas, subject lands remain immensely strategic as to their location and reticulated infrastructure. If subject lands are not developed for housing they risk creating a 'funnel' of unmanaged rural space with eventual spreading of a bushfire to the densely developed suburb of Diamond Creek. If by Council planning, the infrastructure is diverted to other catchments the ability to fight and prevent fire is removed as well. The danger presented by both of these scenarios to the township of Diamond Creek is very real. Development of these lands would preserve the urban reticulated infrastructure with the pressures and flows measured at 21 00 kpa. It would also remove the threat that unmanaged rural space creates. The original environment was heavily farmed and completely altered. What exists there today has been introduced in the last 10-15 years. Giving the land an environmental value is disingenuous.

Although Council is saying this is a new MPS it can-not be separated from preceding policies and strategies. In our case this includes the Mernda Doreen and inter-related Diamond Creek (and Nillumbik) 2020 dating from 2001/2002. The former discriminatorily and wrongly omitted our lands. Our distinctive urban infrastructure was acknowledged by Nillumbik Shire Council in the year 2000 when the New format Nillumbik Planning Scheme was adopted and yet to date it is being ignored in all urban strategies and policies. We fear the recent major infrastructure works passing our door, along Ironbark Rd are evidence of our exclusion. All new strategies must include our lands and importantly allow us to utilise our infrastructure for residential development. This certainty was and is being relied on in our families long term financial planning.

If Council fails to do so the consequences for our lands and our Family will be devastating and there can-not be any objectivity for any further processes. Major losses and damages will occur, thwarting and compromising otherwise equitable remedies at the least cost to Council and others.

True urban values (not rural) must be preserved for these lands. We must be returned to the original suburban area of Diamond Creek. The major equity issues can no longer be ignored. Please again review all our hard evidence, professional supporting statements, together with what is known or ought to be known in support of our case (the latest being that submitted for the Green Wedge and Agricultural Land Review, the Council Plan, Council Budget and State electoral boundary changes).

New community aspirations such as Green Wedge or Climate change are not to be used as an excuse to deny our requests as they can be protected and incorporated in to the site specific property plan.

We remind Council that should there be any changes to Shire boundaries we continue to ask for our lands return to the City of Banyule and not be gerrymandered out to City of Whittlesea.

**Therefore I ask for the following suggestions to be included in the Municipal Planning Strategy MPS and associated Local Planning policy Framework LPPF.**

As Nillumbik did not consult with ratepayers on their submission to Melbourne's State Planning Policy Framework, I now ask for these suggestions to be incorporated into same.

**Clause 02.01 Context**

\* Nillumbik covers an area that extends approximately 23-38km from Melbourne GPO. The only areas included within 25kms are Diamond Creek, Yarrambat, Plenty and Research. Areas such as Arthurs Creek, Strathewen and Kinglake National Park are well beyond 25km from Melbourne GPO. The urban fringe starts beyond Diamond Creek.

\*Yarrambat must be listed as a township or suburb as demonstrated in the Study area of the Yan Yean rd upgrade Stage 2. Please add to all MPS mapping and text.



Yarrambat has been recognised as a township at least since the 1960's. Diamond Creek Plenty and Yarrambat were originally part of the North Ward of the City of Heidelberg. After this broke away they became part of the Diamond Valley Shire. It was the city of Heidelberg that established the Plenty Yarrambat Waterworks Trust to supply water reticulation to the townships of Yarrambat and Plenty.

\*All townships, suburbs, neighbourhood centres should be listed and included in the MPS Context and Mapping. Diamond Creek and Eltham must be listed as suburbs.

\* Correct the population statistics to current numbers. Please indicate the population breakdown and area size in both rural and urban areas of Nillumbik.

\* Include hobby farms in the uses of land in Nillumbik.

**Clause 02.04-1 Strategic Framework Plan Map**

\*Review and reinstate Ironbark Rd as an Arterial Rd not a minor road network. Include all of Pioneer Rd as its collector road. Lobby State Government for same.

\*Review and extend township boundaries to include all land to the boundary of the suburb of Diamond Creek with utility infrastructure attached.

\*Include all of original Diamond Creek town centre within the Activity Centre. This includes Collins st and Main St an integral part of Diamond Creek. Point marked as town centre must be west of the train station as originally planned since 1950's.

\*Areas with infrastructure must be marked as urban.

**As per the Themes and Key Objectives I have identified gaps and would make the following additions/changes to address these:**

Activity Centres

Key objective 4

All of original Diamond Creek will be included within the Activity Centre. Collins st and Main st must be included.

I believe commercial, tourism and education uses in the Green Wedge should not be limited to within Activity Centres. They are essential for land sustainability and maintenance e.g. large acreages can provide innovative and creative options for self-contained communities that share in the costs of maintaining that particular Green Wedge pocket, like retirement living, student accommodation.

The 20 minute neighbourhood is a wrong fit strategy for Nillumbik. Variety in location and lot sizes is more applicable for Nillumbik.

Green Wedge

Key Objective 9

Achieve a Green Wedge with respect, integrity and dignity for ALL.

Key objective 10

Recognise and correct planning mistakes, mapping errors and irregularities in the Nillumbik Planning Scheme. The Green wedge must be based on a correct planning foundation.

Key Objective 11

Recognise agricultural pursuits as an as of right use to all rural land irrespective of zoning.

This is necessary for land sustainability, land management and fire protection.

Key objective 12

Mapping tools will not be used in a discriminatory manner to exclude lands from various land uses based on soil type, depth, climate change or other. Options for use must be site specific and based on past ability/ land use, it should not be based on broad acreage mapping.

See our submission to the Future of Agriculture in Nillumbik process.

Natural Environment

Key objective 5

Consider the role major road upgrades, traffic, transport, utility assets and land uses play in the protection of wildlife.

Housing

Key objective 4

Permit a variety of housing options and lot sizes (including low density) in original areas of Diamond Creek, Plenty and Yarrambat. A variety of housing density options must be available to those outside the major activity centres.

These areas are being impacted by the leapfrogging of development in the new outer northern suburbs, to Nillumbik's notable exclusion. This poses new land use threats e.g traffic, flora and fauna.

Key objective 5

Council should support an Aging in place strategy to allow residents to stay in their own home.

Such a strategy would prevent the trauma involved when the elderly are forced to leave their cherished home to access care. It would also aid those who have adult children that require care and cannot live independently.

Economic Development

Key objective 5

This needs to be replaced with ‘Tourism, and commercial activities should not be restricted to the Activity Centres or township boundaries. Retirement homes, education or accommodation will be optional uses in the Green Wedge’. These are essential options for the survival and economic support of the Green Wedge’.

Key objective 6

Recognise agriculture as key to land sustainability.

Key objective 7

Soft urban edge needed in Diamond Creek.

Infrastructure

Key objective 6

Recognise infrastructure and associated planning/zoning irregularities, anomalies, mistakes and major inequities.

Key objective 7

Facilitate the corrections needed for all zoning/mapping/planning irregularities.

Key objective 8

Ensure recognition and then equitable utilisation of existing utility infrastructure.

Key objective 9

Include listed properties and adjoining [REDACTED] in the Eltham Sewer Catchment.

Open Space

Key objective 5

Ensure open spaces have been achieved equitably.

Climate Change

Key objective 8

Consider the role major road upgrades, traffic, transport, utility assets and land uses play in Nillumbik’s Bushfire Mitigation Strategy.

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**Sent:** Thursday, 7 October 2021 3:01 PM  
**To:** Strategic Planning <Strategic.Planning@nillumbik.vic.gov.au>  
**Subject:** Municipal Planning Strategy (closes 17Oct21) - Submission [REDACTED]

To whom it concerns,

The below submission primarily concerns the MPS' "ENVIRONMENT" theme.

[REDACTED]

Nillumbik is "The Green Wedge Shire" and a conservation shire; yet our natural environment continues to decline: clearly our current frame work is not working. Given the incessant and unbridled push for economic growth and development, the natural environment is set to become ever more marginalised over time, below are suggested some possible measures that may help to finally start turning the tide. Therefore the MPS should:

1. Recognise:

- That all is interdependent, that we're all part of a larger whole and dependent on a healthy environment (even the economy). Thus, instead of a 'people centric' view, there is the need to take a broader view beyond the personal interests of individual local landholders/people, to adopt a "systems view", and to place guardianship (rather than 'land ownership') and a 'duty of care' central to planning and policy making— particularly as it affects our natural environment.
- That we have a moral responsibility for the sustainability and the needs and rights of the many other species with which we share the natural environment (but which notable do not have a voice).
- The need for a healthy environment, and to embed "environmental/ecological sustainability" in all that we do; and to ensure that development is 'ecologically sustainable'.
- That all areas of vegetation/habitat are significant, must be protected and wherever possible enhanced - not only in the Green Wedge, but throughout the 'Green Wedge Shire'.

2. Recognise indigenous vegetation provides the backbone to country, and environmental and Green Wedge integrity. Therefore, (i) medium and lower storey indigenous vegetation, as well as indigenous trees, should receive the strongest possible protection; (ii) Council should plant indigenous in all its public spaces; and (iii) indigenous vegetation should be encouraged where ever possible (including via planning applications). This will also (i) improve neighbourhood and township characters and landscape and water catchment values, (ii) best attract indigenous wildlife, and best ensure their survival chances, and (iii) reduce household watering requirements.

3. Promote the notion of 'living in harmony with nature', and extent wildlife habitat corridors as widely as possible, and encourage wild life-friendly fencing where ever possible.

4. Strengthening throughout the shire the Environmental Significant Overlays (ESO), Significant Landscape Overlays (SLO) and Neighbourhood Character aspects.

5. Widen Biolinks and protection along watercourses, including along drainage lines (refer ESO4 prepared by Abzeco consultants); and improve indigenous habitat and biodiversity along road reserves.

6. Development applications need to be assessed for their impact beyond their property boundaries, and a landscape-scale and regional-scale approach in assessments needs to be adopted. To prevent death by a thousand cuts, the accumulative impacts of individual planning applications need to be recorded and assessed to properly oversee the bigger picture environmentally – for better or for worse.

7. In planning applications, the impact of the Bushfire Management Overlay on landscape and environmental values, on biodiversity, on wildlife habitat and links, and on neighbourhood character needs to be properly assessed; and where its impact is deemed too severe, the application needs to be reduced or rejected. The MPS should mention this as an ongoing planning process by Council.

8. Investigate an amendment to the BMO rules that instead of requiring virtual denuding of a site (and keeping it so indefinitely), allows land holders/planning applicants to keep their vegetation on the proviso they install an accredited bushfire bunker.

Assuming responsible and environmentally-sensitive fire prevention is undertaken as a matter of course, the added advantage of a fire bunker is that once the fire front has passed, landowners can immediately commence 'post fire front mop-up operations' to help save and secure their properties, while this is obviously not possible with the 'leave early' scenario. On-site fire bunkers have another long term advantage by countering people's tendency towards complacency.

9. Research and encourage sustainable and environmentally sensitive bushfire risk management techniques.

10. Properly evaluate the value of trees and all vegetation, and the great many services they provide; eg. store carbon; provide clean air; fix the ground water table; provide pollination services, habitat for wildlife; provide shade, beauty and ambience, peace of mind. They all are very valuable assets (and increasingly so with growing climate change impacts), but unfortunately routinely get undervalued. Fundamental problems are: they hardly get recognised as assets on balance sheets, and there is little appreciation of how long it takes for them to grow and reach maturity, etc. If their true value was properly realised, people would not be getting rid of them so readily.

11. Recognises that our natural resources are finite, and ensures their sustainable use via effective monitoring, evaluating and accounting measures.

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

12. Ensure waste is minimised in all our spheres of activity (household, manufacture, construction, agriculture, etc), and efficient collection and recycling is optimised.

13. Business is not solely motivated by money, profit making and greed, adopts high (ESG) ethical standards, and is encouraged to also adopt and achieve social and environmental goals.

14. The Planning Scheme includes climate change triggers.

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

**From:** [REDACTED]  
**Sent:** Thursday, 7 October 2021 3:05 PM  
**To:** Rosa Zouzoulas <[Rosa.Zouzoulas@nillumbik.vic.gov.au](mailto:Rosa.Zouzoulas@nillumbik.vic.gov.au)>; Strategic Planning <[Strategic.Planning@nillumbik.vic.gov.au](mailto:Strategic.Planning@nillumbik.vic.gov.au)>; Nillumbik <[nillumbik@nillumbik.vic.gov.au](mailto:nillumbik@nillumbik.vic.gov.au)>; [REDACTED]  
**Cc:** Peter Perkins <[Peter.Perkins@nillumbik.vic.gov.au](mailto:Peter.Perkins@nillumbik.vic.gov.au)>; Carl Cowie <[Carl.Cowie@nillumbik.vic.gov.au](mailto:Carl.Cowie@nillumbik.vic.gov.au)>; Frances Eyre <[Frances.Eyre@nillumbik.vic.gov.au](mailto:Frances.Eyre@nillumbik.vic.gov.au)>  
**Subject:** D Schnapp Submission to MPS

7.10.21

Dear Rosa Executive Manager Planning and Community Safety

Attention Nillumbik Strategic Planning Team responsible for MPS

Please find attached my submission to the Municipal Planning Strategy due today.

I give permission for my submission to be made public along with all attachments.

Regards  
[REDACTED]

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations



22.9.21

**INDIVIDUAL SUBMISSION TO MUNICIPAL PLANNING STATEMENT MPS**

I reserve all my rights.

I or nominee wish to be heard by Council. If my objections and suggestions cannot be accommodated I wish to be heard by an independent panel appointed by the Minister.

This submission concerns [REDACTED] approx. 14.5 acres. This property adjoins land on [REDACTED] Diamond Creek. The latter [REDACTED] properties are part of the original urban suburb of Diamond Creek.

As with all of the above lands this property needs to be included within Melbourne's new metropolitan urban boundary. All planning mistakes, irregularities and anomalies in the Nillumbik Planning Scheme need to be corrected and thus allow these lands to utilise their distinct urban infrastructure.

I identify this land as urban with urban planning concerns. My interests and identity are urban, from original residential and infrastructure planning for Metropolitan Melbourne (MMBW and State Rivers and Water supply commission/ Plenty Yarrambat Waterworks Trust). This properties community interests and identity are connected to Diamond Creek, Plenty and Yarrambat (particularly for the protection of the Ironbark/Pioneer Rd infrastructure catchment).

I bought this land in 1989 to enable dual urban infrastructure and dual road frontages for unique combined development options with adjoining [REDACTED] Diamond Creek (which also adjoins [REDACTED] Diamond Creek). All three properties are of the same Ironbark and Pioneer Rd infrastructure catchment (of which they are the urban extension).

I have always identified this property as having common interests with the planning of Diamond Creek and Plenty. It was included in the planned residential expansion of metropolitan Melbourne in the 1970's and 1980's, and were part of the Plenty Growth Corridor, NOT as Green Wedge, together with the above properties. It has urban reticulated infrastructure. It was and still is strategic for such residential development. It forms the boundary between Yarrambat and Diamond Creek and is across the road from the boundary of Yarrambat and Plenty.

If there is to be a review of suburban/post code boundaries I continue to make the request in advance, that this property is included within the boundary of the suburb of Diamond Creek (as has happened with other Yarrambat lands east of Murray Rd). With any subsequently boundary changes to Local Government Areas I will make the request to be included with the City of Banyule NOT the City of Whittlesea.

Consequently as part of this review/rewrite of the MPS I ask Council to include the following:

Clause 2.03-10

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

Ensure recognition and then equitable utilisation of existing utility infrastructure

**Clause 02.04-1**

Review and reinstate Ironbark Rd as an Arterial Rd not a minor road network. Include all of Pioneer Rd as its collector road. Lobby State Government for same.

As per the Infrastructure Key Objectives I would make the following additions:

**Key objective 6**

Recognise infrastructure and associated planning/zoning irregularities, anomalies, mistakes and major inequities.

**Key objective 7**

Facilitate the corrections needed for all zoning/mapping/planning irregularities in Nillumbik.

Please see Attachments showing property title with sewerage and drainage easements proving its inclusion in the township plan. This property must be continued to be included with the Eltham sewer catchment.

1955 map showing Melbourne's First Planning Boundary urban expansion MMBW showing lands inclusion within

Plenty Growth Corridor Map showing lands inclusion within

Electoral Maps showing lands history of urban political representation

Please see also hard evidence/information sent as a confidential attachment as part of [REDACTED] submission.

I support [REDACTED] submission in its entirety.

I give my permission for this submission and its attachments to be made public.

[REDACTED]

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

THIS PAGE WAS LEFT INTENTIONALLY BLANK

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations





## **Nillumbik Climate Emergency Action Team**

Nillumbik Climate Emergency Action team (NCEAT) is a group of local community members dedicated to the aim of lobbying Nillumbik Shire Council to declare a Climate Emergency. We recognise that we need to take emergency action to secure a future for our planet, and we advocate for strong action at the local government level to help deal with this emergency.

### **Submission on Municipal Planning Strategy**

Thank you for the opportunity to help shape the vision for development and land use in the Shire of Nillumbik, via the Municipal Planning Strategy. According to the Participate Nillumbik page on the Council website, 'eleven key themes and associated objectives have been identified through the Our People Our Place Our Future community consultation project. They reflect the priority concerns, issues and values of the Nillumbik community. These eleven themes will form the base of the new MPS.'

This submission will focus on three areas:

- the MPS Vision Statement
- concerns with draft key objectives for the theme of Climate Change
- suggested key objectives for the theme of Climate Change

#### **Municipal Planning Strategy Vision Statement**

The MPS needs to include a vision statement that provides a clear framework for the Strategy. This should be in line with the values and goals expressed in the Nillumbik Community Vision 2040, currently in draft form. This vision statement must incorporate the three main priorities of the community that were identified in the Council survey, *Our People, Our Place, Our Future*: 1. Preservation of the Green Wedge; 2. Protection of environment and biodiversity; 3. Action on climate change.

Such a vision statement could read as follows:

Nillumbik is:

- 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 and nurtures the natural environment as a resource for the benefit of all Melburnians.

- a place 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.

In the context of this vision statement, the objectives of the MPS must incorporate principles of planning that will lead to a carbon neutral, richly biodiverse shire.

### **MPS Planning Objectives Based on Identified Community Priorities**

As mentioned above, the Council survey, *Our People, Our Place, Our Future* identified three main priorities of the community. They were: 1. Preservation of the Green Wedge; 2. Protection of environment and biodiversity; 3. Action on climate change. In the *Taking Action on Climate Change* survey, 90% of residents expressed concern about climate change, and 82% of online respondents thought Council should consider climate change in its decisions.

#### *Concerns with draft objectives:*

Given that the issue of climate change figures prominently in community concerns, one would expect that a foundational planning document such as the MPS would contain objectives that focus on *planning principles* in relation to climate change challenges. This, however, is not the case.

Of particular concern to NCEAT are the Council's objectives on the theme of Climate Change. This theme contains 7 key objectives - the first four relate to bushfire preparedness and adaptation, and the last three relate in a general way to climate change adaptation and mitigation. *None* refer to planning and development controls that would reduce carbon emissions, encourage renewable energy infrastructure initiatives, increase energy efficiency in new and existing buildings or encourage or mandate renewable energy initiatives in new commercial, Council or residential building developments. For a document that purports to be about providing a framework for planning policy, this seems to be a startling omission.

### **Suggested Key Objectives for the Theme of Climate Change**

#### *1. Environmentally Sustainable Design Principles:*

It is imperative that climate change impacts are considered in all building and public space design, and steps taken to mitigate the impact of the built environment on the natural environment, including consideration of vegetation removal, stormwater run-off, increased use of energy and water usage. To this end, an overarching planning principle that must be included as a key objective in the Climate Change theme is that Environmentally Sustainable Design principles (ESD) for all new buildings are promoted throughout all planning policies.

Some priority actions for the Nillumbik Planning Scheme that might flow from this objective could include (but would not be limited to) the following:

- engage an ESD consultant as part of design team for new Council-owned developments (new buildings and major refurbishments) to set the highest possible environmental/energy standard for the project (e.g.5 or 6 Green Star Rating for the design of the building, 8 star NABERS [National Australian Built Environment Rating System] or NatHERS [Nationwide House Energy Rating Scheme] rating for its ongoing operational energy efficiency).
- support energy efficient building design and use of renewable energy systems in residential homes and commercial buildings, including a prohibition on the approval of building permits that rely on gas for hot water or heating.
- promote building design that incorporates passive solar design principles including:
  - maximising northern orientation to internal and external living spaces and windows
  - maximising access to natural light and ventilation.
- support adaptive re-use of buildings.
- support the re-use and recycling of building materials, and use of recycled, locally sourced and sustainable building materials.
- support appropriate waste storage and collection facilities being provided on-site for all types of waste streams.
- facilitate a precinct wide energy supply that can be shared between developments, where appropriate. For example, a community solar farm.
- support inclusion of water harvesting and reuse measures within the planning and design stages of development.
- improve local water harvesting through rainwater tanks and greywater irrigation systems.

All building planning policies should support renewable energy building developments without compromising the retention and enhancement of biodiversity and the natural environment.

## *2. Protection of Tree Canopy:*

Within the theme of Climate Change, one of the key issues impacting climate change mitigation effectiveness is the issue of consolidation and subdivision of large lots and increasing density of dwellings in residential areas where tree cover, mid-storey vegetation and herbaceous ground cover is being lost. Council needs to consider implementing an Urban Forest strategy. This would include protecting and increasing tree canopy in urban areas, as well as middle and understorey vegetation, in order to lessen the 'heat island' effect and the impact of increasing temperatures with climate change.

*3. Protection of indigenous environment:*

In addition to urban areas, Council can increase its direct contribution to mitigating climate change by prioritising protection and enhancement of the indigenous environment and biodiversity throughout the Shire. Nillumbik, with its large areas of bushland, is perfectly placed to play a significant role in sequestration of carbon through its existing tree cover, and this can be further enhanced by active restoration of remnant and degraded bushland in rural areas. As a key climate mitigation strategy, planning objectives need to focus on the goal of preservation, protection and enhancement of indigenous environment. This is to be achieved through strict planning controls on land use in non-urban areas of the shire.

*4. Protection of biodiversity:*

The role of biodiversity is crucial in maintaining the integrity of carbon storage ecosystems. We need to maintain this ecosystem integrity in order to build the resilience required to counteract severe climate change impacts, a key issue that should be reflected in the planning objectives for the Climate Change theme. An intact biodiverse ecosystem also lessens the severity of bushfire. This involves a proactive approach to biodiversity – it is not enough simply to limit development in areas of indigenous environment – there is a need for comprehensive programs to restore and enhance biodiversity.

*5. Regenerative farming:*

In the Green Wedge theme, key objective 8 states, 'Protect and enhance agricultural land for both its productive potential and environmental value.' A suggested addition to this for the Climate Change theme would be '...and through the promotion of [regenerative farming methods](#) to increase the ability of soil to sequester carbon as a climate mitigation strategy'. In addition to increasing carbon retention in soils, regenerative farming methods have the added advantage of improving water retention in soil during times of drought, decreasing soil erosion and excess water runoff at times of high rainfall, improving resilience to pests and disease, and increasing biodiversity through retention of natural vegetation and regrowth of vegetation on previously cleared land.

*6. Renewable energy technologies.*

In the theme of Climate Change, expand key objectives 5 and 7 dealing with the reduction of the Council's and the community's direct contribution to climate change to include the active promotion of renewable energy technologies such as batteries for solar power storage, electric vehicles, heat pump water heaters, reverse cycle air conditioners for heating.

*7. Transport*

Include in the Climate Change theme a specific objective to reduce emissions through increased facilitation of public transport usage focussing on improved bus

and train connections, as well as support for electric cars, buses and Council vehicles.

*8. Circular economy*

Promote the values of a circular economy through reducing consumption patterns, encouraging recycling, and developing systems for eco-friendly use of waste from the Council, community, commercial, industrial and retail sectors.

*9. Local Food Production*

Promote local food production initiatives such as farmers' markets, food share and seed bank initiatives.

***Nillumbik Climate Emergency Action Team***



## **SUBMISSION TO NILLUMBIK COUNCIL**

### **Comments for Municipal Planning Strategy (MPS)**

It is my contention that much of the current planning strategy is based on, and is an extension of nineteenth century assumptions about land use. The current scheme and much of the current discussion represents a palimpsest of applications of these assumptions.

As a result of unforeseen or neglected changes in fundamental attributes much of the Gordian Knot of regulation, directions, activities and zonings should be rebuilt from scratch.

I wish to concentrate on a few of the areas that seem to have little or no attention in this current documentation.

I will make some short comments to the objectives listed in the MPS overview and then comment on critical issues that seem not to be addressed with respect to agriculture, bushfires & climate change.

### **Activity Centres & Space**

Community activities, services & recreation must consider those outside Eltham & Diamond Creek. Much activity occurs in the villages, townships and homes, and these will increase. See Economic Development below.

### **Natural Environment**

For resilience and sustainability in unstable weather conditions the aim of planning should be increase biodiversity in built, agricultural and forest environments.

The environment in Nillumbik is neither natural nor static. Whether human influences are natural or unnatural is debatable, but it could be usefully considered that humans have changed the direction of landscape evolution in two major epochs. The pre-human landscape changed with Aboriginal, and then with immigrant settlement. The environment we have now is a consequence of extensive land clearing, farming and urbanization and factors including controlled and uncontrolled fires. Fires and land clearing have resulted in large areas of eucalyptus monoculture.

Currently drivers of change include introduced animals and climate change.

Many native flora species are out competed by pioneering species like eucalyptus which now dominate what was once a much more diverse environment. Eucalypts are allelopathic thus restricting biodiversity by poisoning other species, mainly plants, but including many insects, which then impacts birds.

Decimation of birds and small animals can be blamed on foxes and cats. The cats are often domestic. Thought should also be given to eradication of feral deer that destroy many plants and lead to soil erosion. Rabbits are also a significant local problem, especially with erosion and vegetable growing.

### **Economic Development**

Employment can be all over the Shire. Outside the towns these include artist studios, agriculture, markets, event centres, workshops, personal training, dog washes, builders & other trades. The Covid 19 pandemic saw many people working from home. This is likely to continue.

Employment should be supported throughout the entire Shire

### **Infrastructure**

Objective 5 – far too vague - no reason to consolidate lots. Small lots are usually capable of treating effluent onsite. Lot consolidation in rural areas is discussed under Lot Size below.

This objective should be deleted.

### **Further considerations for agriculture**

Proximity to Melbourne.

The prime aim of agriculture is the production of food; but also flowers & herbs for health eg. medicinal or culinary plants, or heritage & conservation, maintenance of gene pools, and species used by First Nations peoples, could be considered.

As distance of transportation increases so does increase of costs, pollution, road damage, accident occurrence, road kill, food and time spent unnecessarily. Food availability can be reduced in times disease or landscape restrictions such as fire, flood or storms.

Proximity strengthens resilience.

Much useful land has already been lost due to urban expansion and construction of transport networks.

The areas designated as suitable for agriculture are often the result of conflicting interests rather than scientific evaluation. Conflicts include those motivated by the to develop housing and industry, rural living and conservation and the environment. The latter itself consists of conflicting interests including preservation, rehabilitation, renewal. 'bush' living, human exclusion and others.

Zoning according to agricultural potential

The document Mapping Melbourne for Land Capability (University of Melb. 2013) states that most of Nillumbik is suitable for grazing only. I would strongly dispute this. A large proportion of Nillumbik was once agricultural land. Most of that is now not zoned as agricultural. T

Many of these are no longer relevant or could be circumvented.

### **Soil Fertility**

Since European settlement agriculture has significantly reduced soil fertility. This has resulted in nutrient loss in produce and flora availability to grazing animals.

From 1940 to 1997 vegetable calcium has fallen 46%, Iron 27% , Magenesium 21%.

Soil carbon content has fallen from 4% to less than 1%.

Loss of minerals in meat is similar as animals eat depleted grass & foliage.

The techniques of restoring depleted soils to their potential a process known as regenerative agriculture, depends largely on restoring the micro-biota of the soil. The approach and the knowledge that underpins it are quite recent despite beginning in the early 20<sup>th</sup> century, for example by the Soil Association in the UK. These early techniques often did not apply to Australian soils particularly in relation to the lower water content. In the 20<sup>th</sup> C knowledge of soil biota was largely confined to worms.

Appropriate techniques have been developed and applied by a number of individuals and organizations e.g. Graham Sait at Nutri Tech Solutions, the bio dynamic movement initiated in Australia by Alex Podolinsky and Regenerative Australian Farmers. A number of techniques applicable to Australia include those developed in USA by Dr Elaine Ingham of Soil Food Web. These methods largely do not require the application of herbicides, artificial fertilizers, pesticides or soil tilling. The approaches popular in the 20<sup>th</sup> C, and still used, reduce nutrient availability & soil structure, and plant & animal health. Application as support of appropriate regenerative practices would enable reassignment of land not used for agriculture to sustainable production. New farming techniques can overcome the problem of low farmer income, excessive labor & the use of toxins.

A number of links to organizations & courses at <[soils for life.org.au](http://soilsforlife.org.au)>

Soil restoration for agriculture seems not to have been considered in Victorian zoning applications.

### **Lot Size**

Land used for farming & horticulture is generally more productive as lot size is reduced. Small farmers across the world produce more food per unit area than large lots. Currently only 6% of world farms exceed 5 ha. Farms under 2 ha produce one third of the world's food and 80% of world food is produced on family farms. (University of Oxford – Ritchie & Moser. 2021, Farm Size, Oxford University). The impetus to combine small farms in to large units, often with absentee owners became popular in the 20<sup>th</sup> century, especially after WW2 as animal power gave way to machines. The introduction of biocides suggested figures for increased efficiency which ignored the accumulation of accelerated soil destruction by disturbance of fungal hyphae, monoculture and poisoning of the microbiota.



Nillumbik planners have sought to follow the belief in land amalgamation which are largely mythical or archaic, and discouraged dwellings on lots generally under 40ha, despite occupier farmers generally being more productive and caring of land than absentee owners. I recognize that in reducing lot size with occupation, a problem could be that those of little productive priorities might take advantage. Overcoming this might be addressed by rating & other approaches.

### **Agriculture & Fire Mitigation**

Nillumbik has been an area of major bushfires including 1939, 1962 & 2009. The 2009 fire was the 8<sup>th</sup> most deadly recorded in the world. A wind change prevented the fire reach the densely populated areas closer to Melbourne. My own property was burnt losing livestock, a small vineyard, house & outbuildings. The house in adjoining farm survived. The owner, Owen Holmes, told me he saw the fire approaching & watched it divide into two when hitting his well watered vegetable garden. "Like the parting of the Red Sea", he said. Passing the house it recombined & travelled up the road destroying most houses. Planning in Nillumbik needs to encourage approved distances from flammable species such as eucalyptus, (say 100m) & establishment of flame retardant species as well as high degree of water retention.

The use of foliar wind- breaks to catch embers during fires could be encouraged with low plantings providing wild life corridors & refuge. Green roof houses should be encouraged. They reduce fire risk and are generally not intrusive on the landscape.

### **Climate Change**

Climate change will affect all aspects of living in Nillumbik from increased power usage to more extreme weather events and a changed ecology. How this will affect Nillumbik is not certain in detail, but it is likely with temperature rise, storms and fires will be more frequent & more energetic. This suggests still greater importance of regenerative agriculture techniques to increase soil water holding capacity, windbreaks to reduce evaporation and soil loss by wind, and crop diversity so that inter dependence strengthens the system as a whole. The use of swales and terracing on open or agricultural land to slow water during storms should be encouraged. Shading of dams and ponds reduces evaporation and shelters wildlife. Higher water content in soils and plants benefits fire resistance.

A warmer climate will change the conditions for natural species. Species usually found further north could migrate south. Some like ticks & cane toads would not be welcome. Nillumbik Council should have a contingency plan for maladies such as Murray Valley encephalitis and Dengue Fever. Some sub tropical plants might be considered for agriculture. All this needs close observation & attendance in planning.

I'm happy to expand on any of the above.

Thanks for coming this far.

[REDACTED]

#### Additional References

\

<http://www.db.zs-intern.de/uploads/1523253471-Initiative.pdf>

<https://anaiscipriano.wordpress.com/2017/02/10/pierre-rabhi-the-hummingbird-movement/>

<https://www.globalagriculture.org/report-topics/industrial-agriculture-and-small-scale-farming/industrial-agriculture-and-small-scale-farming.html>

<https://regenfarmers.com.au/>

<http://www.soilfoodweb.com.au/>

<https://www.soilfoodweb.com/>

<https://www.soilassociation.org/causes-campaigns/a-ten-year-transition-to-agroecology/what-is-agroecology/>

<https://podcasts.apple.com/au/podcast/nutrition-farming->

<https://biodynamics.net.au/about/podcast/id1500903366>

<http://www.levyinstitute>[https://www.abc.net.au/news/2021-06-26/cultural-burning-to-protect-from-catastrophic-bushfires/100241046org/pubs/wp\\_490.pdf](https://www.abc.net.au/news/2021-06-26/cultural-burning-to-protect-from-catastrophic-bushfires/100241046org/pubs/wp_490.pdf)

More on request

**From:** [REDACTED]  
**Sent:** Friday, 17 September 2021 10:32 AM  
**To:** Strategic Planning <[Strategic.Planning@nillumbik.vic.gov.au](mailto:Strategic.Planning@nillumbik.vic.gov.au)>  
**Subject:** Re: Help us develop a vision to effectively and sustainably plan for land use and development in Nillumbik

The major problem with Nillumbik council ( as with all councils ) is the blatant disregard for residents wishes . The number of high density dwellings , four units to a 1/4 acre etc has transformed Eltham drastically from the a unique district that drew us to it many years ago to the heavy traffic area it now is , the main reason for this is create high wages within council for little resident return . Unfortunately this will not change ...will it .Yours cynically [REDACTED]  
[REDACTED] long time resident

On Thu, Sep 16, 2021 at 11:05 AM Strategic Planning  
<[Strategic.Planning@nillumbik.vic.gov.au](mailto:Strategic.Planning@nillumbik.vic.gov.au)> wrote:

Good Morning

We are reaching out to you as you have made a submission to the Our People, Our Place, Our Future program. As you may be aware, this program has helped inform a number of Council Plans and Strategies. One of them is the Municipal Planning Strategy (MPS).

Council is seeking to update the MPS and we need your help.

The MPS sets the vision for future land use and development in all planning schemes in Victoria.

It is 'future looking' over a 10 – 20 year timeframe and sits at the front of the planning scheme.

The MPS is essentially an overview of local planning issues that influence the Shire and it sets out the vision and direction for future land use and development in planning for future impacts of identified issues and influences.

Together with the Victorian Planning Policy Framework, the MPS forms the strategic basis of the Nillumbik Planning Scheme.

Consultation has commenced and there are a number of ways you could give us your feedback.

We encourage you to provide your views online, register to attend programmed virtual workshops or send your submission to:

Strategic Planning PO Box 476 Greensborough 3088

OR

Email: [strategic.planning@nillumbik.vic.gov.au](mailto:strategic.planning@nillumbik.vic.gov.au)

Feedback closes 11.59pm Thursday 7 October 2021.

Please visit <https://participate.nillumbik.vic.gov.au/mps> for more information.

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

If you have any enquiries, please contact Bea Guevara, Senior Strategic Planner, at 9433 3269 or email [strategic.planning@nillumbik.vic.gov.au](mailto:strategic.planning@nillumbik.vic.gov.au)

Kind Regards

**Strategic Planning**  
**Nillumbik Shire Council**  
[Strategic.Planning@nillumbik.vic.gov.au](mailto:Strategic.Planning@nillumbik.vic.gov.au)

---



## **NILLUMBIK MUNICIPAL PLANNING STRATEGY**

Nillumbik Pro Active Landowners (PALS) Submission

# NILLUMBIK MUNICIPAL PLANNING STRATEGY

## Nillumbik Pro Active Landowners (PALS) Submission



### INTRODUCTION

**PALs CALLS FOR THE COMPREHENSIVE CORRECTION OF THE ALLEGED HISTORIC MALFEASANCE IN THE REDRAFTING OF THE PREVIOUS MUNICIPAL STRATEGIC STATEMENT ("MSS"). NSC IS SPECIFICALLY PUT ON NOTICE REGARDING THE PROSPECTIVE RISK OF LEGAL EXPOSURE IF THE MSS IS "TRANSLATED" INTO THE MPS. PALS INSISTS THAT THE MPS IS DEVELOPED FROM SCRATCH - ONLY AFTER NSC LEGITIMATELY ESTABLISHES AND CONFIRMS THE INPUT, VIEWS AND THE RIGHTS OF THE SECTOR OF THE NILLUMBIK COMMUNITY WHICH IS THE MOST AFFECTED BY IT.**

Nillumbik PALS input into the current consultation process for the revision of the Municipal Strategic Statement ("MSS") – now known as the Municipal Planning Strategy ("MPS") – provides Nillumbik Shire Council ("NSC") with a critical opportunity not only to deliver a responsible and informed renewal of one of the most important components of the suite of documents which make up the Nillumbik Planning Scheme ("NPS"), but in particular it also presents the opportunity for NSC to transparently demonstrate that it acknowledges, appreciates and is prepared to act to rectify an historic aberration in the previous MSS – repeatedly and unambiguously identified in several previous PALS submissions.

Since becoming aware of the wholesale and allegedly improper redrafting of the previous MSS – which is specifically referred to in the FAQ as follows: **".....the current MPS is essentially the translated MSS"**, which PALS understands (and of which PALS has put NSC on notice previously in several published detailed submissions) was committed via the preparation, introduction and ostensibly improperly deceptive and covert passage of Planning Scheme Amendment C86 in 2014, PALS has both sought leading Queen's Counsel opinion in relation to the legal authority of this current amendment – and also regarding the prospectively serious mischief in and NSC's prospective legal exposure for the formulation of the MPS if **"the translated MSS"** is incorporated without addressing this critical and fundamental issue.

#### **DEMONSTRABLY MISLEADINGLY AND DECEPTIVELY INTRODUCED PLANNING SCHEME AMENDMENT C86**

PALS refer NSC to "Addendum 1" of August 2019 published:

***"SUBMISSION TO NILLUMBIK SHIRE COUNCIL("NSC") ON THE DRAFT GREEN WEDGE MANAGEMENT PLAN ("GWMP")***

**Go to:** <https://www.dropbox.com/s/bcpwg5ee4bkhlvc/Nillumbik%20PALS%20Submission%20to%20Draft%20Green%20Wedge%20Management%20Plan%20%28%E2%80%9CGWMP%E2%80%9D%29%20Final%20with%20Addenda%20190810.pdf?dl=0>



Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

PALs insists that by purporting to translate the MSS, NSC is bound to deliver a fundamentally flawed MPS – essentially and deliberately failing to distill the views, values, interests and priorities of rural landowners which have been resoundingly communicated to it.

The erosion in NSC/landowner relations, which PALs has been determined to avert, is likely to be exacerbated if the litany of our clear concerns is ignored.

The historic marginalisation of landowners was to have been consigned to history. Purporting to incorporate into a new MPS provisions demonstrably rejected by landowners, characterised by proposed components analogous to the aborted thrusts of C81 and C101, while intending to increase controls with persistent and improper misuse of planning mechanisms – with both the aim and the inevitable result of the thwarting of landowners aspirations and plans for responsible land usage is simply irresponsible local government.

## **THEME 1 – ACTIVITY CENTRES**

- 1. The Eltham and Diamond Creek Major Activity Centres will continue to provide inclusive and accessible commercial activities, community services, recreational facilities and housing opportunities, as well as containing a substantial public transport hub.**
- 2. The Major Activity Centres will continue to accommodate most of the Shire's growth and will have an increased role in providing for a diversity of housing and in particular, medium density housing (including mid-rise commercial development and apartments).**
- 3. The Hurstbridge and Research Neighbourhood Activity Centres will continue to 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.**

### **PALs RESPONSE**

The key component in relation to all the themes is the repeated failure to address the overriding issue of the reduction of red and green tape. This is an equally critical issue in the suburban areas of Nillumbik as it is in the rural areas.

PALs has made several submissions regarding the trend for the use of plain English in regulations and legislation and the reduction in red and green tape State- wide and refers NSC to the PALs library of submissions included at the conclusion of this submission.

The major controls with respect to Activity Centres are controlled by the State Government. The underlying principle that NSC in its planning function has, and is, repeatedly failing to apply is to present a face to applicants that provides an environment of "how can we work with you to achieve an outcome both acceptable to you as the Applicant, as well as the community". NSC's default approach (and Government generally) appears to be to refuse applications in the first instance and to then expend ratepayers'/taxpayers' money at VCAT to justify their positions.

However, the principle of the above in relation to the Eltham and Diamond Creek Major Activity Centres is supported. The emphasis should be placed on "housing opportunities" as it is these Major Activity Centres that will have to support predicted population increases. NSC must be pro-active in this space and be innovative and responsive to industry initiatives.

The Hurstbridge and Research Neighbourhood Activity Centres will also play an increasingly important role for growth in population. This can be achieved yet still be consistent with the "Village Character" aspects by accommodating innovative opportunities for future development.

NSC should be open to the concept of mixed use (commercial/residential) opportunities, as well as medium density housing within this space as this will encourage and support village populations within the precincts, thus reducing the importance of car usage and car parking obligations, whilst fostering local enjoyment - minimising the needs to travel outside the village.

This can be especially important for an ageing (in place) population who wish to retain contact with the area within which they lived their younger lives.

## THEME 2 – GREEN WEDGE

1. Recognise the rural areas (land zoned Rural Conservation or Green Wedge) contain sites of environmental and landscape significance, natural resource-based activities and residences.
2. Protect our Green Wedge and its environmental integrity to ensure a safe haven for native wildlife, thriving biodiversity and native vegetation.
3. Recognise that the rural areas often lack existing infrastructure. Including essential services, community facilities and internet coverage.
4. Acknowledgment of land use conflict between agricultural and rural residential land uses and a risk that further residential development will fragment rural land into unviable land parcels.
5. Manage the issues of land use conflict, resource use and environmental management arising from the diversity of uses through sustainable land use and natural resource management.
6. Ensure development in rural areas mitigates potential fire risk.
7. 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. Advocate to State Government to undertake Shire Wide testing and analysis of contaminated land.
8. Protect and enhance agricultural land for both its productive potential and environmental value.
9. Our connection to the Green Wedge is celebrated by all who live, work or enjoy their time in it.

### PALs RESPONSE

The issues of Use and Occupation within the Green Wedge sits at the epicentre of this document and is of paramount importance.

NSC should not be swayed by extreme green activist dogma in this area, rather it should concentrate on what is important and what contributes to a healthy, vital, safe Green Wedge that will continue to provide an attractive landscape to both visit and live in. NSC has a duty to safeguard the rights of landowners to quiet enjoyment of their land.

1. There is no dispute that the rural areas of Nillumbik contain sites of environmental and landscape significance. However, it is important to accept that not ALL areas within the Green Wedge are of that same significance. Much of the land is of no particular significance at all, but may still contribute to the overall ambience of the Green Wedge.

It is also critical for NSC to accept and understand that any site which is considered to be of environmental and/or landscape significance does not necessarily mean that the relevant land contains native vegetation. It can, and does, also include grazing land, land for agricultural pursuits, land for rural residential occupation, land for hobby farm uses, or even just open grasslands. All of the above contribute to a vibrant Green Wedge.

All of the land within the Green Wedge (which notably excludes land within the suburban and township areas, despite what suburban residents may believe) is, effectively, already subdivided into allotments consistent with the existing planning controls set out in the Nillumbik Planning Scheme (NPS).

The area of existing allotments have either been approved by council (or VCAT) as complying with the intent of those controls, or are existing or remnant tenements from earlier times.

The land titles registration system provides legal ownership of land parcels to the proprietor as registered on their respective title document. Ownership is guaranteed by Government.

Consistent with that legal ownership there are both legal rights and moral obligations.



Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

The moral obligations centre around the medical principle of "do no harm". Overwhelmingly rural landowners seek to improve their properties, not degrade them. The goal is to leave their land in a better condition for future generations than when they acquired it. This does not equate to leaving their land untouched, or unmaintained, or neglected. The principle is applied to properly maintain their land, adequately improve their land and actively minimise the likelihood of the uncontrolled ravages of major bushfire events across their landscape.

This principle does not equate to the destruction of existing vegetation, nor a depletion in tree cover. Vegetation cover across the Green Wedge has steadily increased over the last 60 – 70 years, despite the increase in dwellings and subdivided lands.

For activists to, on the one hand, claim that the Green Wedge is a thriving natural environment, whilst simultaneously on the other hand, decry the ongoing, massive destruction of native vegetation foisted upon a hapless community by ever greedy "developers" (read -> landowners) is hypocrisy at its zenith.

The legal rights for legal landowners relate to the legal principle that council (or Governments) do not have any legal right to overtly and purposefully diminish the value of their land without adequate and fair compensation.

Yet consistently and repeatedly, this is precisely what this Council has done (and continues to do) for decades.

This has manifested itself, in part, in the following manner:

- Ever increasing development and application of highly restrictive planning controls, overlays, planning permit requirements and aggressive and regressive relationships with rural landowners.

*(As predicted by PALs during the council elections in 2020, green activist groups are, once again, advocating for Council to revisit C81 and C101 – now described under their generic categorisation of SLO and ESO Overlays – despite the unambiguous rejection which rendered them dead and buried. Their eradication was final.*

- Misleading and potentially unlawful application of planning scheme amendment processes, such as Planning Scheme Amendment C86 from 2014 which fundamentally changed the wording to the then MSS to purport to introduce prohibiting planning permits to build on allotments of area less than 8 hectares. (For C86, council submitted to the Minister for Planning an amendment falsely categorised as comprising only "administrative corrections" that had "no material changes and was policy neutral" and, as such, did not require ANY advertising or community consultation. Amendment C86 contained in excess of 40 pages of changes).

**(For detail on C86 and other relevant PALs submissions see links at the bottom of this submission).**

- Denial and/or refusal of a landowners right to have their planning application to build considered by Council on its merits rather than by an ideological pre-determined agenda biased to green activist biased viewpoints.

*(Council has consistently and erroneously cited grounds for refusal for planning applications to build on land that is less than 8 hectares knowing that there is NO specific minimum area requirements for sites in the RCZ and Green Wedge, save and except for subdivision applications. The reference to 8 hectares is for resultant lot size AFTER a subdivision – nothing to do with a lots suitability for a dwelling.*

*This ground for refusal has been incorrectly and inappropriately applied as a Planning Scheme control for decades and has repeatedly deprived Applicants from having their application considered on its merits.*

- Recent and ongoing efforts by this current council to place increasing restrictions on landowners through regulatory controls (such as By Law changes) which involve little or no consultation and no effective oversight by State Government.
- Potential negligence by council in relation to any practical or effective works to mitigate the impacts of major fire events across the Green Wedge.

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

*(By refusing to undertake these necessary mitigation works on any sort of consistent basis, or deflecting or deferring genuine and real works on the ground, both along road reserves and on council owned lands, leaves both the council and its relevant Officers potentially vulnerable to legal action (and potentially Councillors) if a major fire event caused loss of either (or both) human life and/or infrastructure.*

*Council has an approved and adopted Fire Mitigation Strategy, but lacks any effective Implementation Plan which is a requirement of the Strategy. Not complying with the requirements of its own Strategy could potentially generate an allegation of negligence. An allegation, if proved, exposes the Council and its relevant Officers (and Councillors) to legal action.*

*Further, the lack of any partnership, support and relationship with rural landowners with respect to maintenance and mitigation works across private lands (also a requirement of the Strategy) further demonstrates the vulnerability of human life and animal life should a major fire occur.)*

- Improper, inappropriate and potentially illegal use of the MPS (previously the MSS) to categorise planning applications to build on any lot less than 8 hectares minimum as prohibited.

(Council have a duty and responsibility to assess any planning application on its merits. An Applicant has a right to expect Council assess their application in adherence to the controls set out in the NPS. Failure to do so, which is the current and likely future position of Council, contravenes its responsibility to act in the best interests of its ratepayers and community).

All of the above points result in a likely devaluation of legally existing parcels resulting in a loss of value to the owners, as well as a loss of amenity and a loss to potential use of those parcels into the future. To this point in time Council appear to have thereby contravened the Local Government Act 2020 as they have not considered the impacts of their actions on those directly and immediately affected, being rural landowners.

It is a legal requirement of the Local Government Act 2020 that those directly affected must be consulted Their circumstances must form part of any policy or process going forward. This has not occurred and, it is suspected, that Council have acted wilfully in this regard for decades. The indications currently are that Council have been independently advised of this requirement and, to date, have chosen to disregard its legal obligations.

- 
- 2.** PALs support the initiative to *"Protect our Green Wedge and its environmental integrity"*. However, this implies that ALL other uses, works, occupation and pastimes (being either commercial or private enjoyment) cannot co-exist with *"a safe haven for native wildlife, thriving biodiversity and native vegetation"*.

This is not correct, nor should it be allowed to perpetuate the myth that a Green Wedge can only thrive if there is NO human footprint upon it.

A successful Green Wedge is comprised of many facets, only a part of which is its natural environment. This is dictated by Government, and it is not the role of Council to overtly change and undermine that Government principle.

PALs request Council to reflect that above broader principle of co-existence be included in its statement of *Protecting our Green Wedge*.

- 
- 3.** PALs support the statement *"Recognise that the rural areas often lack existing infrastructure"* as it is clearly factual. However, this statement should also give some indication of a process to rectify these issues. It appears clear that suburbanites fail to appreciate or comprehend the disparity in service and amenity provision. A lack of existing infrastructure should be addressed as a Council obligation.
-

---

**4. The point should be deleted from consideration as it is not accurate.**

**PALs REJECT any proposition that there should be "Acknowledgment of land use conflict between agricultural and rural residential land uses".**

What evidence does NSC rely on when proposing this wantonly ideological statement "acknowledgement? What conflict? The lands now used for rural residential purposes have been generated from legal processes and comply with the controls and requirements of the NPS.

This statement is false. It has no basis in fact. PALs is concerned that it may well have been proposed or generated by anti landowners seeking to influence or drive the Council narrative. The end game is to remove the human footprint from the land, or at least, to seek to impose consolidation requirements onto existing legally generated parcels and force landowners into a position where there can be no "use" on any allotment unless it is considered to be of a viable minimum area. PALs overwhelmingly object to this unsupported proposition.

It denies legal and human rights of rural landowners who, in good faith and supported by the full entitlements of the legal land tenure system, own their land and thereby have a right to "use" it within reasonable parameters.

The statement "*risk that further residential development will fragment rural land into unviable land parcels*" is a nonsense statement and should be immediately removed.

The land within the Green Wedge and RCZ are controlled by the NPS with a plethora of Controls, Overlays, Restrictions and Agreement requirements that punishingly restrict what a landowner can, and cannot, do on their own land. A strong component in relation to rural lands is an existing control on the area of new lots created as part of a subdivision process.

To change this reality would require a significant planning scheme amendment. PALs are not advocating for this change and never have.

Therefore, the proposed "acknowledgement" sits in direct conflict with the reality of the NPS. The controls that exist within the NPS take priority and Council must not introduce any statement or control that is in conflict, or suggestive of controlling any given outcome of the NPS.

**It must be removed.**

---

**5. The statement "Manage the issues of land use conflict....." is both redundant and non-sensical. The statement should be removed.**

---

**6. The statement "Ensure development in rural areas mitigates potential fire risk" is a statement of the obvious. There are significant controls already within the NPS that restrict and/or stipulate matters that must address the potential fire risk. This statement is therefore redundant and should be removed.**

---

**7. The statement "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" would establish the same conflict that occurred with the dumping of land fill in Doreen, the subject of misleading controversy in the lead up to the last council elections.**

By making this type of statement Council would establish a mechanism for a landowner to, in fact, instigate those "uses" provided they have done the "*testing and necessary remedial treatment*". There is no process required within this statement to ensure that the outcome is appropriate and/or approved, purely that the testing has been done. This is the exact situation that occurred in Chapel Lane with the dumping of fill and the fact that someone, somewhere had determined that there would be no downstream effect. Once that determination had been made, Council had no mechanism to contest the works.

This statement is also redundant as there are extensive and ample controls already within the NPS, or that will be contained in the current planning scheme amendment brought about by the Chapel Lane exercise.

**This statement should be removed.**

- 
8. The statement "*Protect and enhance agricultural land for both its productive potential and environmental value*" suggests that it is both unnecessary and in conflict with itself.

In making this statement does Council now agree, in contrast to its previous statements and inferences, that agricultural pursuits can be of "*environmental value*"?

PALs do not see any instances across the rural areas of the Shire where agricultural land is NOT being protected with the added potential for enhancement. This point goes to the fact that landowners who are using their land for agricultural pursuits will intuitively only wish to both protect it and enhance it. This is purely commercial reality.

- 
9. The statement "*Our connection to the Green Wedge is celebrated by all who live, work or enjoy their time in it*" is a seemingly inclusive motherhood statement. Regrettably, this Council is systematically ensuring a very significant number of those who "*live.... in it*" are excluded and marginalised in favour of the very small number of environmental activists and a large number of those who do not "*live...in it*".

---

**PALs propose three additional statements that should be added if there is any genuine desire to include those that in fact, do live in it.**

---

10. Acknowledge and protect the rights of rural landowners to undertake responsible maintenance and fire mitigation activities on their properties to help protect themselves and the broader Nillumbik community from the passage of significant bushfire events across the rural landscapes.

- 
11. Acknowledge the significant work undertaken by rural landowners on an ongoing basis to protect and enhance the rural landscape which is so important for a vibrant Green Wedge and Rural Landscape.

- 
12. Undertake to reduce red and green tape, reduce in number and decrease the complexity of restrictions, controls and application requirements in relation to rural land use. Replace restrictions, management plans, formal agreements with a consultative relationship with rural landowners built on trust. Maintain Trust for Nature Covenants as a purely voluntary procedure between individual landowners and the council. Undertake to not impose these Covenants as a condition for the issuing of any planning permit.
-



### THEME 3 – NATURAL ENVIRONMENT

1. Given the large number of threatened native species and threats occurring to those species in the Shire, Planning needs to protect and conserve biodiversity, provide habitats for native flora and fauna, and control pest plants and animals.
2. 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**. Use and development have the potential to affect stormwater quality and adversely affect downstream areas.
3. Discourage development, including vegetation removal that degrades stormwater quality and increases potential risk of soil erosion, expansion and landslip or other hazards.
4. Address threatening processes associated with the loss and degradation of the natural and built environment in order to maintain the landscape values in the Shire.

#### PALs RESPONSE

The issue of the natural environment and, as inferred, its continuing decline and fragmentation should be a point of discussion, not mandate. There have been several references by council to the high quality environment and standing vegetation as contributing to the high overall quality of the Green Wedge.

Yet there is a continual inference or direct reference to just how much of the natural environment is being eroded by "greedy developers" (read -> rural landowners).

PALs are not aware of anyone who wilfully seeks to actively degrade or destroy the environment in which they live. This is a distortion intended to have the broader community believe that the bushlands are disappearing and the trees are being destroyed in favour of bitumen and concrete.

- 
1. PALs challenge the statement that a *"large number of threatened native species and threats occurring to those species in the Shire"*. The largest threat to native species are a combination of feral animals that decimate native populations, ongoing road kill and domestic cats. NSC should provide evidence for any proposition being put forward.

PALs acknowledge and recognise the excellent work being done by council currently in relation to feral animals (most particularly foxes and deer). This is an ongoing problem and council should ensure adequate funding for this very worthwhile initiative.

*(Maybe redirect some of the funding from that proposed for the KG Memorial Tower towards programs that will deliver real benefits to the Green Wedge).*

Planning already protects native flora and fauna but needs to do much more in the space of weed eradication and remediation works on council lands and roadsides before looking to, once again, impose restrictions on landowners.

- 
2. PALs support the consideration of downstream effects for stormwater runoff and quality. We note that there are already stringent controls on residential development in this regard within the Urban Growth Boundary. Within the rural context there are also sufficient controls in place, but suggest that the impacts across a rural property are , almost always, able to be contained within the property boundaries.
-

- 
- 3.** PALs support in principle where development "*degrades stormwater quality and increases potential risk of soil erosion, expansion and landslip or other hazards*". However, it needs to be stipulated that this assessment will not apply where there are NO issues in relation to "*potential risk of soil erosion, expansion and landslip or other hazards*" as past experience has shown that this assessment has been applied multilaterally across all applications, irrespective of the relevance to the particular application circumstances.

The MPS needs to confine this issue to specific waterways, initially and correctly specifying the Plenty River. It should not, under any circumstance, be expanded to include "all" waterways within the Green Wedge and rural areas.

- 
- 4.** PALs condemn the use of terms such as "*threatening processes*" within the context of a Management Plan Strategy (MPS).

The definition or context around "*threatening processes*" is undefined and should be removed.

PALs contest "*the loss and degradation of the natural and built environment*" statement. It lacks veracity and evidence. What is meant by a loss to the built environment?

Viewed in terms of the desire to "*maintain the landscape values in the Shire*" PALs submit that the supposed loss is illusory. It is not supported by evidence.

To connect these two statements is to infer that what has been built is destroying both the natural and the built environment. In its initial sense it is contradictory. In its overall sense it is incorrect.

As an overview is this aimed at the suburban environment or the rural environment?

It would appear that the mechanism is to suggest the suburban environment, but more than likely it will be used as a tool to refuse rural development planning applications broadly across the rural areas.

---

## THEME 4 – BUILT ENVIRONMENT

1. Apply design principles which will create a built environment that strengthens the inclusiveness and accessibility of our neighbourhoods, activity centres, facilities and services, while respecting our natural environment.
2. 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. Note that enhancement and attractiveness need to be consistent with the values of greatest priority as expressed by the community in Our People, Our Place, Our Future ie preservation of the green wedge, protection of biodiversity and action on climate change.
3. 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.
4. Protecting habitat links and minimising fire and flood risk and erosion are important considerations in siting buildings and works, particularly in rural areas.

### PALs RESPONSE

1. PALs agree in principle with the *"design principles which will create a built environment that strengthens the inclusiveness and accessibility of our neighbourhoods"*. There are already very tight controls within the NPS so statements of this nature are redundant and unnecessary.

Further, the statement should include and commit Council to considering and implementing innovative built solutions that cater for a combination of uses consistent with an ageing population and/or first home buyers wishing to become part of a local community but prevented from being so due to high real estate costs. This may include multi use options that combine commercial opportunities with residential opportunities, typical medium density housing with social housing as well as providing for localised open spaces.

2. As above.

3. As above.

4. With reference to *"siting buildings and works, particularly in rural areas"*, PALs fail to understand why rural areas are being highlighted when, in fact, there is almost always significant opportunity and choice on rural properties, but little or no choice on suburban properties.

Therefore, it is obvious that suburban siting is covered by extensive controls already with virtually no opportunity to protect habitat links. This statement implies further restrictive measures on rural landowners across the spectrum.

It is also critical to acknowledge that rural landowners have a legal right to build and live on their land. Their right is NOT subservient to the environment, it is a higher right in principle and should be acknowledged as such in the MPS.

**This statement must be removed as it is both redundant and self evident.**

THEME 5 – HOUSING

- 1. Recognise that the Shire will experience a reduction in household size due to an ageing of the population. The trend of decreasing average household size provides the impetus to provide for some medium density housing as an alternative housing choice.
- 2. Direct housing growth and diversity to activity centres in which are accessible, close to infrastructure, public transport, commercial areas, public open space and other community facilities.
- 3. Ensure a considered approach to planning and development will retain and enhance Nillumbik’s unique environment and neighbourhood character.

PALs RESPONSE

- 1. PALs support this assessment.

---
- 2. PALs support this assessment. It should be expanded to include opportunities to mixed use developments and innovative design solutions whilst maintain township character.

---
- 3. As above.

---



## THEME 6 – ECONOMIC DEVELOPMENT

1. Focus on strengthening existing enterprises and facilitating new business initiatives that respect the Shire's environmental, social and economic development priorities.
2. Maintain the main employment locations, the Eltham and Diamond Creek Major Activity Centres (which includes the commercial and industrial areas), Hurstbridge Neighbourhood Activity Centre and the industrial land at Research, to continue to provide opportunities for local employment.
3. Protect industrial precincts from non-industrial use and development unless otherwise identified.
4. Agriculture is an important area of economic development:
  - Promote land use in rural areas in accordance with the capability and productive potential of the land.
  - Retain existing agricultural land for soil based agricultural production.
  - Promote sustainable agricultural activities and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment.
  - Protect and enhance agricultural land for both its productive potential and environmental value.

In the Green Wedge (that is areas outside of the Urban Growth Boundary), 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.

### PALs RESPONSE

1. PALs support this proposition.

---

2. PALs support this proposition.

---

3. In general terms PALs support this but it should include being open to innovative initiatives and opportunities where there is a community benefit and where it can be demonstrated that the proposed use is not to the detriment of existing precincts and their intent.

---

4. In principle PALs do not support this proposition. Given the existing use of rural land within the Green Wedge areas, as well as the legal existing tenement areas for parcels, it is too prescriptive to tie down allowable uses.
 

Innovative or small scale uses on parcels of 8 hectares or less are potentially just as viable, and in many cases far more viable, than attempting to restrict agricultural uses to large scale ventures located on large parcels. Those days are gone within the context of a peri-urban Green Wedge.

Whilst there may often be large scale successful and viable agricultural enterprises on larger parcels within the Green Wedge, it must not be mandated.

For lands within this type of Green Wedge flexibility is key to success. Whether or not a commercial enterprise on rural land within the Green Wedge should proceed, or not, should be at the discretion of the landowner, not as mandated by the Council of the day.

It is a complete overreach to make council the arbiter of appropriate land management and then require rural landowners to "minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment" when there are no adverse effects on adjoining properties and their use and enterprise is wholly contained within their own boundaries.

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

Hobby farms and the small-scale enterprises which may be generated from small-scale requirements can be just as legitimate and, potentially, just as successful as any other.

Further, why is there indeed any requirement for landowners on parcels of 8 hectares or less to undertake any agricultural enterprises at all?

The wording of this item is geared towards further restriction and controls on rural landowners. If this is to be applied fairly, why is there no requirement for suburban landowners to:

- guarantee habitat links across their properties,
  - Limit the area of hard paving,
  - Limit the site coverage,
  - Control the type and colour of housing,
  - Require 100% native or indigenous gardens,
  - Require a minimum of large tree planting,
  - Require night-time blackouts to facilitate the ability of native fauna to move around safely,
  - Ban cats..... the list could on and on.
  - In relation to ***“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 proposition to restrict tourism to activity centres or to a narrow range of purposes is both unsophisticated and demonstrates a disregard or ignorance regarding tourist aims or appetites. Part of the attraction of Nillumbik for tourism visits is to depart from activity centres. This proposition for baseless tourism restrictions shows that whoever developed this proposition fails to understand and appreciate (particularly in a Covid impacted community the dynamic shift in consumer/tourist behaviour towards experienced based tourism pursuits – not the limited domain of wineries, agricultural destinations or other rural industry activities.
-

## THEME 7 – TRANSPORT

1. Enhance the accessibility and vibrancy of local townships, neighbourhoods and activity centres through connectivity with a focus on improving active and public transport options.
2. Further development of pedestrian and cycle trails to link the key activity centres is a priority to encourage safe pedestrian access for residents.
3. Facilitate increased public transport usage to aid in issues such as increased greenhouse gas emissions and traffic congestion.
4. Incorporate greater links between land use planning and transport, especially in relation to activity centres and the public transport network.
5. Facilitate safe and efficient roads and road links within the municipality and to the wider region that cater for all users given that the majority of residents travel to employment outside the Shire.

### PALs RESPONSE

PALs support this theme.

A note to council in relation to point 5. The delivery of safe and efficient roads also requires council to undertake appropriate fire mitigation works on road reserves.

This component in relation to transport is very important as it relates to the safe passage for emergency vehicles and emergency personnel along our local road systems.

It should also address the safe passage along the verges of our local roads as this is, and will continue to be, an aspect all too often neglected.

**Both of these facts should be included into the transport theme.**

---

## THEME 8 – INFRASTRUCTURE

1. Enhance the accessibility and vibrancy of local townships, neighbourhoods and activity centres through connectivity with a focus on improving active and public transport options.
2. 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.
3. Recognise the difficulties created through the dispersed nature of low-density residential areas in providing a full range of infrastructure services, and that rural areas have only limited physical infrastructure.
4. Facilitate efficient provision of infrastructure to areas designated for residential and low-density residential development.
5. Facilitate the consolidation of rural lots to create larger lots capable of containing effluent on site.

### PALs RESPONSE

1. PALs support this proposition.

- 
2. As above.

- 
3. As above.

- 
4. As above.

- 
5. The statement "*Facilitate the consolidation of rural lots to create larger lots capable of containing effluent on site*" encapsulates one of the most deceitful thrusts of the MPS.

It is a complete misrepresentation to assert that any reference to consolidation of rural lots relates this issue to efficient disposal of effluent.

- What has the issue of infrastructure got to do with the consolidation of rural lots?
- Why are rural lots being targeted when exactly the same argument could be applied to suburban or semi-suburban lots that remain unsewered?
- All rural lots currently do contain their effluent on site, otherwise they would not have achieved a planning permit to build in the first place. So why the need for this statement at all?

It is obvious that the underlying intent and strategy, advanced by green activist groups and thrust onto Council Officers and the majority of Councillors who remain generally unaffected by any change to the MPS, is to use whatever means and whatever it takes to punish rural landowners.

The obvious underlying push is to minimise human impact. It ignores that the indigenous peoples managed the landscape to the extent that their resultant landscape is now the safest and most appropriate landscape for both flora and fauna, as well as for human occupation.

Human occupation cannot be eliminated from this landscape as there is no legal authority to do so.

This is an abject betrayal by Council when their mandate and legal obligation is to represent and consider the effects of any actions on their ratepayers and on those who are impacted by their actions and decisions.

**This statement must be removed.**

---

## THEME 9 – OPEN SPACE

1. Ensure the planning, maintenance and enhancement of public open spaces enables and encourages safe, healthy and active lifestyles.
2. Ensure open space and recreational facilities are equitable and accessible to all community members.
3. Facilitate the provision of active and passive recreational facilities as an integral part of each township.
4. In rural areas the emphasis is towards developing key regional and district recreational areas, protecting native flora and fauna as well as developing a comprehensive regional based trail network.
5. Facilitate the provision and linking of open space and local recreational facilities to form a network across the Shire.

### PALs RESPONSE

1. PALs agree with this proposition.

---

2. As above.

---

3. As above.

---

4. This proposition is misleading and does not provide any clarity or detail in relation what is meant by *"the emphasis is towards ..... protecting native flora and fauna ..."*.

The principle is not contentious, however the mechanisms and application of it is unclear. Given the history of this Council and the longer term history of the Shire, rural landowners may expect additional restrictions to be placed over their rights and their properties as the go to option in order to satisfy this aim.

It is clear that in the last 50 years or so the majority of the loss of native vegetation and vegetation understorey have been on lands inside the Urban Growth Boundary (UGB).

There has been significant loss within newly created residential subdivisions. PALs acknowledge that this loss probably cannot be prevented due to the zoning of the land as well as the controls within the NPS inserted by State Government. However, this situation does not authorise NSC to therefore turn its attention to placing further restrictions and controls over rural lands in an effort to "regain" lost vegetation from the suburbs, when, in fact, rural areas have not "lost" any significant vegetation over the same period.

There are a multitude of mechanisms already in the NPS that are directed at protecting native flora and fauna, all of which enjoy the legal legitimacy of planning scheme requirements.

PALs have no issue with the continuing plans to expand the trail networks, on the proviso that any acquisition of private land which may be required provides fair and equitable compensation to affected (either directly or indirectly) landowners. This includes measures to ensure that there is no opportunity for trespass onto private property once the trails are open and operational.

5. PALs remain confused as to how the *"provision and linking of open space and local recreational facilities to form a network across the Shire"* will occur when there appears to be little or no opportunity to achieve this feel good outcome due to the fact that most, if not all, of the potentially affected land is in private ownership. Council must include a statement of how it intends to achieve this goal, what lands may be affected and on what terms would acquisition of private lands be provided.

Whilst the sentiment appears benign, the mechanism and process to achieve the outcome appears ominous.

## **THEME 10 – CLIMATE CHANGE**

1. Recognise that planning and preparedness for bushfire and other emergencies protects life, critical infrastructure, property and the environment.
2. Ensure emergency management information and capabilities are shared in the pursuit of preparedness, prevention, response and recovery.
3. Avoid intensifying bushfire risk to people and property through poorly located, designed or managed use or development.
4. Apply particular attention to fire issues in the design of subdivisions, the siting and design of buildings, and use and management of land in bushfire prone areas.
5. Reduce Council's direct contribution to climate change.
6. Prepare for, respond and adapt to the risks and impacts of a changing climate on our community, environment, infrastructure and services.
7. Support our community to reduce their contributions to climate change and to adapt to climate change risks and impacts

### **PALs RESPONSE**

It is a sad indictment of this Council that the issue of bushfires has been relegated to the category under climate change. Whilst there are a range of differing opinions in relation to the frequency and intensity of bushfire events and their connection to a changing climate, it is most likely that a significant contribution to bushfire events here and now relates to the ground fuel loads and the volume of those ground fuels being unacceptably high due to a longstanding lack of conscious ground fuel reduction works.

The issue of whether a change in long term policy to emissions and the subsequent reduction of emissions over the coming decades will reduce the threat of bushfires is irrelevant to the major issue of addressing the bush fire safety for our community at present.

It is surprising that Council does not acknowledge (and thereby chooses not to address) the by far and away leading issue that was revealed in the consultation completed by Council, presumably, in preparation for the MPS and its content was, in fact, the threat of bushfire.

This is of clear and paramount importance to the community, yet this Council with prospective future potential to exposure to litigation, chooses not to address these major community concerns.

The statements under this theme 10 continue (as they have for decades) to ignore the following facts:

- a) the people who currently (and legitimately) live on land within the BMO are continually ignored and treated as if they do not exist,
- b) there are circumstances where new residents can address and satisfy the suite of very restrictive requirements in relation to bushfire safety and thereby should be able to build and live in relative safety on rural lands in the Green Wedge.

Instead, this Council both assumes that existing rural residents have no rights and that the only mechanism available to council to maximise bushfire safety and minimise the loss of human life is to exclude humans from living within these areas in the first place.

The wilful disregard that this Council continues to display towards rural residents manifests itself in the total lack of awareness that Council has a moral and legal responsibility to minimise the risk of major bushfire events by properly and continually undertaking mitigation works as required under its approved Bush Fire Management Strategy and its operational document the Bush Fire Implementation Plan.



Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

This negligence extends to the basic lack of understanding of the fundamental principle that the without appropriate and proper maintenance of lands in private ownership, any minimisation of bushfire risk is inconsequential. Yet this council refuses to address the issue of private land maintenance and continues to place heavy restrictions (and penalties) on rural landowners who appreciate the benefits of proper maintenance of their properties. The extensive and expensive requirements required by council that must be provided in conjunction with a planning permit application in order to undertake even the most minor works even deters the local CFA brigades from applying.

The end result is typically no works, or at best ineffective works, are conducted.

Why authority is not given to the local CFA brigades to control, design and undertake these types of mitigation works is a mystery to PALs and many within the local rural community. This issue does not fall within the parameters of planning, it falls directly and immediately within the parameter of community safety.

For over a decade the recognition in the Bushfire Royal Commission 2009 recommendations of the importance of the contribution to community safety of the proper maintenance of private property for fire mitigation have failed to significantly move the needle away from the counter-intuitive restrictive stance.

The tension between the primacy of human life and the protection of flora and fauna is one of the most difficult challenges of this Council. Relegating human life to any secondary consideration is unjustifiable.

---

## THEME 11 – HERITAGE ARTS AND CULTURE

1. Protect and enhance places of heritage significance, including sites of Aboriginal heritage significance.
2. Ensure new use and development do not impede on or detract from sites and features of Aboriginal cultural heritage and archaeological significance.
3. The culture and heritage of the Wurundjeri Woi Wurrung people is understood and recognised as a proud part of our shared identity
4. Promote our shared heritage, history, arts and artistic culture to strengthen our community – Aspiration from OPOPOF engagement: "Residents enjoy a wide variety of recreational and cultural pursuits and have a strong sense of feeling part of their local community and townships."
5. Implement goals of the Arts and Cultural Plan 2018-2022:
  - Public participatory arts as an everyday experience
  - Develop and grow creative and cultural industries and;
  - Support and promote arts and cultural activities that maximise access.

### PALs RESPONSE

PALs support this theme.

As a note careful attention should be given to the actual words that appear increasingly on council literature in relation to indigenous recognition.

It is noted that this wording increasingly includes the words *"We acknowledge that sovereignty was never ceded."*

This assumes that Council has both the authority and community consensus to make this statement which goes to the fundamental principle of the legal land tenure system currently existing in Victoria.

By making this statement Council presumes to speak on behalf of all landowners but potentially raises land ownership issues that are not reflected in the legitimacy and absolute authority of the legal land titles system and leaves open future opportunities for a challenge to that legal land ownership.

### PALs RESPONSE TO CONTEXT AND VISION

Council exhibits poor vision when it comes to the *Context* and *Vision* statements.

Council continues to effectively discriminate against and ignore many concerns of rural landowners, rural properties, rural pursuits, rural lifestyles and rural contributions to the Green Wedge, rural contributions to the Nillumbik Community and the invaluable contribution that the rural landscapes make, not only to the Green Wedge, but the minimisation of bushfire risk into the future.

The context statement MUST encapsulate more than just the bush and vegetation. The State Government requirements for a Green Wedge cover a broad range of landscapes, uses, lifestyles, economic and social perspectives as well as encouraging visitation, development, tourism and enterprise.

The Nillumbik Green Wedge IS NOT a suburban green wedge. ALL of the Nillumbik Green Wedge is located in the rural areas of Nillumbik. It is false to state otherwise and suggests an attempt by suburban landowners to claim an interest, which they do not have, in the lands and landscapes that actually form the green wedge.



Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

Proposed Amended Context and Vision statements below.

**Context**

Nillumbik's high landscape value plays a regional role for Melbourne as an accessible area of natural overall landscape beauty. The natural environment is combined with the beautiful rural landscapes together form 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 acknowledges the increase in vegetation cover over the preceding 60 – 70 years and the ongoing work and contribution of rural landowners to provide the ambience and rolling rural landscapes which when combined with the areas of indigenous vegetation provide the vistas we all enjoy.

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 Empirical evidence suggests a significant number of rare and endangered species are found in these native environments. Flora and Fauna are protected but share the landscape with rural properties. Whilst there is no up to date or current biodiversity assessments available to ground proof the above, there is significant evidence that demonstrates that there has been no significant loss in flora or fauna which would compromise the future of the Nillumbik Green Wedge.

Rural landowners also play a pivotal role in ensuring that rural landscapes are preserved and maintained by the ongoing farming, agricultural pursuits, grazing and hobby farm interests that when combined all deliver the Nillumbik Green Wedge in accordance with the State Government vision for Green Wedges.

**Vision**

Nillumbik will remain a metropolitan rural 'green wedge' situated on the edge of the Urban Growth Boundary, maintaining a large natural resource for the benefit of all Melburnians. The planning of Nillumbik will continue to focus on balance the ongoing farming and rural based uses in combination with the ongoing sustainability of the 'green wedge' in physical, social and economic terms. Nillumbik will embrace all the components necessary to deliver a vibrant Green Wedge.

To preserve and nurture the natural environment of the Green Wedge and combine the rural residential lifestyles and rural based uses for future and current generations.

In addition it is important to note that:

As identified in Melbourne 2030 identifies the Nillumbik Green Wedge is of social, economic and environmental value because of and include the following features:

- environmental and landscape quality (particularly the Yarra River and surrounds)
- vibrant and successful economic activities
- broad rural landscapes incorporating rural grazing lands and rural enterprises
- existing river red gums and other existing habitat areas
- national parks
- metropolitan water storages

It must also The Vision recognises that the land, waterways and all life they sustain are central to the cultural values of First Nations Peoples. As such, their value must be is recognised and protected throughout the Shire in conjunction with the recognition of existing landowners as the current custodians. This is also in keeping with community-wide surveys conducted by Council that showed the Top Three Things valued in Nillumbik are:—

Preservation of the Green Wedge; Protection of environment and biodiversity; Action on climate

(NOTE: This is not correct and therefore cannot be included. The single most identified issue was the threat of bushfire and bushfire mitigation.

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

*This Shire IS NOT a "Conservation Shire". It is a Rural Shire that sits adjacent to the Urban Growth Boundary. This Shire has an obligation and a legal requirement to look after the best interests of ALL its residents. It has NO authority to ignore or disrespect the existence of its rural residents.)))*

*The MPS Vision must be consistent with the community's aspirations for 2040 and reflect the intent for Nillumbik as a Green Wedge **Conservation Shire**. The statements must be ambitious and written in the present tense – with intention and achievement, as well as aspiration. An overarching statement could be:*

*In 2040 Nillumbik ~~is~~ a world leader in*

*~~– biodiversity protection and reinvigoration~~*

*~~– community stewardship of the environment;~~*

*~~– climate change mitigation and adaptation;~~*

*~~– sustainable urban design and living;~~*

*~~– community inclusiveness, equity and connection, with a focus on its First Nations People;~~*

*~~– community participation in the arts and celebration of its cultural heritage~~*

*THE VISION – NILLUMBIK 2040*

- Develop and deliver strong ongoing bushfire mitigation programs to maximise bushfire safety for all residents and landowners in the Shire*
- Continue biodiversity protection*
- Develop strong community partnerships with the current custodians of green wedge lands*
- Continue appropriate climate change adaptation commensurate with factual real time assessment*
- Support and encourage best practice initiatives for viable urban and rural design and living*
- Community inclusiveness, equity and connection acknowledging the history and practices of the First Nations People*
- Continue to develop the Arts and the Green Wedge as a repository for Arts based programs*

## **SUPPLEMENTARY INFORMATION TO BE READ IN CONJUNCTION WITH THIS SUBMISSION**

PALs is highly critical of the manner in which this consultation is being conducted. The information provided and the proposed 5,000 word maximum resultant MPS which is prescribed, which is to be developed given the assertion that *".....the current MPS is essentially the translated MSS"* appallingly fails to include the existing MSS for the community to even peruse - let alone comment on whether it accurately resonates with community views, priorities and aspirations.

Given that this is a fundamental flaw in the process – and with the express intention of PALs not allowing the MSS to simply be acquiesced to as a legitimate document to be the subject of an "essential translation" (sic) PALs includes with this submission (for a second time to ensure the prospect of it being unmissable) in the link below - the MSS as submitted to the Minister for Planning – of which even a cursory view unmistakably demonstrates the reprehensible mischaracterisation of its having been an essentially "policy neutral" and administrative correction exercise - qualified for exemption from public consultation and exhibition.

Go to Addendum 1 in the submission here:

<https://www.dropbox.com/s/bcpwg5ee4bkhlvc/Nillumbik%20PALs%20Submission%20to%20Draft%20Green%20Wedge%20Management%20Plan%20%28%E2%80%9CGWMP%E2%80%9D%29%20Final%20with%20Addenda%20190810.pdf?dl=0>

Given the importance of the Municipal Planning Strategy (MPS) and its relationship with the basic principles that will inform Council policy and council assessment of future applications, it is critical that a suite of previous PALs submissions be read in conjunction with this current submission.

PALs have been providing detailed and high quality, relevant submissions to NSC and Government Agencies for over four years and most are now (and remain) highly relevant to this latest submission.

The views of landowners on all the critical subject matters in the NPS and its constituent documents are clear.

### **CAVEAT**

PALs has been patiently anticipating the inevitable juncture in NSC's regulatory review schedule for the alleged impropriety of the MSS review of 2014 (C86) to be subject to compulsory periodic review.

For NSC to now assert that the MSS will form the basis of the MPS (having been put on notice over a period of more than 2 years that there is the genuine prospect of serious legal issues) with the prospect of "perfecting or baking in" the matters covertly inserted in 2014 via Planning Scheme Amendment C86, prospectively exacerbates or magnifies any prospective legal issues or jeopardy. PALs resort to leading Queen's Counsel opinion regarding the MPS development trajectory makes it imperative for NSC to confront this serious issue now. It is a development which NSC will ignore at its peril.

Scores of landowners and their families have suffered substantial economic, mental and physical health damage directly and indirectly as a result of the matters contained in the corrupt MSS.

**The prospective consequences are substantial for NSC - having been so clearly put on notice - if it fails to dispense with the myriad offending inclusions made in 2014 to the MSS and if it fails to develop the MPS from scratch - with genuine and legitimate community consultation and substantive input. PALs demand that NSC must resile from the toxic assertion that**

*".....the current MPS is essentially the translated MSS".*

## SUPPLEMENTARY INFORMATION LINKS

To access all of the PALs information which is to be considered integral to this submission, please use the links below to access some of the relevant PALs material.

<https://www.dropbox.com/s/bcpwg5ee4bkhlyc/Nillumbik%20PALs%20Submission%20to%20Draft%20Green%20Wedge%20Management%20Plan%20%28%E2%80%9CGWMP%E2%80%9D%29%20Final%20with%20Addenda%20190810.pdf?dl=0>

<https://www.nillumbikpals.com.au/wp-content/uploads/2020/09/PALs-submission-DRAFT-BUSHFIRE-MITIGATION-STRATEGY-2019-2023-DBMS.pdf>

<https://www.nillumbikpals.com.au/wp-content/uploads/2020/09/PALs-submission-Dismantling-Victorian-Native-Vegetation-Clearing-Regulations-V8.pdf>

<https://www.nillumbikpals.com.au/wp-content/uploads/2020/09/PALs-submission-Nillumbik-Housing-Strategy-discussion-paper-v2.pdf>

<https://www.nillumbikpals.com.au/wp-content/uploads/2020/09/PALs-submission-Planning-And-Building-Approvals-Process-Review-%E2%80%93-Discussion-Paper.pdf>

<https://www.nillumbikpals.com.au/wp-content/uploads/2020/09/PALs-submission-The-Royal-Commission-into-National-Natural-Disaster-Arrangements-Bushfires-Royal-Commission-BRC-2020-.pdf>

<https://www.nillumbikpals.com.au/wp-content/uploads/2020/09/PALs-submission-CHRISTMAS-HILLS-LAND-SALES-.pdf>

<https://www.dropbox.com/s/ofzkids6ryxobsw/PALs%20submission-Planning%20for%20Melbourne%E2%80%99s%20Green%20Wedges%20and%20Agricultural%20Land%20FINAL.pdf?dl=0>

PALs thanks NSC for the opportunity to contribute to this important process of review of the MSS and development of the MPS.

This submission, together with the library of supplementary information contained in each and every PALs submission (the links to which are included above and which are to be read in conjunction for the purposes of rural landowners' views being unmistakably understood and seriously considered – to inform a new MPS) is commended to NSC, its Councillors and its relevant Council Officers for consideration.

**PALs welcomes any inquiry for clarification of any of the serious matters detailed in this submission.**



Damian Crock  
Chair  
Working Group  
Nillumbik PALs  
+61 412 066 666

## NILLUMBIK – MUNICIPAL PLANNING STRATEGY

Comments by [REDACTED], Resident, Nillumbik

Date: 6.10.21

---

### Theme 2: Green Wedge

#### Concern with objectives

##### Key Objective 1

Suggested be revised to read:

Recognise the rural areas (land zoned Rural Conservation and Green Wedge) have as their primary purpose the natural environment, rural landscape, natural resource based uses and soil-based agriculture.

- My first concern is that referring to 'sites of environmental' significance can lead to a narrow focus on Commonwealth significance under the EPBC Act or State significance under the Flora and Fauna Guarantee and the like. My experience is that will be a common default in both consideration of planning scheme amendments and VCAT cases with expert witness down playing environment significance based on may a lack of Commonwealth or State significant species.
- My second concern is that reference to the Green Wedge in Nillumbik containing 'residences' implies that residential land use is supported in the Green Wedge zones. This is not the case in the RCZ or GWZ and to imply otherwise is contrary to the purposes of those zones.

##### Key Objective 4

- Built form development and associated infrastructure cannot be at the detriment of natural environment and/or lead to the further loss of soil-based agricultural land. Needs to be acknowledgement that rural resident development is not supported in the GWZ or RCZ. There should be a rural building envelope to reduce the risk of fragmentation and rural land uses fundamental to the Green Wedges (e.g. the natural environment and soil-based agriculture) must always be the primary use of the land.

##### Gaps

- Need to ensure that the natural environment and/or existing soil based agriculture are the primary land use in the RCZ and other Green Wedge zones.
- Application of design requirements where built form and associated infrastructure is subordinate to the natural environment and/or existing areas of soil based agriculture in the Green Wedges.

- Apply a building envelope to minimise the development footprint in rural areas for built form and associated infrastructure by minimising fragmentation otherwise caused by scattered development.
- Review the application of ESO and SLO across the Green Wedge zones in line with Government policy, ensuring enforcement of protections and adequate resourcing.
- Requirement for a land management plan for all proposed built developments and their associated infrastructure to ensure the primary use of the land is for natural environment and/or agriculture where cleared land is already available. This is in line with the in conjunction requirement for certain uses that should be applied to all proposed built developments.

### **Theme 3: Natural Environment**

#### **Key Objective 1**

In Line with Plan Melbourne, needs to be revised to highlight the need to maintain and enhance biodiversity of the indigenous flora and fauna for the whole of Nillumbik

Also, as spelt out in Plan Melbourne, needs to support the need to achieve net gain (rather than no net loss in the quality and quantity of native vegetation).

#### **Gaps**

- In urban areas, promote 'Biodiversity Urban Sensitive Design' such as described by RMIT and Melbourne University.
- Recognise the essential value of waterways as wildlife corridors.
- Recognise the need to provide wildlife/biolink corridors for native flora and fauna to both increase habitat and enable species to move in response in response to climate change.
- Promote the protection and enhancement of indigenous vegetation communities for fauna habitat of native species.
- For planning permits and planning scheme amendments (particularly any proposes to review the ESOs) that have potential environmental impacts to be referred to the appropriate Council environmental officer(s) for the opportunity to review and advise the planning department of issues.

### **Theme 4: Built Environment**

#### **Objectives**

Needs to be a fifth objective to protect the indigenous tree canopy and understory in urban areas. In this respect consider the introduction of 'Biodiversity Sensitive Urban Design' as a planning tool to achieve this outcome.(as is already done with Water Sensitive Urban Design).

#### **Gaps**



In rural areas, the need to recognise that the built environment and associated infrastructure (e.g. access roads, car parking etc) is a secondary use and must be sub-ordinate to a primary rural land uses of the natural environment and/ or agriculture on existing cleared land.

## **Theme 5: Housing**

### Gaps

- Need to protect the urban tree canopy in urban to mitigate the impact of increasing temperature in urban areas with global warming, with an urgent focus on residential areas where consolidation in existing urban areas where subdivision of large lots and increasing density of dwellings is taking place and tree cover is being lost. .
- Development of an overall Nillumbik Urban Forestry Strategy that looks at residential, parks, streetscapes, industrial and commercial areas. Urban in this context refers to the whole of the municipality not just the areas zoned urban in the planning scheme. This is consistent with Living Melbourne that was following by an Urban Forest Strategy for the whole Greater Melbourne Metropolitan Area and is referenced in the draft Regional *Northern Metro Land Use Plan* (p123).
- *Need to avoid housing growth and sensitive land uses within and in proximity to bushfire prone areas.* This is Strategy 87 in the draft Regional Northern Metro Land Use Plan and goes on to say: *In order to prioritise the protection of human life from bushfire, population growth and development should be directed to low risk locations and areas that can be safely evacuated. Development within areas of the highest bushfire risk must achieve acceptable levels of risk reduction. These areas should be avoided for development that will accommodate more vulnerable populations, such as elderly or very young, that may have difficulties evacuating in the event of bushfire.*

## **Theme 10: Climate Change**

### Objectives

Need to be additional objectives as there is currently a disproportionate emphasis of bushfire.

See propose additional objectives under gaps.

### Gaps

- Recognising the role that protecting and increasing of our rural indigenous vegetation and wildlife corridors takes in reducing emissions and helping to mitigate the impact of climate change on our native fauna.
- For agricultural land use help to encourage new technologies and practices that help reduce emissions.
- Promoting Environmentally Sustainable Design throughout planning policy.
- Facilitating the uptake of renewable energy technologies without compromising biodiversity and conservation values (e.g. solar farms in already cleared areas)

- Planning for passive ‘energy reduction’ design (such as the use of treecover to shade buildings that reduces energy consumption for cooling during summer).
- Ensuring new residential development is well-designed, durable and resilient to climate change and built to a high quality standard.
- Protecting and increasing tree canopy from ongoing loss in urban areas to date to mitigate the impact of increasing temperatures with global warming. There needs to be an urgent focus on residential areas where consolidation and subdivision of large lots and increasing density of dwellings is taking place and tree canopy being lost.
- Mitigating exposure to natural hazards and adapt to impacts of climate change (fire and flooding).
- Requiring climate change risks to be taken into account in infrastructure planning.
- Reducing pressure on water supplies by making best use of water resources. This describes how issues such as climate change impact on water security through reduced rainfall, increased evaporation and increased flood risk.
- Protecting and enhancing the health of urban waterways. This recognises that the impacts of climate change combined with urban development influence the quality and quantity of urban stormwater run-off and pose a number of challenges for the health of waterways.



[REDACTED]

Date: 7 October 2021

Thank you also for making this project open to input from the whole Nillumbik Community.

### Recommendation

There should be an overarching statement preceding the themes, consistent with the overarching statement of the Community Vision and the Council Plan, reflecting the Top 3 things valued in N'bk, from the Community Engagement Survey, "Our People, Our Place, Our Future":

- Preservation of the Green Wedge
- Protection of environment and biodiversity
- Action on Climate Change

Presented as a summary graphic [here](#) Found in the [attachments to the May 25 Council meeting](#) 2021

## THEMES

### 1. ACTIVITY CENTRES

#### Gaps

#### New Key Objective 1

Activity Centres within Nillumbik, the Green Wedge Shire, will be distinguished from other urban suburbs by a distinctive neighbourhood character of greenery, with setbacks for indigenous tree canopies and understorey required, an emphasis on blending into the environment and an increase in biodiversity..

#### Other points for inclusion

- The terms "medium density housing (including mid-rise commercial development and apartments)" need to be defined
- Township or structure plans must guide the strategic vision for each activity centre

### 2. GREEN WEDGE

#### Key Objective 1 Add to wording

Recognise the rural areas (land zoned Rural Conservation or Green Wedge) contain sites, of environmental and landscape significance (both current and potential), natural resource based activities and residences, and that preservation of the GW and protection of the environment and biodiversity, together contribute to climate change mitigation reflecting the top three priorities of the Nillumbik Community, as described in the opening recommendation of this submission and that these contribute..

["Our People Our Place Our Future. Key Findings 15 February – 28 March", shown [here](#) and found in the [attachments to the May 25 Council meeting](#) 2021].

Key Objective 4 Add to wording

Acknowledgment of land use conflict between agricultural and rural residential land uses and a risk that further residential development must not be permitted to fragment rural land into unviable land parcels.

Key Objective 5 Add to wording

Manage with adequate resources, the issues of land use conflict, resource use and environmental management arising from the diversity of uses through sustainable land use and natural resource management, facilitated by the development, enforcement and ongoing review of land management plans, in conjunction with environmental protection strategies and the application and oversight of the Planning Scheme to prioritize preservation of the GW and protection of the environment and biodiversity,

Key Objective 6 Add to wording

Ensure development in rural areas mitigates potential fire risk in a way which is acceptable to, and compatible with, First Nations People's stewardship of the land, following the principle of avoiding and minimising loss of native vegetation, as well as being compatible with Climate Change mitigation

Key Objective 8 Add to wording

Protect and enhance agricultural land for both its productive potential and environmental value, ensuring that agricultural practices reflect the importance of protecting the GW and enhancing biodiversity .

### 3. Natural Environment

#### Key Objective 1 *Add to wording*

Given the large number of threatened native species and threats occurring to those species in the Shire, Planning needs to:

- protect and conserve biodiversity
- acknowledge the essential value of waterways as wildlife corridors and the need for enforced planning controls to protect them
- provide and connect habitats for native flora and fauna (including corridors identified in the NEROC and State of Environment reports)
- control pest plants and animals.

#### Key Objective 2 *Add to wording*

Consideration of environmental values and the facilitation of drainage and sewerage in urban growth areas is particularly important, given the importance of the health of all waterways in Nillumbik. Use and development have the potential to affect stormwater quality and adversely affect downstream areas.

### 4. Built Environment

*Add another Objective as Key Objective 1*

#### Key Objective 1

The Built Environment within Nillumbik, the Green Wedge Shire, will allow for settings of indigenous tree canopies and understorey, reflecting the community priorities as defined in ["Our People Our Place Our Future. Key Findings 15 February – 28 March" [Attachment to Council Meeting Agenda May 25, 2021].

#### Key Objective 3 *Add to wording*

Promote urban design outcomes in activity centres and townships that retain the historical and individual characteristics of each area while enhancing its attractiveness, distinctiveness, biodiversity, safety and accessibility.

### 5. Housing

*Add an Objective as Key Objective 1*

#### Key Objective 1

Ensure that planning for housing within ALL of Nillumbik, the Green Wedge Shire, allows space for settings of indigenous tree canopies and understorey, reflecting the community

priorities as defined in "Our People Our Place Our Future. Key Findings 15 February – 28 March" [Attachment to Council Meeting Agenda May 25, 2021].

## 6. Economic Development

Key Objective 4   *Add to/ change wording*

**Sustainable** Agriculture is an important area of economic development:

- Promote land use in rural areas in accordance with the capability and **sustainable** productive potential of the land.
- Retain existing agricultural land for soil based, sustainable, eco-friendly agricultural production.
- Promote sustainable, **eco-friendly**, agricultural activities and land management practices that **avoid** adverse impacts on the primary production and environmental values of surrounding land and the catchment.
- Protect and enhance agricultural land for both its productive potential and environmental value.

Key Objective 5

*Add to wording*

In the Green Wedge (that is areas outside of the Urban Growth Boundary), 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, while ensuring that any "in conjunction uses" or other modifications to existing use are according to approved **Land Management Plans**, which detail how the environment, habitat links and biodiversity are protected

## 10. Climate Change

*Add an Objective to follow on from Key Objective 5*

Key Objective 5

Reduce Council's direct contribution to climate change

**Key Objective 6**

Increase Council's direct contribution to mitigating climate change by prioritising protection and enhancement of the indigenous environment and biodiversity, reflecting the community priorities as defined in "Our People Our Place Our Future. Key Findings 15 February – 28 March" [Attachment to Council Meeting Agenda May 25, 2021)

From: [REDACTED] <[REDACTED]>  
Sent: Monday, 11 October 2021 3:18 PM  
To: Nillumbik <[nillumbik@nillumbik.vic.gov.au](mailto:nillumbik@nillumbik.vic.gov.au)>  
Subject: Changing places - Strat Planning / Infrastructure

Afternoon all,

Thought this may be of interest:

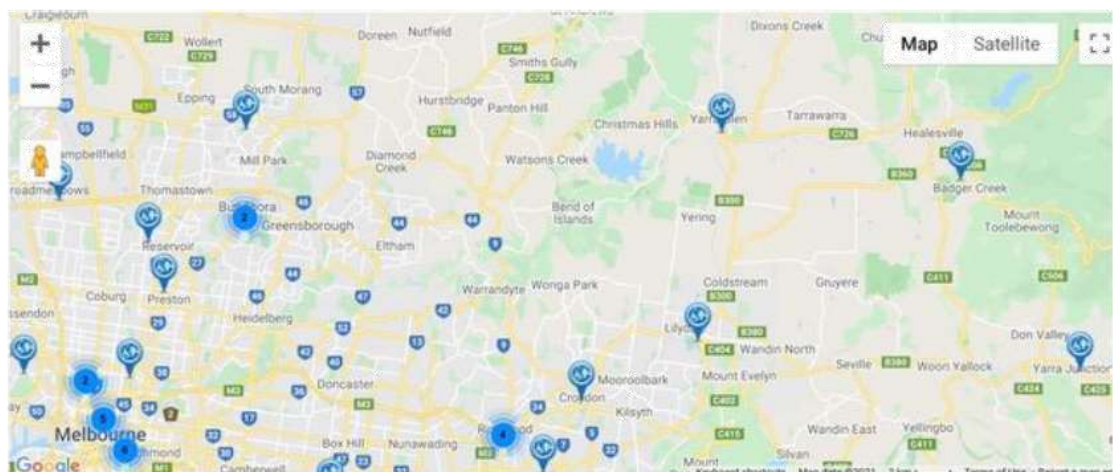
Nillumbik does not appear to have any CHANGING PLACES located in the area.

Would be good to get this included into a future project in the area - possibly somewhere along the trail like at Diamond creek / Eltham & Hurstbridge. (And elsewhere)  
Would encourage disability access for people to use the trail.

Not sure whether that can be rolled into the high level of access key objectives in the MPS - and/or funnelled through to the infrastructure department to roll some out when doing upgrades + new facilities

Could be a good one to get local community designers / schools to put in proposals for the build that that each township could have a sense of ownership + contribution to the provision of disability services.

<https://changingplaces.org.au>



Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

Submitter 21

**From:** [REDACTED]  
**Sent:** Thursday, 21 October 2021 11:45 PM  
**To:** Nillumbik <[nillumbik@nillumbik.vic.gov.au](mailto:nillumbik@nillumbik.vic.gov.au)>; Rosa Zouzoulas  
<[Rosa.Zouzoulas@nillumbik.vic.gov.au](mailto:Rosa.Zouzoulas@nillumbik.vic.gov.au)>; Carl Cowie <[Carl.Cowie@nillumbik.vic.gov.au](mailto:Carl.Cowie@nillumbik.vic.gov.au)>  
**Subject:** Fwd: M.P.S of submissions

Begin forwarded message:

**Date:** 21 October 2021 at 11:40:46 pm AEDT  
**To:** [REDACTED]  
**Subject:** M.P.S of submissions

Please include this addendum to M.P.S of submissions as individuals by [REDACTED]  
[REDACTED]

We request as other rural landowners have as

1. That Nillumbik Shire Council draft the M.P.S from scratch, and **not simply translate it from the 20 year old M.S.S.** We don't see this as being policy neutral. We are alarmed to see many rural policies and strategies in the M.S.S. (now translated to the exhibited new M.P.S.) that may have been put there in mistake or other or were not publicly exhibited or didn't complete their full open and transparent processes. This includes independent panels appointed by the Planning Minister to hear objections or suggestions to submissions that Council didn't accommodate or cater for. Example those relating to the Green Wedge Management Plan (and plan itself), utility infrastructure changes, consolidation of titles to contain effluent on site, and numerous others.

We wish to actively be included together with others, with consultation with Council to facilitate serious and urgent changes needed to the exhibited new M.P.S. Please additionally consider all our submissions and evidence to this new council and past Nillumbik Council's (this includes that to the Green Wedge Management Plan) also for this submission to the new M.P.S and full new Nillumbik Planning Scheme.

Many Thanks  
[REDACTED]



Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

[REDACTED]

**From:** [REDACTED]  
**Sent:** Thursday, 21 October 2021 11:45 PM  
**To:** Nillumbik <[nillumbik@nillumbik.vic.gov.au](mailto:nillumbik@nillumbik.vic.gov.au)>; Rosa Zouzoulas  
<[Rosa.Zouzoulas@nillumbik.vic.gov.au](mailto:Rosa.Zouzoulas@nillumbik.vic.gov.au)>; Carl Cowie <[Carl.Cowie@nillumbik.vic.gov.au](mailto:Carl.Cowie@nillumbik.vic.gov.au)>  
**Subject:** Fwd: M.P.S of submissions

Begin forwarded message:

**Date:** 21 October 2021 at 11:40:46 pm AEDT  
**To:** [REDACTED]  
**Subject:** M.P.S of submissions

Please include this addendum to M.P.S of submissions as individuals by [REDACTED]  
[REDACTED].

We request as other rural landowners have as

1. That Nillumbik Shire Council draft the M.P.S from scratch, and **not simply translate it from the 20 year old M.S.S.** We don't see this as being policy neutral. We are alarmed to see many rural policies and strategies in the M.S.S. (now translated to the exhibited new M.P.S.) that may have been put there in mistake or other or were not publicly exhibited or didn't complete their full open and transparent processes. This includes independent panels appointed by the Planning Minister to hear objections or suggestions to submissions that Council didn't accommodate or cater for. Example those relating to the Green Wedge Management Plan (and plan itself), utility infrastructure changes, consolidation of titles to contain effluent on site, and numerous others.

We wish to actively be included together with others, with consultation with Council to facilitate serious and urgent changes needed to the exhibited new M.P.S. Please additionally consider all our submissions and evidence to this new council and past Nillumbik Council's (this includes that to the Green Wedge Management Plan) also for this submission to the new M.P.S and full new Nillumbik Planning Scheme.

Many Thanks  
[REDACTED]

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

Submitter 23

**From:** [REDACTED]  
**Sent:** Friday, 22 October 2021 10:16 AM  
**To:** [lufp@delwp.vic.gov.au](mailto:lufp@delwp.vic.gov.au); [REDACTED]  
**Cc:** [daniel.andrews@parliament.vic.gov.au](mailto:daniel.andrews@parliament.vic.gov.au); [richard.wynne@parliament.vic.gov.au](mailto:richard.wynne@parliament.vic.gov.au);  
[matthew.guy@parliament.vic.gov.au](mailto:matthew.guy@parliament.vic.gov.au); [lisa.neville@parliament.vic.gov.au](mailto:lisa.neville@parliament.vic.gov.au);  
[steph.ryan@parliament.vic.gov.au](mailto:steph.ryan@parliament.vic.gov.au); [tim.smith@parliament.vic.gov.au](mailto:tim.smith@parliament.vic.gov.au); Rosa Zouzoulas  
<[Rosa.Zouzoulas@nillumbik.vic.gov.au](mailto:Rosa.Zouzoulas@nillumbik.vic.gov.au)>; Peter Perkins <[Peter.Perkins@nillumbik.vic.gov.au](mailto:Peter.Perkins@nillumbik.vic.gov.au)>;  
Richard Stockman <[Richard.Stockman@nillumbik.vic.gov.au](mailto:Richard.Stockman@nillumbik.vic.gov.au)>  
**Subject:** [REDACTED] to MFPF

22.10.21

Dear Consultation team MFPF,

Please find attached Part One of my submission with attachments to the MFPF-  
Northern Metro LUFP.

Part Two will follow before Nov 1st as per our extension granted.

I give permission for this submission and the document 'Equitable correction to legal  
irregularity brief with evidence and brief explanation' to be made public.

All other attachments however must remain confidential and not be made available  
to the public unless otherwise advised in writing.

Many thanks

[REDACTED]  
[REDACTED]



17<sup>th</sup> October 2021 Part A

Individual Submission to **MELBOURNE'S FUTURE PLANNING FRAMEWORK PLAN MFPP**

**OBJECTIONS to the Northern Metropolitan Land use framework plan LUPF**

Affected lands [REDACTED] Diamond Creek (40 acres) [REDACTED] Diamond Creek (5 acres). Purchased in early 1940's. Comprising ½ km of road frontage with urban reticulated infrastructure to the entire area of the acreages. And in opinion neighbouring acreage landowners likewise affected in Diamond Creek and Yarrambat.

I reserve all my rights. Justice does not date. I or nominee, wish to be heard on this individual submission by those responsible for the outcome of this process. This submission is being rushed in distress and I reserve my right to add, edit and clarify where needed.

*Subject lands are directly relevant to this process because their paid for, established urban reticulated infrastructure guarantees their rightful place within urban Melbourne. Subject lands are an integral part of the urban suburb of Diamond Creek and have been since the 1950's. They belong within the urban area of the Northern Metro framework plan.*

*Subject lands have accrued urban reticulated infrastructure and associated property/development rights/entitlements from State, Regional and Local Planning. We were planned urban from Melbourne, Diamond Creek and Yarrambat.*

*As a first priority all planning/mapping mistakes, irregularities and anomalies in the Northern Metro LUPF and thus the Nillumbik Planning Scheme must be equitably corrected before the implementation of and legislation is passed for MFPP. This include specifically the above lands and is irrespective of any final site specific land use.*

*We have made submissions, presentations and representations to numerous State process and all levels of government ever since the New Format Nillumbik Planning Scheme was adopted with changes made to the State VPPs in 2000. Our issues are known and/or ought to be known.*

*Failure to do so will mean the Northern Metro LUPF and the Nillumbik Planning Scheme will remain flawed and the public can then legitimately question the veracity of this entire 'engage Victoria' process.*

*Failure to correct known mistakes, irregularities and anomalies cannot be justified with the line 'it is for the net good of the greater community'. No family or land in Nillumbik should be targeted as 'sacrificial lambs'.*

*Please see confidential and open evidence/professional support attached, as well as all previous substantial submissions to Plan Melbourne, Plan Melbourne Refresh, the review of Agricultural land in the Green Wedge, 30yr Infrastructure Strategy and the Yan Yean Rd upgrade stage 2.*

I do not support the Nillumbik Shire Council submission in its application to subject lands, rural lands and the Diamond Creek Activity Centre Structure Plan. It was done without public input as they said there was no time for public consultation.

**Subject lands must be included as part of the urban area of Diamond Creek and as such a part of the urban area in the Northern Metro Land use Framework plan, as entitles and befits old established suburbs of Melbourne with urban utility infrastructure in place.**

**Without correction these lands will 'knowingly' revert to infrastructure stripped, sterilised, unmanageable rural bush blocks comparatively worse in value and use to that of 80 years ago.**

Subject lands have strictly urban considerations e.g. traffic, housing density, water/sewerage provision. They must keep their urban metropolitan water interests not rural regional water interests, urban reticulated water, not rural, urban land capability, not rural, urban planning, not rural, urban identity, not rural. Their distinctive urban services, urban capacity and urban land capability must be protected by their inclusion as urban within Melbourne's Urban Growth Boundary in the Northern Metro LUPF.

For some background. Our family first purchased the acreage lands as an orchard (apples, pears, plums) in Diamond Creek in the early 1940s and they were located within the City of Heidelberg. This was where my late father went on the train to pay his rates. Our family was raised on the Ironbark Rd properties. Our family all went to the local Diamond Creek primary school and took part in community activities in Diamond Creek. All our business were in original Diamond Creek suburb (Chute St being the town centre). Our social life and *long term vision* revolved around Diamond Creek and its people.

We were always considered part of original metropolitan Melbourne and were included inside the boundary for Melbourne's first metropolitan residential expansion (MMBW-see attached map). We have paid urban residential (not rural) rates from the 1970's until 2000 (with the adoption of the New format Nillumbik Planning Scheme and Victorian Planning Provisions). Our urban planning was from both Diamond Creek suburb (telecommunications, postal, electricity) and Yarrambat (water, sewerage, drainage).

From the mid 1950's we were an integral part of the original urban area of the suburb of Diamond Creek (not township!). In the late 1960's we paid for the extension of the high voltage electricity from Diamond Creek. We were part of the original Plenty Growth Corridor on the east of Yan Yean Rd. Following a full statutory process subject lands were gazetted in 1975 by the Governor in Council (i.e. Cabinet) as an extension to both the Plenty Yarrambat Urban District and Waterworks Trust District. High costs necessitated our participation in a Commonwealth Government Loan Scheme (11.5% interest) to fund the infrastructure required. Subject lands were made compulsorily liable for the highest contribution based on them having the highest urban residential land value and thus capability (NB: Values presented in evidence are at their dated year prices).

Our urban planning history as part of Metropolitan Melbourne, corresponded with our political representation as such at all levels. From 1967-1992 our lands were 'rightly' included within the District of Greensborough (Legislative Assembly) and Templestowe Province (Legislative Council).

Given our 80 year family connection to the area, we would expect our accounts to reveal a history that demands recognition and thus accurate correction.

It is most important to me that the lands I have an interest in, those west and north-west of the creek/ train station that were also part of original Diamond Creek suburb of Melbourne, are kept together and not further divided as part of ANY boundary changes (be they State or Federal electoral or Local Council). Should they be changed we expect to be included as part of the City of Banyule.

I am always happy that new areas are added to the suburb of Diamond Creek (urban part) but I strenuously object to any new boundary lines that exclude or come at the expense of the original part of Diamond Creek (See map attached- especially including those lands in which I have an interest). Such gerrymandering is unacceptable and inequitable. Instead of cohesion in the area it will create division, friction and competition. This division will negatively impact residential development, housing strategies, commercial development, community infrastructure and urban reticulated infrastructure for the areas of original Diamond Creek west and North West of the train station.

We have relied on the promise and certainty of maintaining our Metropolitan Melbourne and Diamond Creek urban identity, community interests, sense of place, connectivity and urban land use with utilisation of our distinctive urban reticulated infrastructure and associated property/development rights in our long term financial planning. There is a huge difference between our lands inappropriate and incorrect inclusion as frozen and sterilised rural conservation land in the Green Wedge of the Northern Metro LUFP and its rightful inclusion within the UGB.

There is a pandemic going on and no one knows where it is going to go, what it is going to change and we need to be realistic about peoples need to survive. Additional considerations such as changing housing aspirations, the effects of Climate change (especially Bushfire risk/management) and the leapfrogging of development in the adjacent growth corridor must also inform Housing strategies in the Northern metro LUFP.

Whilst we maintain subject lands must be removed from the Green Wedge there needs to be more emphasis on a fair and workable Green Wedge in the Northern Metro region, with understanding and reasonable, sustainable land use changes for those acreage landowners forced to provide it.

Our family too chose to live in Nillumbik (previously City of Heidelberg then Diamond Valley) since the 1940's when the Green Wedge did not exist. I was born in Diamond Creek, it has always been my home town and I challenge anyone who thinks I don't

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

treasure the area and the properties I am a stakeholder of. My family and I have held on to this land with blood, sweat and tears. This has been our life time vision for myself, family members, friends and other with the expectation of its fulfilment. I continue to enjoy and share this beautiful land every-day.

Please see relevant objective suggestions/additions in G. Schnapp submission as they apply to these properties. I also advocate for these entirely.

I give permission for this submission and the document 'Equitable correction to legal irregularity brief with evidence and brief explanation' to be made public. All other attachments however must remain confidential and not be made available to the public unless otherwise advised in writing.

Please note this experience has for me been stressful and traumatic. Yet another process has again discarded our pleas sending us backwards.

We need your help to right this wrong.

Attachments

[REDACTED]

[REDACTED]

**PS See Part B for my comments on specifics on MFPF Vision, Strategies, Policies etc**

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations



This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations



This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations



This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations



This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations



This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations



This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

This Submission/Attachment has been removed to ensure Council complies with  
it's privacy obligations

**██████ submission for Municipal Planning Strategy (MPS) – Themes 3 and 2.**

**Theme 3 – Natural Environment**

- The Municipal Planning Strategy (MPS) should outline that steward or guardianship recognises that we are all part of a larger whole and depend on a having a healthy environment. Thus, there is the need to take a broader view beyond the personal interests of individual local landholders/people, adopt a systems view, and place guardianship, a 'duty of care' central to planning – particularly as it affects our Natural Environment.
- Indeed, Nillumbik is a conservation shire, and yet our natural environment continues to decline. Clearly, our current frameworks are not working, and need to be made fit to address current and future environmental challenges. The MPS is a good place to start.
- Biodiversity is an irreplaceable resource and a key part of planning strategies and again, the MPS is a good place to start making the needs for biodiversity more prominent in our Planning Scheme.
- At the recent Wattle Glen Public Realm Project workshops the single most important aspect identified was the value of the Natural Environment. Given Wattle Glen straddles the Urban Growth Boundary (UGB) residents attending the workshop came from both sides of the UGB, but were consistent with the appreciation of the bush feel of their neighbourhood.

So, within the Planning Scheme MPS there should be recognition that all areas of vegetation/habitat are significant, must be protected and wherever possible enhanced; not only in the Green Wedge, but **for the whole 'Green Wedge Shire.'**

- Generally, I support the Natural Environment objectives given by Council, but the words must be backed by a strong Planning Scheme to meaningfully address these objectives. Also, as happened with the last GWMP Review where a contrary minority report was included, other sections of the MPS must not be allowed to contradict the Natural Environment objectives.

Most fundamentally, in policy-making through the MPS we need to:

- Adopt a 'systems view' (eg. ecosystems and services; bio-security system; food system) that places centrally 'guardianship' (rather than 'people' and 'land ownership') and a duty of care.
- Recognise the need for a healthy environment, and to embed "environmental/ecological sustainability" in all that we do; and ensure that development is 'ecologically sustainable'.

**A. Within the MPS and the Planning Scheme, priority needs to be given to:**

- Recognising that indigenous vegetation is the backbone of country, and essential to the integrity of environmental (eco) systems, the Green Wedge, and habitat for

indigenous wildlife, as well as promoting a cohesive neighbourhood character in the **whole of The Green Wedge Shire.**

Stronger protection of lower and medium storey indigenous vegetation, and indigenous vegetation needs to be encouraged wherever possible, including in public areas and street scapes, and in individual planning applications.

- Enhancing and expanding habitat and corridors across the landscape; and that development proposals clearly demonstrate how they contribute to this nurturing.
- Strengthening through the MPS/Planning Scheme and throughout the shire the **Environmental Significant Overlays (ESO), Significant Landscape Overlays (SLO) and Neighbourhood Character** aspects.

For example.

1. All of Nillumbik's waterways feed into the Yarra River and the State Government is keen to improve the quality and quantity of water – and may even provide grants for improving tributaries. So, Council MPS/Planning Scheme priority should be given to strengthening the ESO4 for the protection of all watercourses whether they are in the rural or residential part of the shire. [This is not a big decision for including in the MPS as Nillumbik Council already have the Abzeco maps that cover all of the watercourses ranging in size from drainage lines up to the two rivers that border Nillumbik with riparian areas, and their varying (10 to 50metres) buffer zones, depending on the size category of the watercourse].
2. Along with encouraging waterways as wildlife corridors with controls protecting and enhancing them, the same should go for road reserves with commensurate indigenous vegetation protection to enhance them as fauna habitat corridors across the shire.
3. To ensure residential areas are not a gap in such habitat corridors as outlined in point 2 above, residential nature strips need to be planted out with locally indigenous vegetation (in practice mostly trees and bushes). To continue the road reserve corridors integrity, in residential areas plantings should be indigenous vegetation, rather than exotic or even rather than native vegetation, and then protected by the MPS/Planning Scheme through SLOs and the designated Neighbourhood Character.
4. The use of SLOs in residential areas is great, but their distribution throughout the Shire is piecemeal at best eg Diamond Creek misses out, and should be made more consistent and inclusive to embrace all residential areas.
5. How good would it be to get SLOs over the rural areas as well?
6. Neighbourhood Character needs to be given more creditability within the MPS/Planning Scheme so it has more clout to help officers at VCAT and within Nillumbik it provides more protection and enhancement of the natural environment aspect that we know residents appreciate.



7. In planning applications, the impact of the Bushfire Management Overlay on landscape and environmental values, on biodiversity, on wildlife habitat and links, and on neighbourhood character needs to be properly assessed; and where its impact is deemed too severe, the application needs to be reduced or rejected. The MPS should mention this as an ongoing planning process by Council.
  8. Development applications need to be assessed for their impact beyond their property boundaries, and a landscape-scale and regional-scale approach in assessments needs to be adopted. To prevent death by a thousand cuts, the accumulative impacts of individual planning applications need to be recorded and assessed to see the bigger picture environmentally – for better or for worse.
- B.** Support the need to achieve net gain (rather than no net loss) in the quality and quantity of native vegetation as also identified in Plan Melbourne.
- Graeme Samuel’s finding in his recent review of the EPBC Act needs to be heeded: that the current system of environmental offsets is failing, delivering losses for the environment due to poor design and implementation. He recommends that offsets only be used as a last resort when other options to avoid or mitigate environmental damage have been “demonstrably exhausted”.
- C.** Planning schemes either need climate triggers, or require development proposals to specifically address how their projects will mitigate or avoid climate damage.
- D.** To promote biodiversity, an active planning scheme action or amendment is needed that requires or encourages all fencing to be wildlife friendly and be mentioned as goal in the MPS.
- E.** The weaknesses within the environmental enforcement system need to identified, addressed and appropriately resourced.
- Eg. Planning scheme ambiguities need to be removed to enable the restricting and policing of grazing domestic and agricultural animals on bushland blocks with their bio-diverse areas or steep terrain, or too near waterways to protect the natural environment including water and to prevent soil degradation through erosion.
- F. Planning Scheme Enforcement.** Too often earthworks or vegetation removal happens without a permit. If officers become aware, too often they then suggest nothing more than a retrospective application be made. I suggest that as well as the property owner being responsible, the planning scheme should also place the onus on the machine operators to confirm all planning approvals have been gained before they start any works. (The rationale is that the property owner may not know about permits, but the machine operators should know when permits need to be obtained by the Council Planning Scheme – particularly if they have to pay the fines or undo the works.) The MPS should suggest that Council is keen to work with the community to ensure the Planning Scheme is adhered to by owners and those responsible for the works in the interest of the Natural Environment.
-

## **Theme 2 – Green Wedge**

The biggest threat to land management in the Nillumbik Green Wedge is how the Planning Scheme deals with small lots – what Council officers now seem to call “unviable land parcels.”

This priority of discouraging dwellings on small lots needs to be emphasised in the MPS.

Recently two small lots (between 1 and 2 ha from memory) on RCZ land near the corner of Flat Rock Rd and Watery Gully Rd, Kangaroo Ground were subdivided off a larger block and were then sold. When dwellings were wanted on these two new properties, based on the Planning Scheme, the council officers refused to issue permits, but were then overturned at VCAT when appealed. The MPS and the rest of the Planning Scheme obviously need a stronger indication of the importance of not over developing the Green Wedge.

In 2019/20, in the name of cleaning up sundown clauses, the then Nillumbik Council removed most of arguments against creating small lots from the Nillumbik Planning Scheme and **replaced them ... with nothing.**

Quite a few years earlier the Nillumbik Planning Scheme also included Tenement Controls for RCZ and GW zoned land – or whatever the rural zones were called back then. Given that it is now recognized that for many small lots BMOs allow, and new Land Management Plans insist, that most of the trees are to be removed for fire protection reasons. This means that there is now an even greater need to discourage any type of residential development on Small Lots or on “unviable land parcels” in the Green Wedge.

Put succinctly, for the two block above on the corner of Watery Gully Rd and Flat Rock Rd, permits would not have happened had Tenement Controls not years ago been taken out of the Nillumbik Planning Scheme for RCZ land.

So the MPS should be advocating that council will work towards discouraging small lots or “unviable land parcels” in the Green Wedge and say that, this will be done with a stronger planning scheme to protect Green Wedge land for agricultural pursuits and/or to protect natural vegetation from removal, or limit the scope for more intensive development in areas that have previously been subdivided into inappropriately small lots, and/or the realignment of boundaries of rural properties for the purpose of creating defacto residential lots will not be supported etc etc.

### **My suggestion**

The below parts of previous Nillumbik Planning Schemes should be updated and reinstated in total **into the current Nillumbik Planning Scheme** as the **tracked changes below** suggest.

The MPS in its motherhood statements can foreshadow that this will happen to support the Nillumbik Green Wedge from over development.

**Small Lots now called “unviable land parcels” by Council - Revising the Planning Scheme**

(BTW The clause numbers mentioned will of course need to be mostly changed to fit the latest dated planning scheme.)

**22.02 SUBDIVISION IN GREEN WEDGE AREAS**

30/05/2008  
C57

This policy applies to land in the Rural Conservation and the Green Wedge Zones.

**Policy Basis**

The provisions of the Rural Conservation Zone and Green Wedge Zone provide for subdivision as well as the creation of small lots by the re-subdivision of existing lots. As stated in the Municipal Strategic Statement, the creation of additional lots within rural areas has the potential to compromise the productive agricultural potential of land by removing it from production as well as introducing uses (generally residential) which may conflict with agricultural through the introduction of pets and increased traffic on local roads. Additionally residential use is often incompatible with farming practices such as the use of fertilisers and pesticides as well as noise, associated with dawn to dusk farming operations.

Additional lots and their associated development may also impact on the integrity of the rural landscapes of the Shire and the environmental features such as waterways, water catchments, habitat and native vegetation. Appropriate physical and social infrastructure and services may also be unavailable.

This policy aids discretion to the zone provisions in assessing applications to subdivide lots in rural areas so as to ensure that the resulting lots will not create pressures for residential services and infrastructure and are not detrimental to the agricultural, landscape and environmental values of the Shire. The policy ensures that the purposes of the Green Wedge Zone and the Rural Conservation Zone retain their primacy.

**Objectives**

- ☐ To guide discretionary decision making regarding the subdivision of rural land.
- ☐ To protect the agricultural, landscape and environmental values of the Shire.
- ☐ To protect the productive agricultural potential of land so as to maintain farmland as a long term resource.
- ☐ To maintain farm scale and avoid constraints on rural land use resulting from increasing development densities in rural areas.
- ☐ To prevent further fragmentation of remnant vegetation or agricultural land as a result of inappropriate subdivision.
- ☐ To retain large lots in single ownership for the purposes of improving conservation or agricultural management.

**Policy**

**Subdivision**

It is policy to:

- ☐ Strongly discourage subdivision that effectively creates lots primarily for rural residential or hobby farm use.
- ☐ Encourage retention of large lots in single ownership for the purpose of improving conservation or agricultural management which may require a larger subdivision size.

Re-subdivision (re-alignment) of existing lots:-

It is policy that:

- ☐ The re-subdivision of existing lots reflects minor common boundary changes to reflect man-made features (such as fence-lines) or natural characteristics of the land.
- ☐ Proposals for re-subdivision of lots demonstrate that new property boundaries are based on planning grounds including consideration of the land capability and the environmental characteristics of the site.
- ☐ Proposals for re-subdivision of lots demonstrate that the subdivision will result in net environmental and/or agricultural benefits for the site and surrounding area.

= Maintaining, through Clause ? a tenement holding control in green wedge areas to limit the scope for more intensive development in areas that have previously been subdivided into inappropriately small lots.

- ☐ Proposals for re-subdivision of lots should not include former reservations or lots

subject to flooding or lots otherwise unable to be developed for residential purposes due to location/physical characteristics. Such lots will be encouraged to be consolidated with adjoining lots.

- ☐ A realignment of boundaries which creates the potential for additional lots through further subdivision will not be supported.
- ☐ A realignment of boundaries of rural properties for the purpose of creating defacto residential lots will not be supported.

#### Decision Guidelines

To ensure the purposes of the Green Wedge and Rural Conservation Zones retain their primacy to the extent that the subdivision or re-subdivision supports the objectives and meets the decision guidelines of the Zones.

#### Expiry

~~This policy does not apply after 30 November 2009.~~

~~LOCAL PLANNING POLICIES – CLAUSE 22.02 PAGE 2 OF 2~~

~~NILLUMBİK PLANNING SCHEME~~

### 22.03 RESIDENTIAL USE AND DEVELOPMENT ON SMALL LOTS IN GREEN WEDGE AREAS

30/05/2008  
C57

This policy applies to the use of dwellings on small lots in Schedules 3, 4 and 5 of the Rural Conservation Zone and Green Wedge Zone. Small lots in the Rural Conservation Zone are defined as those smaller in size than the minimum subdivision size as specified by the schedule to the zone. In the Green Wedge Zone the term applies to lots smaller in size than 40 hectares.

#### Policy Basis

Melbourne 2030 identifies the Nillumbik Green Wedge as containing areas of environmental and landscape quality; including the Yarra River, Plenty River, Diamond Creek, Watsons Creek and areas of River Redgum and other habitat. The Nillumbik Green Wedge also includes parts of Kinglake National Park and Metropolitan water storages such as Sugarloaf Reservoir. Much of the northeast part of the green wedge is retained as agricultural land devoted to primary industry. Extensive areas of native vegetation, water courses and undulating terrain are the main features which contribute to the extensive habitat links and the landscape identity of the Shire.

Historically the green wedge area was first designated by the Melbourne Metropolitan Planning Scheme in 1971 and a strong commitment to the green wedge strategy has been supported ever since. However, as a result of its high amenity value and close proximity to metropolitan Melbourne, there is strong demand to use and develop the green wedge for rural-residential use. This situation is further compounded by the large number of vacant lots in the Shire, which were created from Crown allotments or as a result of previous inappropriate subdivision. These existing lots vary in size with many being significantly smaller than the minimum permitted by the relevant zone or schedule. These lots are ~~no longer subject to tenement controls which existed in earlier planning controls, and are~~ particularly sought after for residential use given the high price of rural land. In addition, there is a historical expectation that the existence of a lot is sufficient justification for its 'improvement' with a dwelling.

Recognising the highly subdivided nature of the Nillumbik green wedge, the importance of restricting residential development in non-urban areas is paramount to maintaining the values of green wedge areas. The continued development of dwellings and associated infrastructure in the Green Wedge undermines landscape, water quality, native vegetation, habitat and biodiversity values. In addition rural dwellings cannot be efficiently serviced by social and physical infrastructure at an acceptable and sustainable community cost.

In light of the conflicts and inefficiencies created by rural-residential living, this policy seeks to restrict residential development to that which clearly contributes to the defined values of the Rural Conservation Zone and the Green Wedge Zone.

This policy:

- ☐ Furthers MSS objectives in Clause 21.04-4 The Framework Plan.
- ☐ Builds on the MSS objectives in Clause 21.05-2 relating to Rural Land Use.

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

- ☐ Builds on the MSS objectives in Clause 21.05-3 relating to Environment, Conservation and Landscape.
- ☐ Complements Clause 22.04 Siting and Design Policy for Buildings and Works in Non-Urban Areas Policy.
- ☐ Adapts Clause 57 – Metropolitan Green Wedge Land to local circumstances.
- ☐ Adapts Clause 12 – Metropolitan Development to local circumstances.

LOCAL PLANNING POLICIES - CLAUSE 22.03 PAGE 1 OF 2

NILLUMBİK PLANNING SCHEME

#### **Objectives**

- ☐ To guide discretionary decision-making about the use and development of land for dwellings on small lots in the green wedge area.
- ☐ To protect land of environmental significance from urban uses, particularly the establishment of dwellings and hobby farms outside areas designated for these purposes.
- ☐ To prevent further fragmentation of remnant vegetation or agricultural land as a result of inappropriate residential development.
- ☐ To limit the social and infrastructure costs of rural-residential land use and development.

#### **Policy**

It is policy to:

- ☐ Strongly discourage dwellings that increase the extent of residential living more typical of a residential zone.
- ☐ Strongly discourage any dwelling resulting in the introduction of additional people or infrastructure into an area of environmental hazard such as fire, land slip or erosion.
- ☐ Strongly discourage use of land for a dwelling where the development of the proposed dwelling is not included as part of the application, because this makes proper assessment of the ultimate impacts uncertain.
- ☐ Strongly discourage dwellings that cannot be efficiently serviced by social and physical infrastructure, at an acceptable and sustainable level. ~~Particular consideration will be given to the following:~~

~~☐ Well constructed roads~~

~~☐ Availability of regular garbage collection~~

~~☐ Proximity to shops, schools, sports, recreation and community facilities.~~

#### **Expiry**

~~This policy does not apply after 30 November 2009.~~

~~LOCAL PLANNING POLICIES - CLAUSE 22.03 PAGE 2 OF 2~~

---

BTW: For the tenement holding control proposed above, in the current Nillumbik Planning Scheme Tenement Controls actually apply in the ELZ zone for Bend of Islands, and a Tenement Holding is defined in the current Planning Scheme as:

#### **Clause 73.01**

Tenement

Land comprised in:

- a) a lot which does not adjoin another lot in the same ownership; or
- b) lots in the same ownership and which adjoin each other.

Lots are considered to adjoin each other if they are separated only by a stream, stream reserve, or unmade or unused government road or rail reserve.

**In previous Nillumbik Planning schemes, Tenement Controls were used for GWZ and RCZ properties (or whatever zone name they were called back then) thus:**

#### **Clause 53.1**

**Meaning of tenement holding**

A tenement holding means one of a lot or all contiguous lots, parcels of land or Crown Allotments held in the same ownership on the following date specified for the zone within which the land is situated:

- 23 July 1982 in a Green Wedge Zone or Rural Conservation Zone

***Permit requirement for dwellings***

A permit may only be granted to establish one dwelling on land if any of the following apply:

- The land is a parcel of land which existed as a tenement holding.
- The land consists of the consolidation of all parcels or lots within a tenement holding.
- The land is affected by a Restructure Overlay and conforms to the relevant Restructure Plan.
- The land forms part of a tenement holding and that part (and any other part in the tenement holding created) exceeds the site area set down for the zone within which the land is located.

**Consolidation of lots within tenement holdings**

If a permit is granted to construct a dwelling on a tenement holding or part of a tenement holding which contains more than one lot, the permit must contain a condition requiring all of the land affected by the permit to be consolidated prior to the use of the land for a dwelling.

**Tenement Anomalies**

Despite the provisions of this Clause, a permit may be granted to establish one dwelling on specific lots, provided it is demonstrated to the satisfaction of the responsible authority that:

- The development will not prejudice the primary purpose of the zone and local planning policies applying to the land.
- The wider objectives of the tenement provisions are protected from incremental erosion and are maintained as a legitimate means of protecting the Green Wedge Zone and Rural Conservation Zone from inappropriate development.
- If the land is in an area identified as having a high risk of wildfire hazard, appropriate building design measures will be undertaken to provide an acceptable level of protection.
- The development will be consistent with the provision of any Overlays.
- There will be no detriment to the ecology of any stream or watercourse on or near the site by virtue of the development.
- Removal of native vegetation is minimised.

**Clause 72**

**Tenement** Land comprised in:

- a) a lot which does not adjoin another lot in the same ownership; or
- b) lots in the same ownership and which adjoin each other. Lots are considered to adjoin each other if they are separated only by a stream, stream reserve, or unmade or unused government road or rail reserve.





Christmas  
Hills  
Landcare  
Group

## Christmas Hills Landcare Group

P.O. Box 274 Yarra Glen 3775

Website: <http://portphillipwestemport.landcarevic.org.au/Christmashills>

ABN: 24 281 456 670

Member: Landcare Victoria Inc (# A0011936S)

6<sup>th</sup> October 2021

### Nillumbik Municipal Planning Strategy

To whom it may concern

Thank you for the opportunity to provide feedback on the Nillumbik Municipal Planning Strategy (MPS). The Christmas Hills Landcare Group welcomes the opportunity and recognises that the MPS is an important strategic framework for guiding the future land use and development in Nillumbik.

The Christmas Hills Landcare Group currently has 94 financial adult members managing 51 private properties covering over 715 hectares in the Nillumbik and Yarra Ranges shires. The feedback presented in this document has been distributed to our members and with no dissenting views received, is made on behalf of the entire CHLG membership.

#### Overall comments

The structure and content of what we are being asked to comment on in the Nillumbik MPS consultation does not appear to align with the structure and content required for the preparation of all Municipal Planning Strategies.

The structure and content for Municipal Planning Strategies is prescribed in the [Ministerial Direction "The Form and Content of Planning Schemes" \(August 2020\)](#) with more information in ["A Practitioner's Guide to Victorian Planning Schemes: Version 1.3 \(January 2020\)"](#).

The 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.

The content of the MPS should be easily read, expressed in a logical sequence and grouped by related land use and development themes, using this structure:

- Context
- Vision
- Strategic directions
- Strategic framework plan

The preferred approach is to follow the (Planning Policy Framework) PPF themes:

- Settlement
- Environmental and landscape values
- Environmental risks and amenity
- Natural resource management
- Built environment and heritage
- Housing
- Economic development
- Transport
- Infrastructure

The feedback provided in this submission follows the prescribed MPS structure and content guidance.

### **Context**

Needs to make it clear that biodiversity and the natural environment - ie Nillumbik's extensive remnant forests, woodlands, waterways and wetlands, and the diverse indigenous flora and fauna they support, are major and unique qualities of the municipality and occur on both public and private land.

These qualities were recognised in the original establishment of Nillumbik as the Green Wedge Shire, with its boundaries set for the purpose of creating a "conservation council", and the Green Wedge as its strategic focus to allow better protection of the natural resource base, sustainable land management, and provide a high-quality environment for residents and visitors (*Source: Middle and outer Melbourne review: interim report / Local Government Board. Victoria – 1994*)

The Victorian Government policy 'Plan Melbourne 2017-2050' makes it clear on the purpose and role of green wedges:

"As Melbourne grows, planning for Melbourne's green wedges and peri-urban areas is required to:

- protect biodiversity assets, including national and state parks, Ramsar wetlands and coastal areas
- support existing and potential agribusiness activities, forestry, food production and tourism
- protect major state infrastructure and resource assets, including water supply dams and water
- catchments and waste management and recycling facilities
- support renewable energy sources such as wind and solar farms
- protect extractive industries"

Need to make it explicit that a very large proportion (91%) of Nillumbik is a green wedge - non-urban land outside of the Urban Growth Boundary, and that the purpose of the Nillumbik green wedge is primarily to:

- protect biodiversity assets, including national and state parks
- support existing and potential agribusiness activities, and food production
- protect major state infrastructure and resource assets, including water supply dams (Sugarloaf and Yan Yean reservoirs and water treatment plants)



There also needs mention of the prevalence of existing lots within the green wedge that are already sub-divided below the current minimum subdivision lot size, and how this represents a constraint to fulfilling the green wedge purposes of protecting biodiversity and supporting existing and potential agriculture.

This section also needs to make mention of the Wurundjeri Woi-wurrung people as the traditional custodians of the land in Nillumbik, and that the area retains a rich cultural heritage of archaeological sites, objects, places and landscapes, knowledge, lore and storylines that are valued, culturally meaningful and connected to identity and Country for these people.

Nillumbik's remnant forests, woodlands, waterways and wetlands, as well as cleared rural land, should be represented spatially on a map as part of the Context plan in the MPS

### **Vision**

The vision should be derived from the 2040 community vision statement but distilled into a vision for the MPS that focuses on land use and development.

The following are suggested inclusions:

Nillumbik is a place where extensive and healthy natural forest, woodland, waterway and wetland assets predominate and flourish, and the cleared rural land supports complementary and sustainable non-urban land uses, in particular sustainable and regenerative agriculture.

It has accommodated its population growth within its activity centres, primarily the Eltham and Diamond Creek Major Activity Centres, as world-leading examples of well-planned sustainable urban design and living, recognisable by the widespread use of blue-green infrastructure, and its role in mitigating, adapting to, and preparedness for climate change.

Nillumbik's rich cultural heritage is not only valued and protected, but also showcased and celebrated with pride.

### **Strategic directions**

Plan Melbourne, etc. make it clear that Green Wedges are to serve specific non-urban uses, and to direct residential development to locations within the UGB with ready access to public transport, employment and education.

For Nillumbik the predominant non-urban land uses are biodiversity and natural environment conservation, agriculture, and water supply.

The following are suggested inclusions:

#### **Settlement**

- Direct Nillumbik's residential growth primarily into the Eltham and Diamond Creek Major Activity Centres with the Hurstbridge and Research Neighbourhood Activity Centres also accommodating minor levels of growth, and in ways that protect the values of the green wedge.
- All development within the green wedge has the primary purpose of serving sustainable agricultural and biodiversity conservation outcomes

**Environmental and landscape values**

- Use the most up-to-date information available (NEROC, Abzecco mapping?) to comprehensively identify and map the location and extent of Nillumbik's remnant forests, woodlands, waterways, wetlands and other significant biodiversity values on both public and private land, as well as the strategically important habitat corridors they form or have potential to form.
- All land use and development within and adjacent to these natural environmental values must protect, and preferably improve, their integrity, and function as indigenous flora and fauna habitat
- To minimise the cumulative impacts of residential uses of undersized lots, such as vegetation loss, habitat fragmentation, and introduction of pest plants and animals, prevent the development for residential purposes of undersized lots, and facilitate lot amalgamation wherever possible to achieve minimum subdivision size

**Environmental risks and amenity**

- Acknowledge that the valued forest and woodlands, particularly in the green wedge, present an elevated risk of bushfire, and direct population growth and residential development to lower-risk locations within the Urban Growth Boundary
- Encourage agricultural land uses in the cleared parts of the green wedge that are well-suited to the land's carrying capacity and current and future climates

**Natural resource management**

- Encourage agricultural land uses in the cleared parts of the green wedge that are sustainable, regenerative, and do not deplete or impact on natural resources such as soil, water, air and native flora and fauna

**Built environment and heritage**

- Work with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation to identify, assess, document, protect and conserve places of Aboriginal Cultural heritage significance

Thank you again for the opportunity to comment.

Regards

Doug Evans, Chair, CHLG, on behalf of the membership of the Christmas Hills Landcare Group.



## Introduction

The Green Wedge Protection Group (GWPG) was formally incorporated in 1995, following municipal amalgamations. Less formally, the Group has existed since the early 1970s. The Purposes of the Green Wedge Protection Group include:-

- Working to ensure that residents and public officials of the Shire of Nillumbik act together to protect the environment; develop a high quality urban lifestyle within limited designated areas; and promote a rural lifestyle with sensitive farming and enhanced conservation objectives.
- Ensuring the Green Wedge is the strategic focus of the Shire of Nillumbik.
- Providing input to the Shire of Nillumbik and other decision making bodies on any matter considered relevant to the Green Wedge.

The Green Wedge Protection Group is heavily involved in state and local planning issues, both currently and prior to the group's formal inception, and will continue to provide advice and direction to authorities to ensure the intent of our Green Wedges is upheld at all levels of Government, and the values protected.

The Green Wedge Protection Group thank you for the opportunity to place this submission on the Municipal Planning Strategy before Council.

Your sincerely,



Kahn Franke,  
President  
Green Wedge Protection Group

## **Municipal Planning Strategy 2021**

### **Theme 1 Activity Centres**

#### **Key Objective 1**

The Eltham and Diamond Creek Major Activity Centres will continue to provide inclusive and accessible commercial activities, community services, recreational facilities and housing opportunities, as well as containing a substantial public transport hub.

#### **Key Objective 2**

The Major Activity Centres will continue to accommodate most of the Shire's growth and will have an increased role in providing for a diversity of housing and in particular, medium density housing (including mid-rise commercial development and apartments).

#### **Key Objective 3**

The Hurstbridge and Research Neighbourhood Activity Centres will continue to 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.

---

We agree with these three objective but believe the following should be included:

Structure plan – each activity centres should have its own structure plan which should include ensuring a net increase in indigenous vegetation within those activity centres. The structure plan should consider minimising the dependence on private vehicles, improving public transport, and ensuring ease of connectivity with improved walking and cycling trails, noting that participation in cycling will increase due to the prevalence of e-bikes. Activity centres will therefore need to cater for bicycle parking facilities.

There needs to be definitions regarding medium density, high density, mid-rise commercial development, apartments.

Housing density levels have been described in a document by a group called Charter 29 – this information is available on the internet.

---

---

## **Theme 2 Green Wedge**

### **Key Objective 1**

Recognise the rural areas (land zoned Rural Conservation or Green Wedge) contain sites of environmental and landscape significance, natural resource based activities and residences.

### **Key Objective 2**

Protect our Green Wedge and its environmental integrity to ensure a safe haven for native wildlife, thriving biodiversity and native vegetation

### **Key Objective 3**

Recognise that the rural areas often lack existing infrastructure. Including essential services, community facilities and internet coverage.

### **Key Objective 4**

Acknowledgment of land use conflict between agricultural and rural residential land uses and a risk that further residential development will fragment rural land into unviable land parcels.

### **Key Objective 5(a)**

Manage the issues of land use conflict, resource use and environmental management arising from the diversity of uses through sustainable land use and natural resource management.

### **Key Objective 5(b)**

Ensure development in rural areas mitigates potential fire risk.

### **Key Objective 6**

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. Advocate to State Government to undertake Shire Wide testing and analysis of contaminated land.

### **Key Objective 7**

Protect and enhance agricultural land for both its productive potential and environmental value.

### **Key Objective 8**

Our connection to the Green Wedge is celebrated by all who live, work or enjoy their time in it.

---

Key Objectives 1 and 2 require the acknowledgement or inclusion of the following recommendations:

- Referring to 'sites of environmental and landscape significance' can lead to a narrow focus on Commonwealth significance under the EPBC Act or State significance under the Flora and Fauna Guarantee etc. A common default (even in planning scheme amendments and VCAT cases) is to down-play environmental significance if there's a lack of Commonwealth or State significant species, rather than recognising that all areas of vegetation/habitat are significant and must be protected.

- Natural resource-based activities, including agriculture, must not be to the detriment of the environment, and must actively work to enhance the health and abundance of indigenous biodiversity.
- Recognise that the preservation of the green wedge, protection of biodiversity, and action on climate change, hold the greatest value – and are therefore top priority - for the Nillumbik Community. (Consistent with the findings from the Our People, Our Place, Our Future community consultation)
- Referring to the Green Wedge in Nillumbik containing 'residences' implies that residential land use is supported in the Green Wedge zones. This is not the case in the RCZ or GWZ and to imply otherwise is contrary to the purposes of those zones

Key Objective 3: The concept behind Green Wedges was to remove urban expectations from the rural areas. Strategic planning for local townships should accommodate the essential services and community facilities as required.

Key Objective 5(a): Development or land use applications should require land management plans which should resolve conflict issues, providing benefits for both agricultural land and native habitat.

The management of conflicting land-use, resource use and environmental management, is done through the development, enforcement and ongoing review of land management plans, in conjunction with environmental protection strategies and enforcement. These processes must be adequately resourced.

Key Objective 5(b): Development should only proceed where the proposed development meets the first principle of avoiding and minimising loss of native vegetation. RCZ and GWZ are not residential zone

GWPG agrees with Key Objective 6.

A suggested addition to Key Objective 7 is:

- whilst ensuring agricultural practices employ sustainable and regenerative practices, protect the Green Wedge and reinvigorate biodiversity.

A suggested additional Key Objective is:

- Review the application of Environmental Significance Overlays and Significant Landscape Overlays across the Green Wedge zones in line with Government policy, ensuring enforcement of protections and adequate resourcing

---

### **Theme 3 Natural Environment**

#### **Key Objective 1**

Given the large number of threatened native species and threats occurring to those species in the Shire, Planning needs to protect and conserve biodiversity, provide habitats for native flora and fauna, and control pest plants and animals.

#### **Key Objective 2**

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. Use and development have the potential to affect stormwater quality and adversely affect downstream areas.

#### **Key Objective 3**

Discourage development, including vegetation removal that degrades stormwater quality and increases potential risk of soil erosion, expansion and landslip or other hazards.

#### **Key Objective 4**

Address threatening processes associated with the loss and degradation of the natural and built environment in order to maintain the landscape values in the Shire.

---

Suggest the following be considered in the preamble for this theme:

- Melbourne 2030 identifies the Nillumbik Green Wedge as being of social, economic and environmental value because of the following features: environmental and landscape quality (particularly the Yarra River and surrounds); river red gums and other habitat areas; national parks; metropolitan water storages.

Suggested overarching objective for this theme:

- The protection of the environment and biodiversity should guide all planning in Nillumbik.

Suggested additional objectives:

- The rights of nature must be recognised in the application of all planning decisions (for example, as enacted by Blue Mountains City Council). This extends the principle demonstrated when the Yarra River was declared a living entity in 2017.
- Protect and enhance indigenous vegetation communities as habitat for all indigenous fauna species.
- Promote and protect indigenous vegetation and habitat connectivity within and between urban areas and townships.
- Planning permit conditions to promote wildlife-friendlier fencing.
- The essential value of waterways as wildlife corridors is acknowledged and enforced planning controls protect them, in line with Melbourne Water's Stream Frontage Management Program.
- "Biodiversity urban sensitive design" is a requirement in urban areas, in line with contemporary practice such as those described by RMIT and University of Melbourne.
- The weaknesses within the environmental enforcement system are identified, addressed and appropriately resourced.

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

- Environmental Officer input to all planning applications that have environmental impacts, in line with state government statutory requirements, prioritising areas where the application triggers the Clause 52.17, any Environmental Significance Overlay (ESO), Vegetation Protection Overlay (VPO), Significant Landscape Overlay (SLO) & Bushfire Management Overlay (BMO)

Other suggested objectives:

- Extend and support Trust for Nature covenants, including promotion of Native Vegetation Offsetting potential for covenanted land, where applicable.
- Develop policies to effectively control invasive plant and animal populations, and restrict planting of environmental weeds.



---

## **Theme 4 Built Environment**

### **Key Objective 1**

Apply design principles which will create a built environment that strengthens the inclusiveness and accessibility of our neighbourhoods, activity centres, facilities and services, while respecting our natural environment.

### **Key Objective 2**

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.

### **Key Objective 3**

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.

### **Key Objective 4**

Protecting habitat links and minimising fire and flood risk and erosion are important considerations in siting buildings and works, particularly in rural areas.

---

Additions to this objective:

- Restrict the granting of building permits if vegetation must be cleared in order to provide a 'safe' site in bushfire/flood events
- Apply a building envelope to minimise the development footprint for built form and associated infrastructure by minimising fragmentation otherwise caused by scattered development.
- Continue to investigate the feasibility of planning permit conditions defining a maximum footprint for domestic areas (avoiding fragmentation) on lots with Green Wedge and Rural Conservation Zone taking into consideration biodiversity, landscape and agriculture.

Suggested overarching objective (as also stated for Activity Centres)

- Indigenous tree canopy and understorey are protected throughout Nillumbik, including the built environment and all new developments within the Shire. Council actively pursues net increase of indigenous vegetation in both urban and rural areas.

In urban areas, introduce 'Biodiversity Sensitive Urban Design.

In rural areas, the need to recognise that the built environment and associated infrastructure (e.g. access roads, car parking etc) is a secondary use and must be sub-ordinate to primary rural land uses/conservation.

---

## **Theme 5 Housing**

### **Key Objective 1**

Recognise that the Shire will experience a reduction in household size due to an ageing of the population. The trend of decreasing average household size provides the impetus to provide for some medium density housing as an alternative housing choice.

### **Key Objective 2**

Direct housing growth and diversity to activity centres in which are accessible, close to infrastructure, public transport, commercial areas, public open space and other community facilities.

### **Key Objective 3**

Ensure a considered approach to planning and development will retain and enhance Nillumbik's unique environment and neighbourhood character.

---

As currently expressed, the objectives do not address the need to protect and increase the urban tree canopy in urban areas to mitigate the impact of increasing temperature with global warming, and ongoing loss to date. There needs to be an urgent focus on residential areas where consolidation and subdivision of large lots and increasing density of dwellings is taking place and tree cover, mid storey vegetation and herbaceous ground cover is being lost.

Neighbourhood character needs to be maintained.

Tree canopy need to be maintained and increased to reduce the heat island effect. It is disappointing that Nillumbik is one of the few councils not to sign up to "Living Melbourne".

---

## **Theme 6 Economic Development**

### **Key Objective 1**

Focus on strengthening existing enterprises and facilitating new business initiatives that respect the Shire's environmental, social and economic development priorities.

### **Key Objective 2**

Maintain the main employment locations, the Eltham and Diamond Creek Major Activity Centres (which includes the commercial and industrial areas), Hurstbridge Neighbourhood Activity Centre and the industrial land at Research, to continue to provide opportunities for local employment.

### **Key Objective 3**

Protect industrial precincts from non-industrial use and development unless otherwise identified.

### **Key Objective 4**

Agriculture is an important area of economic development:

- Promote land use in rural areas in accordance with the capability and productive potential of the land.
- Retain existing agricultural land for soil based agricultural production.
- Promote sustainable agricultural activities and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment.
- Protect and enhance agricultural land for both its productive potential and environmental value.

### **Key Objective 5**

In the Green Wedge (that is areas outside of the Urban Growth Boundary), 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.

---

GWPG support these 5 Key Objectives, with the following inclusions/considerations:

Sustainable Agriculture is an important area of economic development, thus the Theme should include some sustainable/regenerative agriculture Objectives, such as:

- Promote land use in rural areas in accordance with the natural capability and sustainable productive potential of the land. This must be locally responsive, and be protective of local soils, waterways, vegetation, and fauna. This also ensures no further clearing of vegetation.
- Retain existing agricultural land for soil based, sustainable, regenerative, ecologically friendly agricultural production.
- Promote sustainable, regenerative, ecologically friendly agricultural activities and enforce land management PLANS (not "practices") that do not have adverse impacts on the environmental values and/or primary production of surrounding land and the catchment.
- Protect agricultural land for both its productive potential and environmental value. Apply regenerative practices that are responsive to, and care for, local soils, slope, climate,

indigenous flora and fauna, waterways and the community; reduce and eliminates dependence on chemical inputs, particularly herbicides, phosphates, and insecticides; encourages the use of contemporary best practice to achieve the above. This includes rehabilitating indigenous biodiversity, use of wildlife-friendlier fencing, maintaining soil coverage, harnessing renewable energy sources, conversion to indigenous grasses and other foods, increase of habitat connectivity.

---

## **Theme 7 Transport**

### **Key Objective 1**

Enhance the accessibility and vibrancy of local townships, neighbourhoods and activity centres through connectivity with a focus on improving active and public transport options.

### **Key Objective 2**

Further development of pedestrian and cycle trails to link the key activity centres is a priority to encourage safe pedestrian access for residents.

### **Key Objective 3**

Facilitate increased public transport usage to aid in issues such as increased greenhouse gas emissions and traffic congestion.

### **Key Objective 4**

Incorporate greater links between land use planning and transport, especially in relation to activity centres and the public transport network.

### **Key Objective 5**

Facilitate safe and efficient roads and road links within the municipality and to the wider region that cater for all users given that the majority of residents travel to employment outside the Shire.

---

GWPG support the 5 Key Objectives.

Reducing car dependence is an admirable aim and may be achievable in and around the activity centres with strategic planning. As the use of Ebikes rises, there will need to be careful consideration of the trail network. Ebikes will be used for commuting, will travel at higher speeds than recreation cyclists and pedestrians, requiring separate lanes or trails. As commuter cycling increases, secure parking areas within activity centres will need to be planned for.

Pressure on both the off-road trails and on-road routes will require the planning of trail heads and suitable parking areas.

---

## **Theme 8 Infrastructure**

### **Key Objective 1**

Enhance the accessibility and vibrancy of local townships, neighbourhoods and activity centres through connectivity with a focus on improving active and public transport options

### **Key Objective 2**

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.

### **Key Objective 3**

Recognise the difficulties created through the dispersed nature of low-density residential areas in providing a full range of infrastructure services, and that rural areas have only limited physical infrastructure.

### **Key Objective 4**

Facilitate efficient provision of infrastructure to areas designated for residential and low-density residential development.

### **Key Objective 5**

Facilitate the consolidation of rural lots to create larger lots capable of containing effluent on site.

---

GWPG agrees with Key Objectives 1 and 2.

For Key Objectives 3 and 4 need to identify the “full range of infrastructure services” envisaged. Do we assume that this refers to the “basic” water, sewage, roads, power and internet/phone coverage? A full description of the level of infrastructure for the diverse areas covered by the Planning Strategy would clarify to residents which services they could expect to receive.

Key Objective 5 requires expansion to outline the many reasons for lot consolidation, most of which carry greater planning precedence than the containment of effluent on site - a factor that if not met would rule out any application for a dwelling.

Rather than attempting to “provide a full range of infrastructure”, Nillumbik should be advocating stand-alone energy systems that support the move towards Net Zero carbon emissions.

---

## **Theme 9 Open Space**

### **Key Objective 1**

Ensure the planning, maintenance and enhancement of public open spaces enables and encourages safe, healthy and active lifestyles.

### **Key Objective 2**

Ensure open space and recreational facilities are equitable and accessible to all community members.

### **Key Objective 3**

Facilitate the provision of active and passive recreational facilities as an integral part of each township.

### **Key Objective 4**

In rural areas the emphasis is towards developing key regional and district recreational areas, protecting native flora and fauna as well as developing a comprehensive regional based trail network.

### **Key Objective 5**

Facilitate the provision and linking of open space and local recreational facilities to form a network across the Shire.

---

GWPG agrees with all Key Objectives, with the following inclusions:

- Acknowledgment that, as a Green Wedge, Nillumbik is “the lungs of Melbourne” and, as part of our planning ‘being’, is the responsibility of providing passive recreational opportunities to Greater Melbourne.
- Open space is important within urban areas and the provision of community gardens and the concept of productive streetscapes should be promoted.
- Further development of Edendale into a local and regional educational facility on environment and rural pursuits.

Key Objective 4: Residents of Nillumbik and greater Melbourne alike enjoy the system of parks and reserves across Nillumbik, and thus, these reserves are often overwhelmed by visitors.

Nillumbik has the opportunity to plan for a new regional park located at Wannaroo in Christmas Hills adjacent to the WCNR and Kinglake NP. This land is currently owned by Melbourne Water (MW) and is to be sold. To create this vision, whether now or at some time in the future, Nillumbik, MW and the State Government need to ensure that the land is put aside for future recreational use.



---

## **Theme 10 Climate Change**

### **Key Objective 1**

Recognise that planning and preparedness for bushfire and other emergencies protects life, critical infrastructure, property and the environment.

### **Key Objective 2**

Ensure emergency management information and capabilities are shared in the pursuit of preparedness, prevention, response and recovery.

### **Key Objective 3**

Avoid intensifying bushfire risk to people and property through poorly located, designed or managed use or development.

### **Key Objective 4**

Apply particular attention to fire issues in the design of subdivisions, the siting and design of buildings, and use and management of land in bushfire prone areas.

### **Key Objective 5**

Reduce Council's direct contribution to climate change

### **Key Objective 6**

Prepare for, respond and adapt to the risks and impacts of a changing climate on our community, environment, infrastructure and services.

### **Key Objective 7**

Support our community to reduce their contributions to climate change and to adapt to climate change risks and impacts

---

The objectives within in this theme fall into two categories, the first four and even the sixth deal with Bushfire, the remaining two actually address, in a mediocre way, the culminating disaster of Climate Change that is looming on our doorstep. It is therefore suggested that a twelfth Theme be created dealing with Natural Disaster.

Key Objective 4 could and should be incorporated into either Theme 4 or 5 as it has nothing to do with mitigating Climate Change.

At the very least Nillumbik could, like the UN, NZ and 30 other nations, cities and states around the globe and multiple Councils across Melbourne, adopt the "Declare a Climate Emergency Now" - it is not onerous but DOES send a message.

Nillumbik could –

- Adopt green audits
- Adopt and promote ESD [environmentally sustainable design]
- Adopt the many Climate Change objectives outlined in Plan Melbourne
- Recognise the "heat island effect" and the benefits of greening and thereby cooling urban areas.



Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

- Endorse “Living Melbourne: our metropolitan urban forest” as the majority of Shires and Cities across Melbourne have already done, whereas the “Green Wedge Shire” is MIA.
- EV charging points
- Aim for Zero emissions

This list is by no means exhaustive - it is hoped that these and many other issues and opportunities are recognised within the current draft Nillumbik Climate Action Plan.

---

## **Theme 11 Heritage, Arts and Culture**

### **Key Objective 1**

Protect and enhance places of heritage significance, including sites of Aboriginal heritage significance.

### **Key Objective 2**

Ensure new use and development do not impede on or detract from sites and features of Aboriginal cultural heritage and archaeological significance.

### **Key Objective 3**

The culture and heritage of the Wurundjeri Woi Wurrung people is understood and recognised as a proud part of our shared identity

### **Key Objective 4**

Promote our shared heritage, history, arts and artistic culture to strengthen our community – Aspiration from OPOPOF engagement: “Residents enjoy a wide variety of recreational and cultural pursuits and have a strong sense of feeling part of their local community and townships.”

### **Key Objective 5**

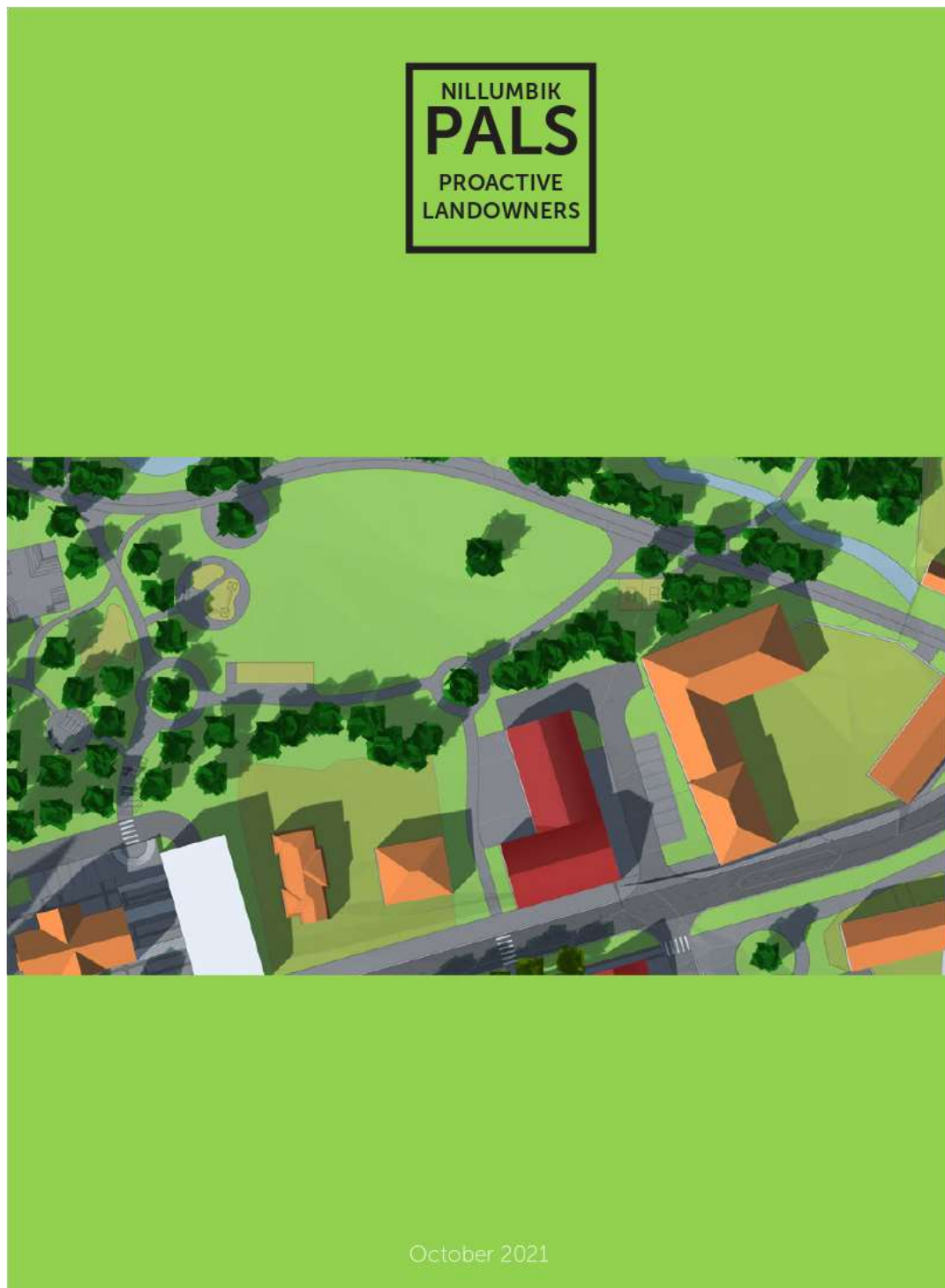
Implement goals of the Arts and Cultural Plan 2018-2022:

- Public and participatory arts as an everyday experience;
- Develop and grow creative and cultural industries; and
- Support and promote arts and cultural activities that maximise access.

---

GWPG support the five Key Objectives, with the following inclusions:

- The awakening of our joint custodial responsibility to ensuring that the heritage, cultural and arts of both the First Nations Peoples and the shared recent history is recognised, and that elements of our past are still to be unearthed, discovered, acknowledged and documented.
- Acknowledgment of Aboriginal connection to country and the interconnectivity of people, place and environment, and our shared responsibility for improving our relationship and understanding of the land, its waterways and the habitat.



## **NILLUMBIK MUNICIPAL PLANNING STRATEGY**

Nillumbik Pro Active Landowners (PALS) Submission

316

# NILLUMBIK MUNICIPAL PLANNING STRATEGY

## Nillumbik Pro Active Landowners (PALS) Submission



### INTRODUCTION

**PALs CALLS FOR THE COMPREHENSIVE CORRECTION OF THE ALLEGED HISTORIC MALFEASANCE IN THE REDRAFTING OF THE PREVIOUS MUNICIPAL STRATEGIC STATEMENT ("MSS"). NSC IS SPECIFICALLY PUT ON NOTICE REGARDING THE PROSPECTIVE RISK OF LEGAL EXPOSURE IF THE MSS IS "TRANSLATED" INTO THE MPS. PALS INSISTS THAT THE MPS IS DEVELOPED FROM SCRATCH - ONLY AFTER NSC LEGITIMATELY ESTABLISHES AND CONFIRMS THE INPUT, VIEWS AND THE RIGHTS OF THE SECTOR OF THE NILLUMBIK COMMUNITY WHICH IS THE MOST AFFECTED BY IT.**

Nillumbik PALS input into the current consultation process for the revision of the Municipal Strategic Statement ("MSS") – now known as the Municipal Planning Strategy ("MPS") – provides Nillumbik Shire Council ("NSC") with a critical opportunity not only to deliver a responsible and informed renewal of one of the most important components of the suite of documents which make up the Nillumbik Planning Scheme ("NPS"), but in particular it also presents the opportunity for NSC to transparently demonstrate that it acknowledges, appreciates and is prepared to act to rectify an historic aberration in the previous MSS – repeatedly and unambiguously identified in several previous PALS submissions.

Since becoming aware of the wholesale and allegedly improper redrafting of the previous MSS – which is specifically referred to in the FAQ as follows: **".....the current MPS is essentially the translated MSS"**, which PALS understands (and of which PALS has put NSC on notice previously in several published detailed submissions) was committed via the preparation, introduction and ostensibly improperly deceptive and covert passage of Planning Scheme Amendment C86 in 2014, PALS has both sought leading Queen's Counsel opinion in relation to the legal authority of this current amendment – and also regarding the prospectively serious mischief in and NSC's prospective legal exposure for the formulation of the MPS if **"the translated MSS"** is incorporated without addressing this critical and fundamental issue.

#### **DEMONSTRABLY MISLEADINGLY AND DECEPTIVELY INTRODUCED PLANNING SCHEME AMENDMENT C86**

PALS refer NSC to "Addendum 1" of August 2019 published:

***"SUBMISSION TO NILLUMBIK SHIRE COUNCIL("NSC") ON THE DRAFT GREEN WEDGE MANAGEMENT PLAN ("GWMP")***

**Go to:** <https://www.dropbox.com/s/bcpwg5ee4bkhlvc/Nillumbik%20PALS%20Submission%20to%20Draft%20Green%20Wedge%20Management%20Plan%20%28%E2%80%9CGWMP%E2%80%9D%29%20Final%20with%20Addenda%20190810.pdf?dl=0>

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

PALs insists that by purporting to translate the MSS, NSC is bound to deliver a fundamentally flawed MPS – essentially and deliberately failing to distill the views, values, interests and priorities of rural landowners which have been resoundingly communicated to it.

The erosion in NSC/landowner relations, which PALs has been determined to avert, is likely to be exacerbated if the litany of our clear concerns is ignored.

The historic marginalisation of landowners was to have been consigned to history. Purporting to incorporate into a new MPS provisions demonstrably rejected by landowners, characterised by proposed components analogous to the aborted thrusts of C81 and C101, while intending to increase controls with persistent and improper misuse of planning mechanisms – with both the aim and the inevitable result of the thwarting of landowners aspirations and plans for responsible land usage is simply irresponsible local government.

## **THEME 1 – ACTIVITY CENTRES**

- 1. The Eltham and Diamond Creek Major Activity Centres will continue to provide inclusive and accessible commercial activities, community services, recreational facilities and housing opportunities, as well as containing a substantial public transport hub.**
- 2. The Major Activity Centres will continue to accommodate most of the Shire's growth and will have an increased role in providing for a diversity of housing and in particular, medium density housing (including mid-rise commercial development and apartments).**
- 3. The Hurstbridge and Research Neighbourhood Activity Centres will continue to 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.**

### **PALs RESPONSE**

The key component in relation to all the themes is the repeated failure to address the overriding issue of the reduction of red and green tape. This is an equally critical issue in the suburban areas of Nillumbik as it is in the rural areas.

PALs has made several submissions regarding the trend for the use of plain English in regulations and legislation and the reduction in red and green tape State-wide and refers NSC to the PALs library of submissions included at the conclusion of this submission.

The major controls with respect to Activity Centres are controlled by the State Government. The underlying principle that NSC in its planning function has, and is, repeatedly failing to apply is to present a face to applicants that provides an environment of "how can we work with you to achieve an outcome both acceptable to you as the Applicant, as well as the community". NSC's default approach (and Government generally) appears to be to refuse applications in the first instance and to then expend ratepayers'/taxpayers' money at VCAT to justify their positions.

However, the principle of the above in relation to the Eltham and Diamond Creek Major Activity Centres is supported. The emphasis should be placed on "housing opportunities" as it is these Major Activity Centres that will have to support predicted population increases. NSC must be pro-active in this space and be innovative and responsive to industry initiatives.

The Hurstbridge and Research Neighbourhood Activity Centres will also play an increasingly important role for growth in population. This can be achieved yet still be consistent with the "Village Character" aspects by accommodating innovative opportunities for future development.

NSC should be open to the concept of mixed use (commercial/residential) opportunities, as well as medium density housing within this space as this will encourage and support village populations within the precincts, thus reducing the importance of car usage and car parking obligations, whilst fostering local enjoyment - minimising the needs to travel outside the village.

This can be especially important for an ageing (in place) population who wish to retain contact with the area within which they lived their younger lives.



## **THEME 2 – GREEN WEDGE**

1. Recognise the rural areas (land zoned Rural Conservation or Green Wedge) contain sites of environmental and landscape significance, natural resource-based activities and residences.
2. Protect our Green Wedge and its environmental integrity to ensure a safe haven for native wildlife, thriving biodiversity and native vegetation.
3. Recognise that the rural areas often lack existing infrastructure. Including essential services, community facilities and internet coverage.
4. Acknowledgment of land use conflict between agricultural and rural residential land uses and a risk that further residential development will fragment rural land into unviable land parcels.
5. Manage the issues of land use conflict, resource use and environmental management arising from the diversity of uses through sustainable land use and natural resource management.
6. Ensure development in rural areas mitigates potential fire risk.
7. 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. Advocate to State Government to undertake Shire Wide testing and analysis of contaminated land.
8. Protect and enhance agricultural land for both its productive potential and environmental value.
9. Our connection to the Green Wedge is celebrated by all who live, work or enjoy their time in it.

### **PALs RESPONSE**

The issues of Use and Occupation within the Green Wedge sits at the epicentre of this document and is of paramount importance.

NSC should not be swayed by extreme green activist dogma in this area, rather it should concentrate on what is important and what contributes to a healthy, vital, safe Green Wedge that will continue to provide an attractive landscape to both visit and live in. NSC has a duty to safeguard the rights of landowners to quiet enjoyment of their land.

1. There is no dispute that the rural areas of Nillumbik contain sites of environmental and landscape significance. However, it is important to accept that not ALL areas within the Green Wedge are of that same significance. Much of the land is of no particular significance at all, but may still contribute to the overall ambience of the Green Wedge.

It is also critical for NSC to accept and understand that any site which is considered to be of environmental and/or landscape significance does not necessarily mean that the relevant land contains native vegetation. It can, and does, also include grazing land, land for agricultural pursuits, land for rural residential occupation, land for hobby farm uses, or even just open grasslands. All of the above contribute to a vibrant Green Wedge.

All of the land within the Green Wedge (which notably excludes land within the suburban and township areas, despite what suburban residents may believe) is, effectively, already subdivided into allotments consistent with the existing planning controls set out in the Nillumbik Planning Scheme (NPS).

The area of existing allotments have either been approved by council (or VCAT) as complying with the intent of those controls, or are existing or remnant tenements from earlier times.

The land titles registration system provides legal ownership of land parcels to the proprietor as registered on their respective title document. Ownership is guaranteed by Government.

Consistent with that legal ownership there are both legal rights and moral obligations.

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

The moral obligations centre around the medical principle of "do no harm". Overwhelmingly rural landowners seek to improve their properties, not degrade them. The goal is to leave their land in a better condition for future generations than when they acquired it. This does not equate to leaving their land untouched, or unmaintained, or neglected. The principle is applied to properly maintain their land, adequately improve their land and actively minimise the likelihood of the uncontrolled ravages of major bushfire events across their landscape.

This principle does not equate to the destruction of existing vegetation, nor a depletion in tree cover. Vegetation cover across the Green Wedge has steadily increased over the last 60 – 70 years, despite the increase in dwellings and subdivided lands.

For activists to, on the one hand, claim that the Green Wedge is a thriving natural environment, whilst simultaneously on the other hand, decry the ongoing, massive destruction of native vegetation foisted upon a hapless community by ever greedy "developers" (read -> landowners) is hypocrisy at its zenith.

The legal rights for legal landowners relate to the legal principle that council (or Governments) do not have any legal right to overtly and purposefully diminish the value of their land without adequate and fair compensation.

Yet consistently and repeatedly, this is precisely what this Council has done (and continues to do) for decades.

This has manifested itself, in part, in the following manner:

- Ever increasing development and application of highly restrictive planning controls, overlays, planning permit requirements and aggressive and regressive relationships with rural landowners.

*(As predicted by PALs during the council elections in 2020, green activist groups are, once again, advocating for Council to revisit C81 and C101 – now described under their generic categorisation of SLO and ESO Overlays – despite the unambiguous rejection which rendered them dead and buried. Their eradication was final.*

- Misleading and potentially unlawful application of planning scheme amendment processes, such as Planning Scheme Amendment C86 from 2014 which fundamentally changed the wording to the then MSS to purport to introduce prohibiting planning permits to build on allotments of area less than 8 hectares. (For C86, council submitted to the Minister for Planning an amendment falsely categorised as comprising only "administrative corrections" that had "no material changes and was policy neutral" and, as such, did not require ANY advertising or community consultation. Amendment C86 contained in excess of 40 pages of changes).

**(For detail on C86 and other relevant PALs submissions see links at the bottom of this submission).**

- Denial and/or refusal of a landowners right to have their planning application to build considered by Council on its merits rather than by an ideological pre-determined agenda biased to green activist biased viewpoints.

*(Council has consistently and erroneously cited grounds for refusal for planning applications to build on land that is less than 8 hectares knowing that there is NO specific minimum area requirements for sites in the RCZ and Green Wedge, save and except for subdivision applications. The reference to 8 hectares is for resultant lot size AFTER a subdivision – nothing to do with a lots suitability for a dwelling.*

*This ground for refusal has been incorrectly and inappropriately applied as a Planning Scheme control for decades and has repeatedly deprived Applicants from having their application considered on its merits.*

- Recent and ongoing efforts by this current council to place increasing restrictions on landowners through regulatory controls (such as By Law changes) which involve little or no consultation and no effective oversight by State Government.
- Potential negligence by council in relation to any practical or effective works to mitigate the impacts of major fire events across the Green Wedge.

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

*(By refusing to undertake these necessary mitigation works on any sort of consistent basis, or deflecting or deferring genuine and real works on the ground, both along road reserves and on council owned lands, leaves both the council and its relevant Officers potentially vulnerable to legal action (and potentially Councillors) if a major fire event caused loss of either (or both) human life and/or infrastructure.*

*Council has an approved and adopted Fire Mitigation Strategy, but lacks any effective Implementation Plan which is a requirement of the Strategy. Not complying with the requirements of its own Strategy could potentially generate an allegation of negligence. An allegation, if proved, exposes the Council and its relevant Officers (and Councillors) to legal action.*

*Further, the lack of any partnership, support and relationship with rural landowners with respect to maintenance and mitigation works across private lands (also a requirement of the Strategy) further demonstrates the vulnerability of human life and animal life should a major fire occur.)*

- Improper, inappropriate and potentially illegal use of the MPS (previously the MSS) to categorise planning applications to build on any lot less than 8 hectares minimum as prohibited.

(Council have a duty and responsibility to assess any planning application on its merits. An Applicant has a right to expect Council assess their application in adherence to the controls set out in the NPS. Failure to do so, which is the current and likely future position of Council, contravenes its responsibility to act in the best interests of its ratepayers and community).

All of the above points result in a likely devaluation of legally existing parcels resulting in a loss of value to the owners, as well as a loss of amenity and a loss to potential use of those parcels into the future. To this point in time Council appear to have thereby contravened the Local Government Act 2020 as they have not considered the impacts of their actions on those directly and immediately affected, being rural landowners.

It is a legal requirement of the Local Government Act 2020 that those directly affected must be consulted Their circumstances must form part of any policy or process going forward. This has not occurred and, it is suspected, that Council have acted wilfully in this regard for decades. The indications currently are that Council have been independently advised of this requirement and, to date, have chosen to disregard its legal obligations.

- 
- 2.** PALs support the initiative to *"Protect our Green Wedge and its environmental integrity"*. However, this implies that ALL other uses, works, occupation and pastimes (being either commercial or private enjoyment) cannot co-exist with *"a safe haven for native wildlife, thriving biodiversity and native vegetation"*.

This is not correct, nor should it be allowed to perpetuate the myth that a Green Wedge can only thrive if there is NO human footprint upon it.

A successful Green Wedge is comprised of many facets, only a part of which is its natural environment. This is dictated by Government, and it is not the role of Council to overtly change and undermine that Government principle.

PALs request Council to reflect that above broader principle of co-existence be included in its statement of *Protecting our Green Wedge*.

- 
- 3.** PALs support the statement *"Recognise that the rural areas often lack existing infrastructure"* as it is clearly factual. However, this statement should also give some indication of a process to rectify these issues. It appears clear that suburbanites fail to appreciate or comprehend the disparity in service and amenity provision. A lack of existing infrastructure should be addressed as a Council obligation.
-



---

**4. The point should be deleted from consideration as it is not accurate.**

**PALs REJECT any proposition that there should be "Acknowledgment of land use conflict between agricultural and rural residential land uses".**

What evidence does NSC rely on when proposing this wantonly ideological statement "acknowledgement? What conflict? The lands now used for rural residential purposes have been generated from legal processes and comply with the controls and requirements of the NPS.

This statement is false. It has no basis in fact. PALs is concerned that it may well have been proposed or generated by anti landowners seeking to influence or drive the Council narrative. The end game is to remove the human footprint from the land, or at least, to seek to impose consolidation requirements onto existing legally generated parcels and force landowners into a position where there can be no "use" on any allotment unless it is considered to be of a viable minimum area. PALs overwhelmingly object to this unsupported proposition.

It denies legal and human rights of rural landowners who, in good faith and supported by the full entitlements of the legal land tenure system, own their land and thereby have a right to "use" it within reasonable parameters.

The statement "*risk that further residential development will fragment rural land into unviable land parcels*" is a nonsense statement and should be immediately removed.

The land within the Green Wedge and RCZ are controlled by the NPS with a plethora of Controls, Overlays, Restrictions and Agreement requirements that punishingly restrict what a landowner can, and cannot, do on their own land. A strong component in relation to rural lands is an existing control on the area of new lots created as part of a subdivision process.

To change this reality would require a significant planning scheme amendment.  
PALs are not advocating for this change and never have.

Therefore, the proposed "acknowledgement" sits in direct conflict with the reality of the NPS. The controls that exist within the NPS take priority and Council must not introduce any statement or control that is in conflict, or suggestive of controlling any given outcome of the NPS.

**It must be removed.**

---

**5. The statement "Manage the issues of land use conflict....." is both redundant and non-sensical. The statement should be removed.**

---

**6. The statement "Ensure development in rural areas mitigates potential fire risk" is a statement of the obvious. There are significant controls already within the NPS that restrict and/or stipulate matters that must address the potential fire risk. This statement is therefore redundant and should be removed.**

---

**7. The statement "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" would establish the same conflict that occurred with the dumping of land fill in Doreen, the subject of misleading controversy in the lead up to the last council elections.**

By making this type of statement Council would establish a mechanism for a landowner to, in fact, instigate those "uses" provided they have done the "*testing and necessary remedial treatment*". There is no process required within this statement to ensure that the outcome is appropriate and/or approved, purely that the testing has been done. This is the exact situation that occurred in Chapel Lane with the dumping of fill and the fact that someone, somewhere had determined that there would be no downstream effect. Once that determination had been made, Council had no mechanism to contest the works.

This statement is also redundant as there are extensive and ample controls already within the NPS, or that will be contained in the current planning scheme amendment brought about by the Chapel Lane exercise.

**This statement should be removed.**

- 
8. The statement "*Protect and enhance agricultural land for both its productive potential and environmental value*" suggests that it is both unnecessary and in conflict with itself.

In making this statement does Council now agree, in contrast to its previous statements and inferences, that agricultural pursuits can be of "*environmental value*"?

PALs do not see any instances across the rural areas of the Shire where agricultural land is NOT being protected with the added potential for enhancement. This point goes to the fact that landowners who are using their land for agricultural pursuits will intuitively only wish to both protect it and enhance it. This is purely commercial reality.

- 
9. The statement "*Our connection to the Green Wedge is celebrated by all who live, work or enjoy their time in it*" is a seemingly inclusive motherhood statement. Regrettably, this Council is systematically ensuring a very significant number of those who "*live.... in it*" are excluded and marginalised in favour of the very small number of environmental activists and a large number of those who do not "*live...in it*".

---

**PALs propose three additional statements that should be added if there is any genuine desire to include those that in fact, do live in it.**

---

10. Acknowledge and protect the rights of rural landowners to undertake responsible maintenance and fire mitigation activities on their properties to help protect themselves and the broader Nillumbik community from the passage of significant bushfire events across the rural landscapes.

- 
11. Acknowledge the significant work undertaken by rural landowners on an ongoing basis to protect and enhance the rural landscape which is so important for a vibrant Green Wedge and Rural Landscape.

- 
12. Undertake to reduce red and green tape, reduce in number and decrease the complexity of restrictions, controls and application requirements in relation to rural land use. Replace restrictions, management plans, formal agreements with a consultative relationship with rural landowners built on trust. Maintain Trust for Nature Covenants as a purely voluntary procedure between individual landowners and the council. Undertake to not impose these Covenants as a condition for the issuing of any planning permit.
-

## THEME 3 – NATURAL ENVIRONMENT

1. Given the large number of threatened native species and threats occurring to those species in the Shire, Planning needs to protect and conserve biodiversity, provide habitats for native flora and fauna, and control pest plants and animals.
2. 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**. Use and development have the potential to affect stormwater quality and adversely affect downstream areas.
3. Discourage development, including vegetation removal that degrades stormwater quality and increases potential risk of soil erosion, expansion and landslip or other hazards.
4. Address threatening processes associated with the loss and degradation of the natural and built environment in order to maintain the landscape values in the Shire.

### PALs RESPONSE

The issue of the natural environment and, as inferred, its continuing decline and fragmentation should be a point of discussion, not mandate. There have been several references by council to the high quality environment and standing vegetation as contributing to the high overall quality of the Green Wedge.

Yet there is a continual inference or direct reference to just how much of the natural environment is being eroded by "greedy developers" (read -> rural landowners).

PALs are not aware of anyone who wilfully seeks to actively degrade or destroy the environment in which they live. This is a distortion intended to have the broader community believe that the bushlands are disappearing and the trees are being destroyed in favour of bitumen and concrete.

- 
1. PALs challenge the statement that a *"large number of threatened native species and threats occurring to those species in the Shire"*. The largest threat to native species are a combination of feral animals that decimate native populations, ongoing road kill and domestic cats. NSC should provide evidence for any proposition being put forward.

PALs acknowledge and recognise the excellent work being done by council currently in relation to feral animals (most particularly foxes and deer). This is an ongoing problem and council should ensure adequate funding for this very worthwhile initiative.

*(Maybe redirect some of the funding from that proposed for the KG Memorial Tower towards programs that will deliver real benefits to the Green Wedge).*

Planning already protects native flora and fauna but needs to do much more in the space of weed eradication and remediation works on council lands and roadsides before looking to, once again, impose restrictions on landowners.

- 
2. PALs support the consideration of downstream effects for stormwater runoff and quality. We note that there are already stringent controls on residential development in this regard within the Urban Growth Boundary. Within the rural context there are also sufficient controls in place, but suggest that the impacts across a rural property are , almost always, able to be contained within the property boundaries.
-

- 
- 3.** PALs support in principle where development "*degrades stormwater quality and increases potential risk of soil erosion, expansion and landslip or other hazards*". However, it needs to be stipulated that this assessment will not apply where there are NO issues in relation to "*potential risk of soil erosion, expansion and landslip or other hazards*" as past experience has shown that this assessment has been applied multilaterally across all applications, irrespective of the relevance to the particular application circumstances.

The MPS needs to confine this issue to specific waterways, initially and correctly specifying the Plenty River. It should not, under any circumstance, be expanded to include "all" waterways within the Green Wedge and rural areas.

- 
- 4.** PALs condemn the use of terms such as "*threatening processes*" within the context of a Management Plan Strategy (MPS).

The definition or context around "*threatening processes*" is undefined and should be removed.

PALs contest "*the loss and degradation of the natural and built environment*" statement. It lacks veracity and evidence. What is meant by a loss to the built environment?

Viewed in terms of the desire to "*maintain the landscape values in the Shire*" PALs submit that the supposed loss is illusory. It is not supported by evidence.

To connect these two statements is to infer that what has been built is destroying both the natural and the built environment. In its initial sense it is contradictory. In its overall sense it is incorrect.

As an overview is this aimed at the suburban environment or the rural environment?

It would appear that the mechanism is to suggest the suburban environment, but more than likely it will be used as a tool to refuse rural development planning applications broadly across the rural areas.

---

## THEME 4 – BUILT ENVIRONMENT

1. Apply design principles which will create a built environment that strengthens the inclusiveness and accessibility of our neighbourhoods, activity centres, facilities and services, while respecting our natural environment.
2. 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. Note that enhancement and attractiveness need to be consistent with the values of greatest priority as expressed by the community in Our People, Our Place, Our Future ie preservation of the green wedge, protection of biodiversity and action on climate change.
3. 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.
4. Protecting habitat links and minimising fire and flood risk and erosion are important considerations in siting buildings and works, particularly in rural areas.

### PALs RESPONSE

1. PALs agree in principle with the *"design principles which will create a built environment that strengthens the inclusiveness and accessibility of our neighbourhoods"*. There are already very tight controls within the NPS so statements of this nature are redundant and unnecessary.

Further, the statement should include and commit Council to considering and implementing innovative built solutions that cater for a combination of uses consistent with an ageing population and/or first home buyers wishing to become part of a local community but prevented from being so due to high real estate costs. This may include multi use options that combine commercial opportunities with residential opportunities, typical medium density housing with social housing as well as providing for localised open spaces.

2. As above.

3. As above.

4. With reference to *"siting buildings and works, particularly in rural areas"*, PALs fail to understand why rural areas are being highlighted when, in fact, there is almost always significant opportunity and choice on rural properties, but little or no choice on suburban properties.

Therefore, it is obvious that suburban siting is covered by extensive controls already with virtually no opportunity to protect habitat links. This statement implies further restrictive measures on rural landowners across the spectrum.

It is also critical to acknowledge that rural landowners have a legal right to build and live on their land. Their right is NOT subservient to the environment, it is a higher right in principle and should be acknowledged as such in the MPS.

**This statement must be removed as it is both redundant and self evident.**

THEME 5 – HOUSING

- 1. Recognise that the Shire will experience a reduction in household size due to an ageing of the population. The trend of decreasing average household size provides the impetus to provide for some medium density housing as an alternative housing choice.
- 2. Direct housing growth and diversity to activity centres in which are accessible, close to infrastructure, public transport, commercial areas, public open space and other community facilities.
- 3. Ensure a considered approach to planning and development will retain and enhance Nillumbik’s unique environment and neighbourhood character.

PALs RESPONSE

- 1. PALs support this assessment.

---
- 2. PALs support this assessment. It should be expanded to include opportunities to mixed use developments and innovative design solutions whilst maintain township character.

---
- 3. As above.

---



## THEME 6 – ECONOMIC DEVELOPMENT

1. Focus on strengthening existing enterprises and facilitating new business initiatives that respect the Shire's environmental, social and economic development priorities.
2. Maintain the main employment locations, the Eltham and Diamond Creek Major Activity Centres (which includes the commercial and industrial areas), Hurstbridge Neighbourhood Activity Centre and the industrial land at Research, to continue to provide opportunities for local employment.
3. Protect industrial precincts from non-industrial use and development unless otherwise identified.
4. Agriculture is an important area of economic development:
  - Promote land use in rural areas in accordance with the capability and productive potential of the land.
  - Retain existing agricultural land for soil based agricultural production.
  - Promote sustainable agricultural activities and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment.
  - Protect and enhance agricultural land for both its productive potential and environmental value.

In the Green Wedge (that is areas outside of the Urban Growth Boundary), 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.

### PALs RESPONSE

1. PALs support this proposition.

---

2. PALs support this proposition.

---

3. In general terms PALs support this but it should include being open to innovative initiatives and opportunities where there is a community benefit and where it can be demonstrated that the proposed use is not to the detriment of existing precincts and their intent.

---

4. In principle PALs do not support this proposition. Given the existing use of rural land within the Green Wedge areas, as well as the legal existing tenement areas for parcels, it is too prescriptive to tie down allowable uses.
 

Innovative or small scale uses on parcels of 8 hectares or less are potentially just as viable, and in many cases far more viable, than attempting to restrict agricultural uses to large scale ventures located on large parcels. Those days are gone within the context of a peri-urban Green Wedge.

Whilst there may often be large scale successful and viable agricultural enterprises on larger parcels within the Green Wedge, it must not be mandated.

For lands within this type of Green Wedge flexibility is key to success. Whether or not a commercial enterprise on rural land within the Green Wedge should proceed, or not, should be at the discretion of the landowner, not as mandated by the Council of the day.

It is a complete overreach to make council the arbiter of appropriate land management and then require rural landowners to "minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment" when there are no adverse effects on adjoining properties and their use and enterprise is wholly contained within their own boundaries.

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

Hobby farms and the small-scale enterprises which may be generated from small-scale requirements can be just as legitimate and, potentially, just as successful as any other.

Further, why is there indeed any requirement for landowners on parcels of 8 hectares or less to undertake any agricultural enterprises at all?

The wording of this item is geared towards further restriction and controls on rural landowners. If this is to be applied fairly, why is there no requirement for suburban landowners to:

- guarantee habitat links across their properties,
  - Limit the area of hard paving,
  - Limit the site coverage,
  - Control the type and colour of housing,
  - Require 100% native or indigenous gardens,
  - Require a minimum of large tree planting,
  - Require night-time blackouts to facilitate the ability of native fauna to move around safely,
  - Ban cats..... the list could on and on.
  - In relation to ***“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 proposition to restrict tourism to activity centres or to a narrow range of purposes is both unsophisticated and demonstrates a disregard or ignorance regarding tourist aims or appetites. Part of the attraction of Nillumbik for tourism visits is to depart from activity centres. This proposition for baseless tourism restrictions shows that whoever developed this proposition fails to understand and appreciate (particularly in a Covid impacted community the dynamic shift in consumer/tourist behaviour towards experienced based tourism pursuits – not the limited domain of wineries, agricultural destinations or other rural industry activities.
-



## THEME 7 – TRANSPORT

1. Enhance the accessibility and vibrancy of local townships, neighbourhoods and activity centres through connectivity with a focus on improving active and public transport options.
2. Further development of pedestrian and cycle trails to link the key activity centres is a priority to encourage safe pedestrian access for residents.
3. Facilitate increased public transport usage to aid in issues such as increased greenhouse gas emissions and traffic congestion.
4. Incorporate greater links between land use planning and transport, especially in relation to activity centres and the public transport network.
5. Facilitate safe and efficient roads and road links within the municipality and to the wider region that cater for all users given that the majority of residents travel to employment outside the Shire.

### PALs RESPONSE

PALs support this theme.

A note to council in relation to point 5. The delivery of safe and efficient roads also requires council to undertake appropriate fire mitigation works on road reserves.

This component in relation to transport is very important as it relates to the safe passage for emergency vehicles and emergency personnel along our local road systems.

It should also address the safe passage along the verges of our local roads as this is, and will continue to be, an aspect all too often neglected.

**Both of these facts should be included into the transport theme.**

---

## THEME 8 – INFRASTRUCTURE

1. Enhance the accessibility and vibrancy of local townships, neighbourhoods and activity centres through connectivity with a focus on improving active and public transport options.
2. 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.
3. Recognise the difficulties created through the dispersed nature of low-density residential areas in providing a full range of infrastructure services, and that rural areas have only limited physical infrastructure.
4. Facilitate efficient provision of infrastructure to areas designated for residential and low-density residential development.
5. Facilitate the consolidation of rural lots to create larger lots capable of containing effluent on site.

### PALs RESPONSE

1. PALs support this proposition.

- 
2. As above.

- 
3. As above.

- 
4. As above.

- 
5. The statement *"Facilitate the consolidation of rural lots to create larger lots capable of containing effluent on site"* encapsulates one of the most deceitful thrusts of the MPS.

It is a complete misrepresentation to assert that any reference to consolidation of rural lots relates this issue to efficient disposal of effluent.

- What has the issue of infrastructure got to do with the consolidation of rural lots?
- Why are rural lots being targeted when exactly the same argument could be applied to suburban or semi-suburban lots that remain unsewered?
- All rural lots currently do contain their effluent on site, otherwise they would not have achieved a planning permit to build in the first place. So why the need for this statement at all?

It is obvious that the underlying intent and strategy, advanced by green activist groups and thrust onto Council Officers and the majority of Councillors who remain generally unaffected by any change to the MPS, is to use whatever means and whatever it takes to punish rural landowners.

The obvious underlying push is to minimise human impact. It ignores that the indigenous peoples managed the landscape to the extent that their resultant landscape is now the safest and most appropriate landscape for both flora and fauna, as well as for human occupation.

Human occupation cannot be eliminated from this landscape as there is no legal authority to do so.

This is an abject betrayal by Council when their mandate and legal obligation is to represent and consider the effects of any actions on their ratepayers and on those who are impacted by their actions and decisions.

**This statement must be removed.**

---

## THEME 9 – OPEN SPACE

1. Ensure the planning, maintenance and enhancement of public open spaces enables and encourages safe, healthy and active lifestyles.
2. Ensure open space and recreational facilities are equitable and accessible to all community members.
3. Facilitate the provision of active and passive recreational facilities as an integral part of each township.
4. In rural areas the emphasis is towards developing key regional and district recreational areas, protecting native flora and fauna as well as developing a comprehensive regional based trail network.
5. Facilitate the provision and linking of open space and local recreational facilities to form a network across the Shire.

### PALs RESPONSE

1. PALs agree with this proposition.
2. As above.
3. As above.
4. This proposition is misleading and does not provide any clarity or detail in relation what is meant by *"the emphasis is towards ..... protecting native flora and fauna ..."*.  
  
The principle is not contentious, however the mechanisms and application of it is unclear. Given the history of this Council and the longer term history of the Shire, rural landowners may expect additional restrictions to be placed over their rights and their properties as the go to option in order to satisfy this aim.  
  
It is clear that in the last 50 years or so the majority of the loss of native vegetation and vegetation understorey have been on lands inside the Urban Growth Boundary (UGB).  
  
There has been significant loss within newly created residential subdivisions.  
PALs acknowledge that this loss probably cannot be prevented due to the zoning of the land as well as the controls within the NPS inserted by State Government. However, this situation does not authorise NSC to therefore turn its attention to placing further restrictions and controls over rural lands in an effort to "regain" lost vegetation from the suburbs, when, in fact, rural areas have not "lost" any significant vegetation over the same period.  
  
There are a multitude of mechanisms already in the NPS that are directed at protecting native flora and fauna, all of which enjoy the legal legitimacy of planning scheme requirements.  
  
PALs have no issue with the continuing plans to expand the trail networks, on the proviso that any acquisition of private land which may be required provides fair and equitable compensation to affected (either directly or indirectly) landowners. This includes measures to ensure that there is no opportunity for trespass onto private property once the trails are open and operational.
5. PALs remain confused as to how the *"provision and linking of open space and local recreational facilities to form a network across the Shire"* will occur when there appears to be little or no opportunity to achieve this feel good outcome due to the fact that most, if not all, of the potentially affected land is in private ownership. Council must include a statement of how it intends to achieve this goal, what lands may be affected and on what terms would acquisition of private lands be provided.  
  
Whilst the sentiment appears benign, the mechanism and process to achieve the outcome appears ominous.

## **THEME 10 – CLIMATE CHANGE**

1. Recognise that planning and preparedness for bushfire and other emergencies protects life, critical infrastructure, property and the environment.
2. Ensure emergency management information and capabilities are shared in the pursuit of preparedness, prevention, response and recovery.
3. Avoid intensifying bushfire risk to people and property through poorly located, designed or managed use or development.
4. Apply particular attention to fire issues in the design of subdivisions, the siting and design of buildings, and use and management of land in bushfire prone areas.
5. Reduce Council's direct contribution to climate change.
6. Prepare for, respond and adapt to the risks and impacts of a changing climate on our community, environment, infrastructure and services.
7. Support our community to reduce their contributions to climate change and to adapt to climate change risks and impacts

### **PALs RESPONSE**

It is a sad indictment of this Council that the issue of bushfires has been relegated to the category under climate change. Whilst there are a range of differing opinions in relation to the frequency and intensity of bushfire events and their connection to a changing climate, it is most likely that a significant contribution to bushfire events here and now relates to the ground fuel loads and the volume of those ground fuels being unacceptably high due to a longstanding lack of conscious ground fuel reduction works.

The issue of whether a change in long term policy to emissions and the subsequent reduction of emissions over the coming decades will reduce the threat of bushfires is irrelevant to the major issue of addressing the bush fire safety for our community at present.

It is surprising that Council does not acknowledge (and thereby chooses not to address) the by far and away leading issue that was revealed in the consultation completed by Council, presumably, in preparation for the MPS and its content was, in fact, the threat of bushfire.

This is of clear and paramount importance to the community, yet this Council with prospective future potential to exposure to litigation, chooses not to address these major community concerns.

The statements under this theme 10 continue (as they have for decades) to ignore the following facts:

- a) the people who currently (and legitimately) live on land within the BMO are continually ignored and treated as if they do not exist,
- b) there are circumstances where new residents can address and satisfy the suite of very restrictive requirements in relation to bushfire safety and thereby should be able to build and live in relative safety on rural lands in the Green Wedge.

Instead, this Council both assumes that existing rural residents have no rights and that the only mechanism available to council to maximise bushfire safety and minimise the loss of human life is to exclude humans from living within these areas in the first place.

The wilful disregard that this Council continues to display towards rural residents manifests itself in the total lack of awareness that Council has a moral and legal responsibility to minimise the risk of major bushfire events by properly and continually undertaking mitigation works as required under its approved Bush Fire Management Strategy and its operational document the Bush Fire Implementation Plan.

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

This negligence extends to the basic lack of understanding of the fundamental principle that the without appropriate and proper maintenance of lands in private ownership, any minimisation of bushfire risk is inconsequential. Yet this council refuses to address the issue of private land maintenance and continues to place heavy restrictions (and penalties) on rural landowners who appreciate the benefits of proper maintenance of their properties. The extensive and expensive requirements required by council that must be provided in conjunction with a planning permit application in order to undertake even the most minor works even deters the local CFA brigades from applying.

The end result is typically no works, or at best ineffective works, are conducted.

Why authority is not given to the local CFA brigades to control, design and undertake these types of mitigation works is a mystery to PALs and many within the local rural community. This issue does not fall within the parameters of planning, it falls directly and immediately within the parameter of community safety.

For over a decade the recognition in the Bushfire Royal Commission 2009 recommendations of the importance of the contribution to community safety of the proper maintenance of private property for fire mitigation have failed to significantly move the needle away from the counter-intuitive restrictive stance.

The tension between the primacy of human life and the protection of flora and fauna is one of the most difficult challenges of this Council. Relegating human life to any secondary consideration is unjustifiable.

---

## THEME 11 – HERITAGE ARTS AND CULTURE

1. Protect and enhance places of heritage significance, including sites of Aboriginal heritage significance.
2. Ensure new use and development do not impede on or detract from sites and features of Aboriginal cultural heritage and archaeological significance.
3. The culture and heritage of the Wurundjeri Woi Wurrung people is understood and recognised as a proud part of our shared identity
4. Promote our shared heritage, history, arts and artistic culture to strengthen our community – Aspiration from OPOPOF engagement: "Residents enjoy a wide variety of recreational and cultural pursuits and have a strong sense of feeling part of their local community and townships."
5. Implement goals of the Arts and Cultural Plan 2018-2022:
  - Public participatory arts as an everyday experience
  - Develop and grow creative and cultural industries and;
  - Support and promote arts and cultural activities that maximise access.

### PALs RESPONSE

PALs support this theme.

As a note careful attention should be given to the actual words that appear increasingly on council literature in relation to indigenous recognition.

It is noted that this wording increasingly includes the words *"We acknowledge that sovereignty was never ceded."*

This assumes that Council has both the authority and community consensus to make this statement which goes to the fundamental principle of the legal land tenure system currently existing in Victoria.

By making this statement Council presumes to speak on behalf of all landowners but potentially raises land ownership issues that are not reflected in the legitimacy and absolute authority of the legal land titles system and leaves open future opportunities for a challenge to that legal land ownership.

### PALs RESPONSE TO CONTEXT AND VISION

Council exhibits poor vision when it comes to the *Context* and *Vision* statements.

Council continues to effectively discriminate against and ignore many concerns of rural landowners, rural properties, rural pursuits, rural lifestyles and rural contributions to the Green Wedge, rural contributions to the Nillumbik Community and the invaluable contribution that the rural landscapes make, not only to the Green Wedge, but the minimisation of bushfire risk into the future.

The context statement MUST encapsulate more than just the bush and vegetation. The State Government requirements for a Green Wedge cover a broad range of landscapes, uses, lifestyles, economic and social perspectives as well as encouraging visitation, development, tourism and enterprise.

The Nillumbik Green Wedge IS NOT a suburban green wedge. ALL of the Nillumbik Green Wedge is located in the rural areas of Nillumbik. It is false to state otherwise and suggests an attempt by suburban landowners to claim an interest, which they do not have, in the lands and landscapes that actually form the green wedge.



Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

Proposed Amended Context and Vision statements below.

**Context**

Nillumbik's high landscape value plays a regional role for Melbourne as an accessible area of ~~natural~~ **overall** landscape beauty. The natural environment ~~is~~ **combined with the beautiful rural landscapes together form** 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 acknowledges the increase in vegetation cover over the preceding 60 – 70 years and the ongoing work and contribution of rural landowners to provide the ambience and rolling rural landscapes which when combined with the areas of indigenous vegetation provide the vistas we all enjoy.**

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~~ **Emperical evidence suggests a** significant number of rare and endangered species are found in these native environments. Flora and Fauna are protected but share the landscape with rural properties. Whilst there is no up to date or current biodiversity assessments available to ground proof the above, there is significant evidence that demonstrates that there has been no significant loss in flora or fauna which would compromise the future of the Nillumbik Green Wedge.

Rural landowners also play a pivotal role in ensuring that rural landscapes are preserved and maintained by the ongoing farming, agricultural pursuits, grazing and hobby farm interests that when combined all deliver the Nillumbik Green Wedge in accordance with the State Government vision for Green Wedges.

**Vision**

Nillumbik will remain a ~~metropolitan~~ **rural** 'green wedge' **situated on the edge of the Urban Growth Boundary**, maintaining a large natural resource for the benefit of all Melburnians. The planning of Nillumbik will continue to ~~focus on~~ **balance the ongoing farming and rural based uses in combination with the ongoing sustainability of the 'green wedge' in physical, social and economic terms. Nillumbik will embrace all the components necessary to deliver a vibrant Green Wedge.**

To preserve and nurture the natural environment of the Green Wedge **and combine the rural residential lifestyles and rural based uses** for future and current generations.

~~In addition it is important to note that:~~

~~As identified in Melbourne 2030~~ **identifies** the Nillumbik Green Wedge is of social, economic and environmental value ~~because of~~ **and include** the following features:

- environmental and landscape quality (particularly the Yarra River and surrounds)
- **vibrant and successful economic activities**
- **broad rural landscapes incorporating rural grazing lands and rural enterprises**
- **existing river red gums and other existing habitat areas**
- **national parks**
- **metropolitan water storages**

~~It must also~~ **The Vision recognises that** the land, waterways and all life they sustain are central to the cultural values of First Nations Peoples. As such, their value ~~must be~~ **is** recognised and protected throughout the Shire **in conjunction with the recognition of existing landowners as the current custodians.** This is also in keeping with community-wide surveys conducted by Council that showed the Top Three Things valued in Nillumbik are:—

~~Preservation of the Green Wedge; Protection of environment and biodiversity; Action on climate~~

**(NOTE: This is not correct and therefore cannot be included. The single most identified issue was the threat of bushfire and bushfire mitigation.**

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

*This Shire IS NOT a "Conservation Shire". It is a Rural Shire that sits adjacent to the Urban Growth Boundary. This Shire has an obligation and a legal requirement to look after the best interests of ALL its residents. It has NO authority to ignore or disrespect the existence of its rural residents.)))*

*The MPS Vision must be consistent with the community's aspirations for 2040 and reflect the intent for Nillumbik as a Green Wedge **Conservation Shire**. The statements must be ambitious and written in the present tense – with intention and achievement, as well as aspiration. An overarching statement could be:*

*In 2040 Nillumbik ~~is~~ a world leader in*

*~~–biodiversity protection and reinvigoration~~*

*~~–community stewardship of the environment;~~*

*~~–climate change mitigation and adaptation;~~*

*~~–sustainable urban design and living;~~*

*~~–community inclusiveness, equity and connection, with a focus on its First Nations People;~~*

*~~–community participation in the arts and celebration of its cultural heritage~~*

*THE VISION – NILLUMBIK 2040*

- Develop and deliver strong ongoing bushfire mitigation programs to maximise bushfire safety for all residents and landowners in the Shire*
- Continue biodiversity protection*
- Develop strong community partnerships with the current custodians of green wedge lands*
- Continue appropriate climate change adaptation commensurate with factual real time assessment*
- Support and encourage best practice initiatives for viable urban and rural design and living*
- Community inclusiveness, equity and connection acknowledging the history and practices of the First Nations People*
- Continue to develop the Arts and the Green Wedge as a repository for Arts based programs*



## **SUPPLEMENTARY INFORMATION TO BE READ IN CONJUNCTION WITH THIS SUBMISSION**

PALs is highly critical of the manner in which this consultation is being conducted. The information provided and the proposed 5,000 word maximum resultant MPS which is prescribed, which is to be developed given the assertion that *".....the current MPS is essentially the translated MSS"* appallingly fails to include the existing MSS for the community to even peruse - let alone comment on whether it accurately resonates with community views, priorities and aspirations.

Given that this is a fundamental flaw in the process – and with the express intention of PALs not allowing the MSS to simply be acquiesced to as a legitimate document to be the subject of an "essential translation" (sic) PALs includes with this submission (for a second time to ensure the prospect of it being unmissable) in the link below - the MSS as submitted to the Minister for Planning – of which even a cursory view unmistakably demonstrates the reprehensible mischaracterisation of its having been an essentially "policy neutral" and administrative correction exercise - qualified for exemption from public consultation and exhibition.

Go to Addendum 1 in the submission here:

<https://www.dropbox.com/s/bcpwg5ee4bkhlvc/Nillumbik%20PALs%20Submission%20to%20Draft%20Green%20Wedge%20Management%20Plan%20%28%E2%80%9CGWMP%E2%80%9D%29%20Final%20with%20Addenda%20190810.pdf?dl=0>

Given the importance of the Municipal Planning Strategy (MPS) and its relationship with the basic principles that will inform Council policy and council assessment of future applications, it is critical that a suite of previous PALs submissions be read in conjunction with this current submission.

PALs have been providing detailed and high quality, relevant submissions to NSC and Government Agencies for over four years and most are now (and remain) highly relevant to this latest submission.

The views of landowners on all the critical subject matters in the NPS and its constituent documents are clear.

### **CAVEAT**

PALs has been patiently anticipating the inevitable juncture in NSC's regulatory review schedule for the alleged impropriety of the MSS review of 2014 (C86) to be subject to compulsory periodic review.

For NSC to now assert that the MSS will form the basis of the MPS (having been put on notice over a period of more than 2 years that there is the genuine prospect of serious legal issues) with the prospect of "perfecting or baking in" the matters covertly inserted in 2014 via Planning Scheme Amendment C86, prospectively exacerbates or magnifies any prospective legal issues or jeopardy. PALs resort to leading Queen's Counsel opinion regarding the MPS development trajectory makes it imperative for NSC to confront this serious issue now. It is a development which NSC will ignore at its peril.

Scores of landowners and their families have suffered substantial economic, mental and physical health damage directly and indirectly as a result of the matters contained in the corrupt MSS.

**The prospective consequences are substantial for NSC - having been so clearly put on notice - if it fails to dispense with the myriad offending inclusions made in 2014 to the MSS and if it fails to develop the MPS from scratch - with genuine and legitimate community consultation and substantive input. PALs demand that NSC must resile from the toxic assertion that**

*".....the current MPS is essentially the translated MSS".*

## SUPPLEMENTARY INFORMATION LINKS

To access all of the PALs information which is to be considered integral to this submission, please use the links below to access some of the relevant PALs material.

<https://www.dropbox.com/s/bcpwg5ee4bkhlyc/Nillumbik%20PALs%20Submission%20to%20Draft%20Green%20Wedge%20Management%20Plan%20%28%E2%80%9CGWMP%E2%80%9D%29%20Final%20with%20Addenda%20190810.pdf?dl=0>

<https://www.nillumbikpals.com.au/wp-content/uploads/2020/09/PALs-submission-DRAFT-BUSHFIRE-MITIGATION-STRATEGY-2019-2023-DBMS.pdf>

<https://www.nillumbikpals.com.au/wp-content/uploads/2020/09/PALs-submission-Dismantling-Victorian-Native-Vegetation-Clearing-Regulations-V8.pdf>

<https://www.nillumbikpals.com.au/wp-content/uploads/2020/09/PALs-submission-Nillumbik-Housing-Strategy-discussion-paper-v2.pdf>

<https://www.nillumbikpals.com.au/wp-content/uploads/2020/09/PALs-submission-Planning-And-Building-Approvals-Process-Review-%E2%80%93-Discussion-Paper.pdf>

<https://www.nillumbikpals.com.au/wp-content/uploads/2020/09/PALs-submission-The-Royal-Commission-into-National-Natural-Disaster-Arrangements-Bushfires-Royal-Commission-BRC-2020-.pdf>

<https://www.nillumbikpals.com.au/wp-content/uploads/2020/09/PALs-submission-CHRISTMAS-HILLS-LAND-SALES-.pdf>

<https://www.dropbox.com/s/ofzkids6ryxobsw/PALs%20submission-Planning%20for%20Melbourne%E2%80%99s%20Green%20Wedges%20and%20Agricultural%20Land%20FINAL.pdf?dl=0>

PALs thanks NSC for the opportunity to contribute to this important process of review of the MSS and development of the MPS.

This submission, together with the library of supplementary information contained in each and every PALs submission (the links to which are included above and which are to be read in conjunction for the purposes of rural landowners' views being unmistakably understood and seriously considered – to inform a new MPS) is commended to NSC, its Councillors and its relevant Council Officers for consideration.

**PALs welcomes any inquiry for clarification of any of the serious matters detailed in this submission.**



Damian Crock  
Chair  
Working Group  
Nillumbik PALs  
+61 412 066 666

Nillumbik Municipal Planning Strategy

We have read in detail council's draft Municipal Planning Strategy and given the importance of this document relating to our shire's future planning we are generally disappointed in this initial draft. By translating the previous MSS and simply adding a raft of virtue signalling narrative and platitudes to each sub section appears a somewhat lazy approach. We believe this important strategy document ideally needs to be drafted afresh- in its own right.

There also appears to be a severe **anti** development bias in the draft not just seeking **appropriate** development but suggesting virtually locking away parts of the shire in the cause of conservation! The draft suggests further limits on the construction of new homes and ancillary buildings on rural allotments, the min. size of which are already prescribed.

We already have a complex array of overlays and controls on farmland and subdivisions which have proven more than effective. It may also be noted that, rather than any urban myth to the contrary, tree coverage on Nillumbik's rural properties has increased substantially over the past 30 years.

We may also recall several onerous planning overlays proposed by a previous Nillumbik council which were resoundly rejected by a majority of the shire's ratepayers leading to the departure of a number of senior council staff. It would be counterproductive to revisit this approach.

It may be overlooked that approximately 90% of our Nillumbik shire lies outside the shire's residential zones and that to sustain our successful 'Green wedge' we are reliant upon our small rural landholders to be the longstanding true custodians of our green environment and as well as maintaining their own livelihoods, we depend upon them, for CFA, to slash grass, control weed and pest infestation, and to prepare for each bushfire season. The Shire should celebrate the tireless efforts of its small rural landholders who generally believe they are under appreciated, already over regulated and controlled by extensive planning overlays.

Rather than respond to each subsection of council's draft, we recently evaluated a detailed submission prepared following extensive community consultation by Nillumbik proactive landowners (PALS) and we would soundly endorse this submission which systematically analyzes line by line, council's draft within each sub section, agreeing with a number of points whilst recommending alternatives where necessary to enhance the document.

Should council not be prepared to draft an entirely fresh and current Planning strategy, we would propose that alternatives detailed within the PALS submission be adopted by council and the draft revised accordingly.

**nb.** We are not members nor office bearers of Nillumbik proactive landowners ( PALS)

[REDACTED]

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation  
Submission on Nillumbik's MPS.

Submitter 29

by [REDACTED]

[REDACTED]

[REDACTED]

Thankyou for the opportunity to comment. I begin with some comments on the MPS Context and Vision, which were omitted from the online survey. After that I offer comments under headings that correspond to those used in the online survey.

### Context and Vision

The new MPS should retain the following statements:

#### **Context**

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.

#### **Vision**

Nillumbik will remain a metropolitan 'green wedge,' maintaining a large natural resource for the benefit of all Melbournians. The planning of Nillumbik will continue to focus on the ongoing sustainability of the 'green wedge' in physical, social and economic terms.

To preserve and nurture the natural environment of the Green Wedge for future and current generations.

-----

The Context should also state that Nillumbik was established in 1994 as a **Conservation Shire with the Green Wedge as its Strategic focus.**

The Vision should include a statement that Nillumbik's indigenous biodiversity, land and waterways are of vital importance to First Nations Peoples.

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

The Vision should also clearly reflect the community's views - as expressed in the results of numerous consultations – that their top priorities are environmental protection, protection of the green wedge and action on climate change.

### Activity Centres

Objectives must include encouragement for active transport [walking and cycling] to be used in activity centres. Hence approaches to design in these centres must always consider how best to facilitate walking and cycling.

Other systems that reduce car use should also be encouraged, including community buses and walking school buses.

Indigenous vegetation should be strongly protected in the Shire's Activity Centres.

Council should aim to increase indigenous vegetation and habitat connectivity in urban areas.

### Green Wedge

Remove references to 'sites of environmental and landscape significance'. This implies that only some areas are worthy of attention and protection.

All remaining indigenous vegetation is valuable and needs protection. This should be clearly stated. [A single tree in an otherwise bare paddock can act as a critical connection between two larger areas of habitat.]

Natural resource-based activities, such as agriculture, must positively increase environmental health and indigenous habitat. [Regenerative farming principles and techniques aim to do exactly this.]

State clearly that residential development is not supported in the Green Wedge zones. The construction of houses on lots is not 'as of right' but requires a permit, which may be granted after consideration of numerous factors, vegetation loss and bushfire risk included.

Develop policies to effectively control invasive plant and animal populations, and restrict planting of environmental weeds.

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

Review the application of Environmental Significance Overlays and Significant Landscape Overlays across the Green Wedge zones. [Current ESOs do not respond sensitively to the differences in ecology and landscape of different areas.]

### Natural Environment

Explicit recognition of identified habitat corridors is required. An additional aim to extend and connect them should be added.

Waterways must be recognised as wildlife corridors. Better planning controls are required to protect both the water and riparian verges.

Consideration of the rights of nature must be part of all planning decision processes. [Other councils do this. It is possible, and should apply in Nillumbik, as a Conservation Shire.]

Land management plans protecting indigenous vegetation must be in place if grazing by hard hoofed animals is to occur.

Council must seek environmental officer input for all planning decisions that have environmental impacts, especially where there is an Environmental Significance Overlay (ESO) and/or a Bushfire Management Overlay (BMO).

### Built Environment

The issuing of building permits should be severely restricted if vegetation must be cleared in order to provide a 'safe' site in bushfires or floods.

Council should aim to minimise building as far as possible in flood or bushfire prone areas.

### Housing

Housing growth should be restricted to activity centres as far as possible.

Residential development, including Low Density Residential development should not occur outside UGBs. [This is essential to the protection of local character and the overall protection of the Green Wedge.]

Housing growth should only occur in low bushfire and flood risk areas that can be easily evacuated.

Indigenous vegetation is critical to local character and therefore must be strongly protected throughout the shire. It contributes to the mitigation of climate change impacts by sequestering carbon, and provides important cooling effects in built up areas.

Increased density of dwellings in urban areas should be offset by reduction in the size of building envelopes/footprints so that indigenous vegetation can be retained and/or planted.

### *Economic Development*

Commercial development and interests must harmonise with neighbourhood character and be socially and environmentally sustainable.

Land use in rural areas must respond sympathetically to the natural capability of the land thereby protecting local soils, waterways, vegetation and overall biodiversity.

Mandate sustainable, regenerative agricultural activities and enforce land management practices that do not reduce environmental values or the primary production capabilities of surrounding land and the catchment.

### *Transport*

Promote and support the safe use of a range of electric vehicle types.

### *Infrastructure*

Promote reductions in consumption and waste throughout the Shire through community education and the use of fees and charges to create incentives. [Eg. Education on composting and provision of cheap compost bins acquired through bulk buying. Use of smaller red, green and yellow bins attract lower waste removal fees.]

Consolidation of rural lots should also be pursued to enable the conservation of indigenous habitat.

Open Space

Open space maintenance and development must prioritise the protection and reinvigoration of indigenous vegetation and habitat.

Climate Change

Bushfire management is important, and bushfire frequency and intensity increase with climate change, but these are symptoms of climate change.

The MPS must be very clear on **acting to mitigate factors that contribute to causing climate change**, for example fossil fuel use, vegetation loss, plus cattle and sheep farming.

Hence council should aim to:

Improve overall performance of buildings through environmentally sustainable design and energy efficiency upgrades.

Facilitate the uptake of renewable energy technologies.

Take account of climate change risks in infrastructure planning.

Protect and increase tree canopy in urban areas and rural areas.

Strongly encourage regenerative farming practices.

Heritage, Arts and Culture

Council should recognize and protect Aboriginal heritage across the shire, not just in specific sites. This includes all indigenous biodiversity, the land and waterways.

Heritage includes natural heritage.

Succession tree planting must therefore be an ongoing priority. [It builds, over the long term, a material expression of our values and helps build community through the shared experience of a well cared for natural environment.]



## Draft Municipal Planning Strategy

### Eltham Community Action Group submission

Whilst in agreement with the general thrust of the Draft Municipal Planning Strategy, we consider several areas need to be strengthened in order to more fully protect now, and for future generations, the many aspects of Nillumbik highly valued by the community.

#### CONTEXT AND VISION

The community's feedback to Council's recent Vision 2040 consultation should be taken into account when writing the Vision statement for the Municipal Planning Strategy.

In both Context and Vision, the importance of Nillumbik as a sustainable 'green wedge' with its unique natural environment should underline all planning in the shire, be it social, physical or economic.

The vision should be based around the statement made in 1994 on the formation of the shire. 'A conservation shire with the Green Wedge as its focus'.

Preservation of the Green Wedge, Protection of the Environment and Biodiversity and Action on Climate were the community's top priorities for the shire in the 'Our People, Our Place, Our Future' survey. These should be reflected in the Vision statement in the strongest terms.

#### THEME 1: ACTIVITY CENTRES

##### *Objectives*

- 1. The Eltham and Diamond Creek Major Activity Centres will continue to provide inclusive and accessible commercial activities, community services, recreational facilities and housing opportunities, as well as containing a substantial public transport hub.*
- 2. The Major Activity Centres will continue to accommodate most of the Shire's growth and will have an increased role in providing for a diversity of housing and in particular, medium density housing (including mid-rise commercial development and apartments).*
- 3. The Hurstbridge and Research Neighbourhood Activity Centres will continue to 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.*

##### **Comments:**

- a) Any development in the Activity Centres should be based on the vision and guidelines of the Structure Plans specific to each area.
- b) Development should fit with and maintain the overall local neighbourhood character.

- c) The importance of retaining tree canopy should be highlighted and form a separate point, not merely be included as a part of neighbourhood character.
- d) Definitions of the diversity of housing allowable in each activity centre would be useful.
- e) Encouragement of increased levels of walking and cycling should be included eg as in the recent Eltham Urban Congestion plans.
- f) In a post COVID world informal social connections should be facilitated.
- g) Public spaces should be developed to enable social cohesion.
- h) Seating in public spaces should be placed to encourage conversation eg rather than a single 3 seat bench taken up by 1 person, two 2 person benches appropriately placed. This form of seating should also be replicated along pedestrian /bike paths as well as in Activity Centres.
- i) As Nillumbik is not in an Urban Growth Corridor and State Government expectations are that population growth will be low, Council should grasp this opportunity and not see itself under pressure to provide more and denser housing.
- j) Nillumbik should continue to highlight its distinctive urban areas as a positive point of difference to other Metropolitan suburbs.
- k) It is possible to develop different housing styles and grow in a way that sustains and retains our local heritage and environment.

## **THEME 2: GREEN WEDGE**

### **Objectives**

- 1. Recognise the rural areas (land zoned Rural Conservation or Green Wedge) contain sites of environmental and landscape significance, natural resource-based activities and residences.*
- 2. Protect our Green Wedge and its environmental integrity to ensure a safe haven for native wildlife, thriving biodiversity and native vegetation*
- 3. Recognise that the rural areas often lack existing infrastructure. Including essential services, community facilities and internet coverage.*
- 4. Acknowledgment of land use conflict between agricultural and rural residential land uses and a risk that further residential development will fragment rural land into unviable land parcels.*
- 5. Manage the issues of land use conflict, resource use and environmental management arising from the diversity of uses through sustainable land use and natural resource management.*
- 6. Ensure development in rural areas mitigates potential fire risk.*
- 7. 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. Advocate to State Government to undertake Shire Wide testing and analysis of contaminated land.*
- 8. Protect and enhance agricultural land for both its productive potential and environmental value.*
- 9. Our connection to the Green Wedge is celebrated by all who live, work or enjoy their time in it.*

**Comments:**

- a) Protecting the Green Wedge, climate change, and biodiversity were top priorities for residents in the recent survey.
- b) These should be the umbrella under which all other areas fall. Activities, whether for example, agricultural or residential, should always have protection of the environment as their base line.
- c) Development in rural areas should mitigate bushfire risk but should not be permitted where such development would result in destruction or damage to the environment. Agricultural practices must employ sustainable and regenerative practices.

**THEME 3: NATURAL ENVIRONMENT**

*Objectives*

- 1. Given the large number of threatened native species and threats occurring to those species in the Shire, Planning needs to protect and conserve biodiversity, provide habitats for native flora and fauna, and control pest plants and animals.*
- 2. 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**. Use and development have the potential to affect stormwater quality and adversely affect downstream areas.*
- 3. Discourage development, including vegetation removal that degrades stormwater quality and increases potential risk of soil erosion, expansion and landslip or other hazards.*
- 4. Address threatening processes associated with the loss and degradation of the natural and built environment in order to maintain the landscape values in the Shire.*

**Comments**

- a) The need to establish and maintain connecting habitat corridors, both land and waterways should be mentioned.
- b) Drainage and sewerage concerns relating to runoff into any waterway, river or creek, throughout the shire is of concern, whether it be from residential development, sporting fields or road infrastructure.
- c) Promote and protect indigenous vegetation, particularly canopy trees and connectivity within and between urban areas should be included.
- d) "Biodiversity urban sensitive design" should be included as a requirement in urban areas, in line with contemporary practice such as those described by RMIT and University of Melbourne.
- e) The environment enforcement system should be properly resourced including environmentally qualified Council Officers to enforce regulations.
- f) In all areas but especially in Urban areas, the Councils own document 'Live Local Plan Local' should be followed when assessing development and extension applications.
- g) Council landscapers should also follow this same document in order to protect and enhance the unique landscape qualities found in Nillumbik's indigenous vegetation. If not followed by Council the reason should be demonstrated as to why this divergence is proposed.

#### **THEME 4: BUILT ENVIRONMENT**

##### *Objectives*

- 1. Apply design principles which will create a built environment that strengthens the inclusiveness and accessibility of our neighbourhoods, activity centres, facilities and services, while respecting our natural environment.*
- 2. 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.*
- 3. 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.*
- 4. Protecting habitat links and minimising fire and flood risk and erosion are important considerations in siting buildings and works, particularly in rural areas.*

##### **Comments:**

- a) The Natural Environment, particularly through retention, but also increase, in indigenous tree canopy and understorey, should be a mandatory prerequisite for any type of development.
- b) 'Biodiversity sensitive urban design' should be introduced.
- c) Siting of buildings in rural areas of bushfire risk should not be allowed if mitigating the risk of fire involves large clearing of native vegetation.
- d) Any buildings should reflect and nestle within the landscape rather than impose themselves on the landscape
- e) Buildings should not be allowed on ridgelines

#### **THEME 5: HOUSING**

##### *Objectives*

- 1. Recognise that the Shire will experience a reduction in household size due to an ageing of the population. The trend of decreasing average household size provides the impetus to provide for some medium density housing as an alternative housing choice.*
- 2. Direct housing growth and diversity to activity centres in which are accessible, close to infrastructure, public transport, commercial areas, public open space and other community facilities.*
- 3. Ensure a considered approach to planning and development will retain and enhance Nillumbik's unique environment and neighbourhood character.*

##### **Comments**

- a) A stronger word than 'direct' is needed if the intention is to contain and restrict housing growth to activity centres. To not contain or restrict would be to seriously endanger the whole of the urban areas.

- b) Most of the 'unique environment and neighbourhood character' (point 3 above) of for instance Eltham, is as a result of the tree canopy and native and bushy gardens. This would not exist if housing growth and in particular, diversity of housing, was to spread throughout the urban area.
- c) Tree loss is occurring in urban areas at an alarming rate which will destroy local character and increase the impact of global warming.
- d) Developments where the application requires tree removal should be required to be strongly assessed against neighbourhood character and zone requirements.
- e) As stated in relation to Activity Centres, Nillumbik is not a Growth Corridor and is not expected to see a large growth in population.
- f) We therefore are able to plan for an increase in housing that is both sustainable and will retain our unique character, notably our indigenous vegetation.
- g) A Nillumbik Urban Forestry Strategy covering streets, parks and industrial areas as well as the introduction of Biodiversity Sensitive Urban Design would be welcome additions.
- h) Developments aimed to attract smaller households should be encouraged to include opportunities for informal social interaction of residents – joint stairwells, internal letterboxes with adequate space for a seat/pot plants, lift areas with space for a seat.

#### **THEME 6: ECONOMIC DEVELOPMENT**

##### *Objectives*

- 1. Focus on strengthening existing enterprises and facilitating new business initiatives that respect the Shire's environmental, social and economic development priorities.*
- 2. Maintain the main employment locations, the Eltham and Diamond Creek Major Activity Centres (which includes the commercial and industrial areas), Hurstbridge Neighbourhood Activity Centre and the industrial land at Research, to continue to provide opportunities for local employment.*
- 3. Protect industrial precincts from non-industrial use and development unless otherwise identified.*
- 4. Agriculture is an important area of economic development: • Promote land use in rural areas in accordance with the*
- 5. In the Green Wedge (that is areas outside of the Urban Growth Boundary), 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.*

##### **Comments**

- a) Economic Development should not be pursued at the expense of community, neighbourhood character, the natural environment.
- b) Commercial enterprises must reflect and sit within the ethos of a green wedge shire in relation to sustainability, natural environment.
- c) Tourism and commercial activities outside urban areas should be restricted to those that are part of the prime business of the property/area. 'CAN be used in conjunction with' is too broad a statement and would potentially allow commercial enterprises that are out of keeping with the rural area.

- d) A permit for a development proposal in the Green Wedge Shire that states that it will potentially comply with any existing requirements should not be granted unless there is proof of that connection eg. fruit trees need to have been planted.

## **THEME 7: TRANSPORT**

### *Objectives*

- 1. Enhance the accessibility and vibrancy of local townships, neighbourhoods and activity centres through connectivity with a focus on improving active and public transport options.*
- 2. Further development of pedestrian and cycle trails to link the key activity centres is a priority to encourage safe pedestrian access for residents.*
- 3. Facilitate increased public transport usage to aid in issues such as increased greenhouse gas emissions and traffic congestion.*
- 4. Incorporate greater links between land use planning and transport, especially in relation to activity centres and the public transport network.*
- 5. Facilitate safe and efficient roads and road links within the municipality and to the wider region that cater for all users given that the majority of residents travel to employment outside the Shire.*

### **Comments**

- a) Encouragement of electric vehicle use could be included and the recharging facilities installed where needed. The numbers of these should be regularly reviewed and increased in line with the uptake of electric cars in Nillumbik
- b) Active transport ie walking and cycling should be mentioned.
- c) Facilitating road networks should make reference to balancing this against retention of the neighbourhood character in particular tree canopy and indigenous vegetation.

## **THEME 8: INFRASTRUCTURE**

### *Objectives*

- 1. Enhance the accessibility and vibrancy of local townships, neighbourhoods and activity centres through connectivity with a focus on improving active and public transport options*
- 2. 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.*
- 3. Recognise the difficulties created through the dispersed nature of low-density residential areas in providing a full range of infrastructure services, and that rural areas have only limited physical infrastructure.*

*4. Facilitate efficient provision of infrastructure to areas designated for residential and low-density residential development.*

*5. Facilitate the consolidation of rural lots to create larger lots capable of containing effluent on site.*

**Comments**

- a) Why Is 'low density residential' considered an appropriate or a necessary inclusion in the objective 'Facilitate efficient provision of infrastructure to areas designated for residential and low density residential development'?
- b) Encouragement of reduction in waste and consumption in all sectors and use of renewable energy and recycling materials to reduce the need for service infrastructure is important.

**THEME 9: OPEN SPACE**

*Objectives*

*1. Ensure the planning, maintenance and enhancement of public open spaces enables and encourages safe, healthy and active lifestyles.*

*Note that enhancement needs to be consistent with the value of greatest priority as expressed by the community in Our People, Our Place, Our Future ie preservation of the green wedge, protection of biodiversity, & action on climate change. Open space development prioritises protection of indigenous flora and fauna.*

*2. Ensure open space and recreational facilities are equitable and accessible to all community members.*

*3. Facilitate the provision of active and passive recreational facilities as an integral part of each township*

*4. In rural areas the emphasis is towards developing key regional and district recreational areas, protecting native flora and fauna as well as developing a comprehensive regional based trail network.*

*5. Facilitate the provision and linking of open space and local recreational facilities to form a network across the Shire.*

**Comments**

- a) Enhancement of open space should prioritise the retention and protection of indigenous vegetation.
- b) Passive and individual unstructured recreation should be included as a more important use of open space than activating passive spaces.
- c) Succession planting of canopy trees should be carried out annually in public places to ensure that in future mature trees will still form part of the public open space as well as in the overall landscape of Nillumbik.

## **THEME 10: CLIMATE CHANGE**

### *Objectives*

- 1. Recognise that planning and preparedness for bushfire and other emergencies protects life, critical infrastructure, property and the environment.*
- 2. Ensure emergency management information and capabilities are shared in the pursuit of preparedness, prevention, response and recovery.*
- 3. Avoid intensifying bushfire risk to people and property through poorly located, designed or managed use or development.*
- 4. Apply particular attention to fire issues in the design of subdivisions, the siting and design of buildings, and use and management of land in bushfire prone areas.*
- 5. Reduce Council's direct contribution to climate change*
- 6. Prepare for, respond and adapt to the risks and impacts of a changing climate on our community, environment, infrastructure and services.*
- 7. Support our community to reduce their contributions to climate change and to adapt to climate change risks and impacts*

### **Comments**

- a) Include the crucial importance of tree canopy, green spaces, bushy gardens and tree lined streets and public spaces in mitigating the effects of a warming climate.
- b) Include encouragement of housing that positively demonstrates sustainable contribution to the mitigation of climate change and its effects.

## **THEME 11: HERITAGE, ARTS AND CULTURE**

### *Objectives*

- 1. Protect and enhance places of heritage significance, including sites of Aboriginal heritage significance.*
- 2. Ensure new use and development do not impede on or detract from sites and features of Aboriginal cultural heritage and archaeological significance.*
- 3. The culture and heritage of the Wurundjeri Woi Wurrung people is understood and recognised as a proud part of our shared identity.*



Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

*4. Promote our shared heritage, history, arts and artistic culture to strengthen our community – Aspiration from OPOPOF engagement: “Residents enjoy a wide variety of recreational and cultural pursuits and have a strong sense of feeling part of their local community and townships.”*

*5. Implement goals of the Arts and Cultural Plan 2018-2022:*

- *Public participatory arts as an everyday experience*
- *Develop and grow creative and cultural industries and;*
- *Support and promote arts and cultural activities that maximise access.*

#### **Comments**

- a) Place the recognition of the culture and heritage of the Woi Wurrung people as the first objective.
- b) As all aspects of their culture and history are tied to the natural environment it should be an integral part of our stated intentions for protecting the environment and biodiversity of the green wedge.
- c) The Natural Environment is part of our culture and could be included in this section.
- d) Our heritage of alternative building materials should be included.
- e) Buildings of local or wider interest and significance should be noted, maintained and heritage listed.
- f) Through signage and other information systems the whole population of Nillumbik now and in the future should be educated and made aware of the heritage of the area. As residents come and go more easily nowadays our history and culture is in danger of being lost. ‘If you don’t understand the past how can you make decisions for the future?’.

Thank you for the opportunity to provide input into the Municipal Planning Strategy. For clarification or to discuss any of the points mentioned please contact Eltham Community Action Group at [elthamcag@yahoo.com](mailto:elthamcag@yahoo.com)

or Carlota Quinlan, President, at [REDACTED] or Sue Dyet, Secretary [REDACTED]

Carlota Quinlan

6/10/21



#### PALS SUBMISSION SUPPORT

I live in Nillumbik Rural Green Wedge situated on the edge the Urban Growth Boundary.

I do not live in a suburb with a suburban block.

I enjoy this rural Green Wedge and its beauty and have been lucky enough to have a wonderful chosen lifestyle from 1975 with 2 young daughters at the time. The infrastructures of a C.F.A. kinder, a school, a tennis club, a pony club, a netball team, a church (Sunday school) & a General Store (an invaluable part of their teenage employment in their own community.)

Aren't WE lucky!!

Don't our married daughters wish they could afford to move back into their beloved Kangaroo ground where they lived such a wonderful and fulfilling childhood.

A lifestyle that gave them an appreciation of HOME, FAMILY, COMMUNITY, SPORT, FRIENDS FOR LIFE and the love of the BUSH on their doorstep.

HOWEVER, they also know from their father's active involvement in the local C.F.A. how important it is to address the issue of bushfire & bushfire mitigation & have experienced firsthand anxiety for our family on more than one occasion.

Our Community safety is of utmost importance to us as is our personal contribution of maintaining our property. Especially after our close association with the 2009 Bushfire.

AFTERALL OUR COMMUNITY is THE PEOPLE!!! Nobody can discriminate against the concerns of rural land owners – in other words THE PEOPLE who have decided to dwell in rural Nillumbik and make it safe by minimising bushfire risk sensibly.

The scale of maintenance on large blocks is a challenge.

- I AM A PERSON – AN IMPORTANT PERSON .

One of many who want:

- To be protected from bushfire
- To continue to love my bush & help to maintain my rural green wedge.
- To look out of my kitchen window and see kangaroos. Have you counted the number of kangaroos in the paddocks recently?
- To live in Kangaroo Ground & surrounds with local agriculture & viable businesses.
- To belong to & support my community (e.g. Fire Brigade) and all its amenities in a rural setting.
- Feel the connection to the First Nations People (especially I see the shared identity Wurundjeri People plaque at the Kangaroo Ground Cemetery.)
- As well as to be lucky enough to be close to local urban communities with medical & shopping facilities.)

I certainly with my husband [REDACTED] support the PALS submission as together with PALS, the Council should have a clear understanding of how local landowners and residents feel about the Municipal Planning Strategy which is being developed.

**Comment on Municipal Planning Statement Key Themes and Objectives**

**1 Activity Centres:**

In general, agree with 3 objectives with some addition to 2 which could more specifically define medium density

**Gaps:** Suggest an overarching objective which aims to *"Maintain the character of Nillumbik where indigenous tree canopy and understorey are protected and encouraged."*

**2 Green Wedge:**

Objective 1 Suggest that it begins by saying, *"Whilst Nillumbik aims to protect all areas of vegetation /habitat we recognise the rural areas... resource-based activities and residences community, the key is to maintain a balance between agriculture and the enhancement of health and abundance of indigenous biodiversity"*

Objective 4 Development cannot be to the detriment of the environment and/or lead to further loss of agricultural land.

Objective 5: Requires review of land management plans, environmental protection strategies and enforcement which must be resourced

Objective 6: Reword *"development should only proceed where proposal meets first principle of avoiding and minimising loss of native vegetation to be compatible with Climate change and preservation of biodiversity"*

Objective 8: Suggest addition.... *" whilst ensuring agriculture practices employ sustainable and regenerative practices"*

**Gaps:** Suggest an overarching objective

*"The protection of the environment and biodiversity should guide all planning in Nillumbik including*

- *Minimising development footprint for built form and infrastructure*
- *Treat UGB as hard boundary*
- *Develop policies to effectively control invasive plant and feral animal populations*
- *Restrict planting of environmental weeds*

**3 Natural Environment**

Objective 1: Needs additional recognition of value of habitat corridors, both vegetation and waterways

Objective 2: replace Plenty River with *all waterways in Nillumbik*.  
The Yarra River Strategic Plan also needs to be recognised

**Gaps:** There is a need for additional objectives which are more specific to the natural environment

- The rights of nature must be recognised in the application of all planning decisions as enacted by Blue Mountains City Council. This extends the principle demonstrated when the Yarra River was declared a living entity in 2017.
- Protect and enhance indigenous vegetation communities for fauna habitat of all indigenous species
- Promote and protect indigenous vegetation and connectivity within and between urban areas and townships
- Planning permit conditions to promote wildlife-friendlier fencing.
- The essential value of waterways as wildlife corridors is acknowledged and enforced planning controls protect them
- Land management plans protecting indigenous vegetation are required where hard hoof grazing is proposed
- "Biodiversity urban sensitive design" is a requirement in urban areas, in line with contemporary practice

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

- The weaknesses within the environmental enforcement system are identified, addressed and appropriately resourced
- Council structures require environmental officer input to all planning decisions that have environmental impacts and in areas of biodiversity, prioritising areas where there is an Environmental Significance Overlay (ESO) & Bushfire Management Overlay (BMO)

The following Could be considered as Preamble to this theme

*Melbourne 2030 identifies the Nillumbik Green Wedge as being of social, economic and environmental value because of the following features: environmental and landscape quality (particularly the Yarra River and surrounds); river red gums and other habitat areas; national parks; metropolitan water storages.*

#### **4 Built Environment**

Objectives 1- 4 Agree.

Add 1 more "Restrict the granting of building permits if vegetation must be cleared to provide "safe" site in bushfire/flood events'

**Gaps:** Suggest Overarching objective *"Indigenous tree canopy and understorey are protected throughout Nillumbik, including the built environment and all new developments within the Shire. Council actively pursues net increase of indigenous vegetation in both urban and rural areas.*

#### **5 Housing**

Objectives 1-3 Agree but as currently expressed they do not consider matters that are raised by attempting to mitigate climate change.

Eg increase /protect tree canopy for temperature cooling, herbaceous ground cover, midstory vegetation and tree cover being lost where housing density is increasing as well as the necessary avoidance of housing growth insensitive land areas and in proximity to bushfire prone areas.

**Gaps:** Suggest overarching Objective: *"Planning for housing within ALL of Nillumbik, the Green Wedge Shire, requires retention and increase of indigenous tree canopies and understorey. Any increases in building density around activity centres are not to the detriment of environmental values, require significant plantings of indigenous flora, and are 'offset' by a decrease in what is permissible in the suburban context around those centres, so as to be able to retain and maintain tree canopy for a sustainable future."*

#### **6 Economic Development**

Objective 4: Add description of Sustainable/regenerative objectives of agriculture

Objective 5: Add *'Ensure that any In- conjunction uses or other modifications to existing use are in accordance with approved management plans, which detail how the environment/habitat links/biodiversity are protected.'*

**Gaps:** Suggest addition of overall objective: *Recognise that the rural areas often lack existing infrastructure. Including essential services, community facilities and internet coverage, and explore options for increasing connectivity*

#### **7 Transport**

Objectives 1-5 Agree with addition where appropriate *"not to the detriment of the environment."*

#### **8 Infrastructure**

Objective 5: This objective needs to recognise that there are wider reasons for consolidation of rural lots to increase their size, not least of which is preservation of habitat. Nillumbik is first and foremost a conservation Shire - as described by the Local Government Board.

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

**Gaps:** Greater emphasis must be placed on local renewable energy systems.

Develop systems for innovative and eco-friendly use of waste from farms, local grocers, other businesses, council, community.

## **9 Open Space**

Objective 1: Add, *enhancement must be consistent with preservation of the green wedge, protection of biodiversity, & action on climate change*

Objective 2: Add, *any development prioritises protection of indigenous flora and fauna.*

Objective 4: Add, *ensure that any development of a trail network does not detrimentally impact on areas of environmental significance.*

Objective 5: *Ensure no detriment to environmental values*

**Gaps:** An overarching objective *must ensure that at all times the natural environment is protected and enhanced.*

## **10 Climate Change**

Objectives 1-4 These objectives have a disproportionate emphasis on bushfire.

For strengthening the objectives in order to address the Climate Change Theme and achieve climate change mitigation, consider

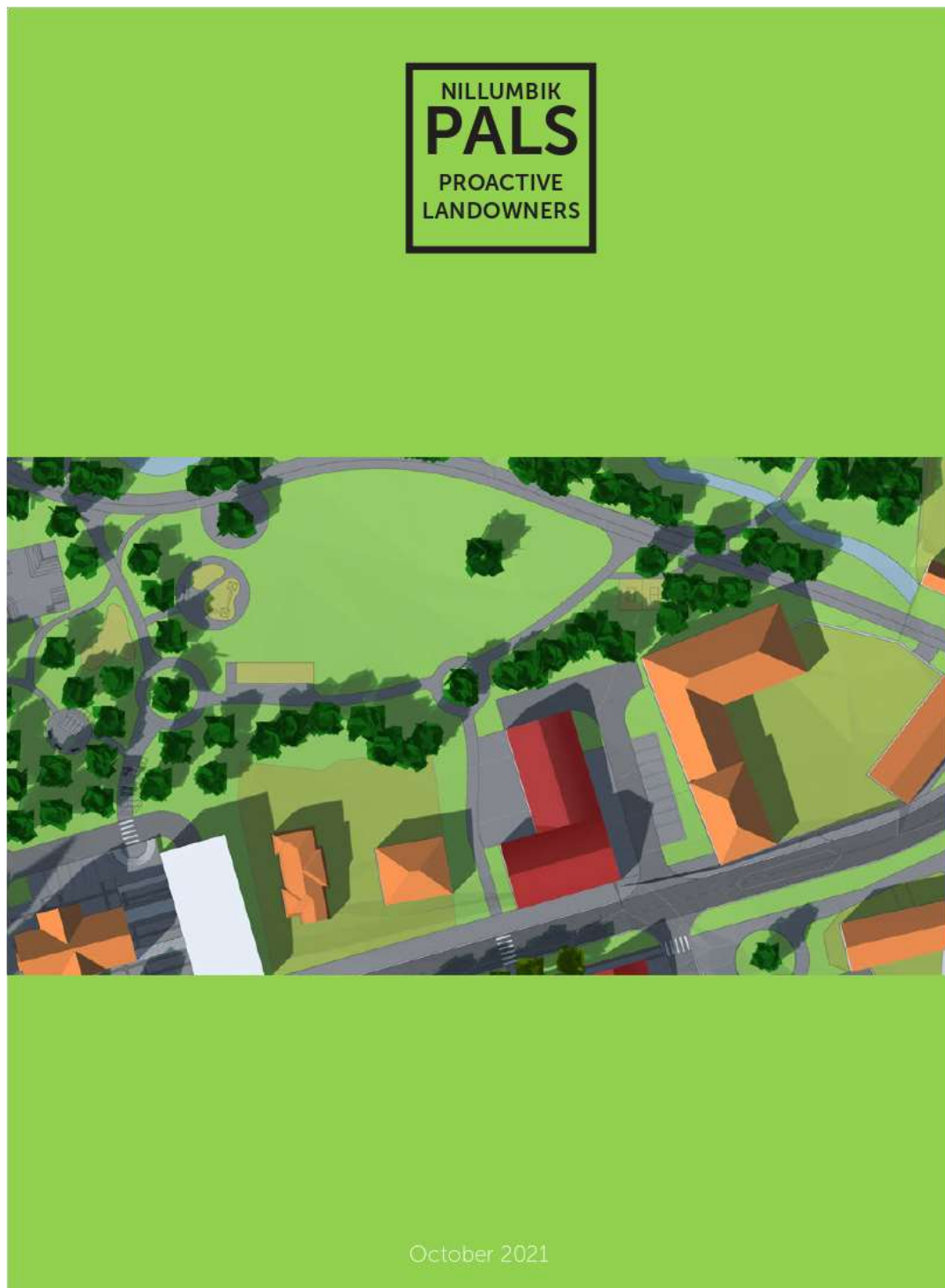
- *Promote Environmentally Sustainable Design (ESD) throughout planning policies*
- *Tree canopy, understory and small herbaceous plant cover are protected and increased in the urban areas*
- *Planning policies should facilitate and enable renewable energy developments without compromising biodiversity and conservation values*
- *Facilitate the uptake of renewable energy technologies*

## **11 Heritage Arts and Culture**

Agree with Objectives

Thankyou





## **NILLUMBIK MUNICIPAL PLANNING STRATEGY**

Nillumbik Pro Active Landowners (PALS) Submission

# NILLUMBIK MUNICIPAL PLANNING STRATEGY

## Nillumbik Pro Active Landowners (PALS) Submission



### INTRODUCTION

**PALs CALLS FOR THE COMPREHENSIVE CORRECTION OF THE ALLEGED HISTORIC MALFEASANCE IN THE REDRAFTING OF THE PREVIOUS MUNICIPAL STRATEGIC STATEMENT ("MSS"). NSC IS SPECIFICALLY PUT ON NOTICE REGARDING THE PROSPECTIVE RISK OF LEGAL EXPOSURE IF THE MSS IS "TRANSLATED" INTO THE MPS. PALS INSISTS THAT THE MPS IS DEVELOPED FROM SCRATCH - ONLY AFTER NSC LEGITIMATELY ESTABLISHES AND CONFIRMS THE INPUT, VIEWS AND THE RIGHTS OF THE SECTOR OF THE NILLUMBIK COMMUNITY WHICH IS THE MOST AFFECTED BY IT.**

Nillumbik PALS input into the current consultation process for the revision of the Municipal Strategic Statement ("MSS") – now known as the Municipal Planning Strategy ("MPS") – provides Nillumbik Shire Council ("NSC") with a critical opportunity not only to deliver a responsible and informed renewal of one of the most important components of the suite of documents which make up the Nillumbik Planning Scheme ("NPS"), but in particular it also presents the opportunity for NSC to transparently demonstrate that it acknowledges, appreciates and is prepared to act to rectify an historic aberration in the previous MSS – repeatedly and unambiguously identified in several previous PALS submissions.

Since becoming aware of the wholesale and allegedly improper redrafting of the previous MSS – which is specifically referred to in the FAQ as follows: **".....the current MPS is essentially the translated MSS"**, which PALS understands (and of which PALS has put NSC on notice previously in several published detailed submissions) was committed via the preparation, introduction and ostensibly improperly deceptive and covert passage of Planning Scheme Amendment C86 in 2014, PALS has both sought leading Queen's Counsel opinion in relation to the legal authority of this current amendment – and also regarding the prospectively serious mischief in and NSC's prospective legal exposure for the formulation of the MPS if **"the translated MSS"** is incorporated without addressing this critical and fundamental issue.

#### **DEMONSTRABLY MISLEADINGLY AND DECEPTIVELY INTRODUCED PLANNING SCHEME AMENDMENT C86**

PALS refer NSC to "Addendum 1" of August 2019 published:

***"SUBMISSION TO NILLUMBIK SHIRE COUNCIL("NSC") ON THE DRAFT GREEN WEDGE MANAGEMENT PLAN ("GWMP")***

**Go to:** <https://www.dropbox.com/s/bcpwg5ee4bkhlvc/Nillumbik%20PALS%20Submission%20to%20Draft%20Green%20Wedge%20Management%20Plan%2028%E2%80%9CGWMP%E2%80%9D%29%20Final%20with%20Addenda%20190810.pdf?dl=0>



Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

PALs insists that by purporting to translate the MSS, NSC is bound to deliver a fundamentally flawed MPS – essentially and deliberately failing to distill the views, values, interests and priorities of rural landowners which have been resoundingly communicated to it.

The erosion in NSC/landowner relations, which PALs has been determined to avert, is likely to be exacerbated if the litany of our clear concerns is ignored.

The historic marginalisation of landowners was to have been consigned to history. Purporting to incorporate into a new MPS provisions demonstrably rejected by landowners, characterised by proposed components analogous to the aborted thrusts of C81 and C101, while intending to increase controls with persistent and improper misuse of planning mechanisms – with both the aim and the inevitable result of the thwarting of landowners aspirations and plans for responsible land usage is simply irresponsible local government.

## **THEME 1 – ACTIVITY CENTRES**

- 1. The Eltham and Diamond Creek Major Activity Centres will continue to provide inclusive and accessible commercial activities, community services, recreational facilities and housing opportunities, as well as containing a substantial public transport hub.**
- 2. The Major Activity Centres will continue to accommodate most of the Shire's growth and will have an increased role in providing for a diversity of housing and in particular, medium density housing (including mid-rise commercial development and apartments).**
- 3. The Hurstbridge and Research Neighbourhood Activity Centres will continue to 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.**

### **PALs RESPONSE**

The key component in relation to all the themes is the repeated failure to address the overriding issue of the reduction of red and green tape. This is an equally critical issue in the suburban areas of Nillumbik as it is in the rural areas.

PALs has made several submissions regarding the trend for the use of plain English in regulations and legislation and the reduction in red and green tape State- wide and refers NSC to the PALs library of submissions included at the conclusion of this submission.

The major controls with respect to Activity Centres are controlled by the State Government. The underlying principle that NSC in its planning function has, and is, repeatedly failing to apply is to present a face to applicants that provides an environment of "how can we work with you to achieve an outcome both acceptable to you as the Applicant, as well as the community". NSC's default approach (and Government generally) appears to be to refuse applications in the first instance and to then expend ratepayers'/taxpayers' money at VCAT to justify their positions.

However, the principle of the above in relation to the Eltham and Diamond Creek Major Activity Centres is supported. The emphasis should be placed on "housing opportunities" as it is these Major Activity Centres that will have to support predicted population increases. NSC must be pro-active in this space and be innovative and responsive to industry initiatives.

The Hurstbridge and Research Neighbourhood Activity Centres will also play an increasingly important role for growth in population. This can be achieved yet still be consistent with the "Village Character" aspects by accommodating innovative opportunities for future development.

NSC should be open to the concept of mixed use (commercial/residential) opportunities, as well as medium density housing within this space as this will encourage and support village populations within the precincts, thus reducing the importance of car usage and car parking obligations, whilst fostering local enjoyment - minimising the needs to travel outside the village.

This can be especially important for an ageing (in place) population who wish to retain contact with the area within which they lived their younger lives.

## THEME 2 – GREEN WEDGE

1. Recognise the rural areas (land zoned Rural Conservation or Green Wedge) contain sites of environmental and landscape significance, natural resource-based activities and residences.
2. Protect our Green Wedge and its environmental integrity to ensure a safe haven for native wildlife, thriving biodiversity and native vegetation.
3. Recognise that the rural areas often lack existing infrastructure. Including essential services, community facilities and internet coverage.
4. Acknowledgment of land use conflict between agricultural and rural residential land uses and a risk that further residential development will fragment rural land into unviable land parcels.
5. Manage the issues of land use conflict, resource use and environmental management arising from the diversity of uses through sustainable land use and natural resource management.
6. Ensure development in rural areas mitigates potential fire risk.
7. 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. Advocate to State Government to undertake Shire Wide testing and analysis of contaminated land.
8. Protect and enhance agricultural land for both its productive potential and environmental value.
9. Our connection to the Green Wedge is celebrated by all who live, work or enjoy their time in it.

### PALs RESPONSE

The issues of Use and Occupation within the Green Wedge sits at the epicentre of this document and is of paramount importance.

NSC should not be swayed by extreme green activist dogma in this area, rather it should concentrate on what is important and what contributes to a healthy, vital, safe Green Wedge that will continue to provide an attractive landscape to both visit and live in. NSC has a duty to safeguard the rights of landowners to quiet enjoyment of their land.

1. There is no dispute that the rural areas of Nillumbik contain sites of environmental and landscape significance. However, it is important to accept that not ALL areas within the Green Wedge are of that same significance. Much of the land is of no particular significance at all, but may still contribute to the overall ambience of the Green Wedge.

It is also critical for NSC to accept and understand that any site which is considered to be of environmental and/or landscape significance does not necessarily mean that the relevant land contains native vegetation. It can, and does, also include grazing land, land for agricultural pursuits, land for rural residential occupation, land for hobby farm uses, or even just open grasslands. All of the above contribute to a vibrant Green Wedge.

All of the land within the Green Wedge (which notably excludes land within the suburban and township areas, despite what suburban residents may believe) is, effectively, already subdivided into allotments consistent with the existing planning controls set out in the Nillumbik Planning Scheme (NPS).

The area of existing allotments have either been approved by council (or VCAT) as complying with the intent of those controls, or are existing or remnant tenements from earlier times.

The land titles registration system provides legal ownership of land parcels to the proprietor as registered on their respective title document. Ownership is guaranteed by Government.

Consistent with that legal ownership there are both legal rights and moral obligations.

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

The moral obligations centre around the medical principle of "do no harm". Overwhelmingly rural landowners seek to improve their properties, not degrade them. The goal is to leave their land in a better condition for future generations than when they acquired it. This does not equate to leaving their land untouched, or unmaintained, or neglected. The principle is applied to properly maintain their land, adequately improve their land and actively minimise the likelihood of the uncontrolled ravages of major bushfire events across their landscape.

This principle does not equate to the destruction of existing vegetation, nor a depletion in tree cover. Vegetation cover across the Green Wedge has steadily increased over the last 60 – 70 years, despite the increase in dwellings and subdivided lands.

For activists to, on the one hand, claim that the Green Wedge is a thriving natural environment, whilst simultaneously on the other hand, decry the ongoing, massive destruction of native vegetation foisted upon a hapless community by ever greedy "developers" (read -> landowners) is hypocrisy at its zenith.

The legal rights for legal landowners relate to the legal principle that council (or Governments) do not have any legal right to overtly and purposefully diminish the value of their land without adequate and fair compensation.

Yet consistently and repeatedly, this is precisely what this Council has done (and continues to do) for decades.

This has manifested itself, in part, in the following manner:

- Ever increasing development and application of highly restrictive planning controls, overlays, planning permit requirements and aggressive and regressive relationships with rural landowners.

*(As predicted by PALs during the council elections in 2020, green activist groups are, once again, advocating for Council to revisit C81 and C101 – now described under their generic categorisation of SLO and ESO Overlays – despite the unambiguous rejection which rendered them dead and buried. Their eradication was final.*

- Misleading and potentially unlawful application of planning scheme amendment processes, such as Planning Scheme Amendment C86 from 2014 which fundamentally changed the wording to the then MSS to purport to introduce prohibiting planning permits to build on allotments of area less than 8 hectares. (For C86, council submitted to the Minister for Planning an amendment falsely categorised as comprising only "administrative corrections" that had "no material changes and was policy neutral" and, as such, did not require ANY advertising or community consultation. Amendment C86 contained in excess of 40 pages of changes).

**(For detail on C86 and other relevant PALs submissions see links at the bottom of this submission).**

- Denial and/or refusal of a landowners right to have their planning application to build considered by Council on its merits rather than by an ideological pre-determined agenda biased to green activist biased viewpoints.

*(Council has consistently and erroneously cited grounds for refusal for planning applications to build on land that is less than 8 hectares knowing that there is NO specific minimum area requirements for sites in the RCZ and Green Wedge, save and except for subdivision applications. The reference to 8 hectares is for resultant lot size AFTER a subdivision – nothing to do with a lots suitability for a dwelling.*

*This ground for refusal has been incorrectly and inappropriately applied as a Planning Scheme control for decades and has repeatedly deprived Applicants from having their application considered on its merits.*

- Recent and ongoing efforts by this current council to place increasing restrictions on landowners through regulatory controls (such as By Law changes) which involve little or no consultation and no effective oversight by State Government.
- Potential negligence by council in relation to any practical or effective works to mitigate the impacts of major fire events across the Green Wedge.

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

*(By refusing to undertake these necessary mitigation works on any sort of consistent basis, or deflecting or deferring genuine and real works on the ground, both along road reserves and on council owned lands, leaves both the council and its relevant Officers potentially vulnerable to legal action (and potentially Councillors) if a major fire event caused loss of either (or both) human life and/or infrastructure.*

*Council has an approved and adopted Fire Mitigation Strategy, but lacks any effective Implementation Plan which is a requirement of the Strategy. Not complying with the requirements of its own Strategy could potentially generate an allegation of negligence. An allegation, if proved, exposes the Council and its relevant Officers (and Councillors) to legal action.*

*Further, the lack of any partnership, support and relationship with rural landowners with respect to maintenance and mitigation works across private lands (also a requirement of the Strategy) further demonstrates the vulnerability of human life and animal life should a major fire occur.)*

- Improper, inappropriate and potentially illegal use of the MPS (previously the MSS) to categorise planning applications to build on any lot less than 8 hectares minimum as prohibited.

(Council have a duty and responsibility to assess any planning application on its merits. An Applicant has a right to expect Council assess their application in adherence to the controls set out in the NPS. Failure to do so, which is the current and likely future position of Council, contravenes its responsibility to act in the best interests of its ratepayers and community).

All of the above points result in a likely devaluation of legally existing parcels resulting in a loss of value to the owners, as well as a loss of amenity and a loss to potential use of those parcels into the future. To this point in time Council appear to have thereby contravened the Local Government Act 2020 as they have not considered the impacts of their actions on those directly and immediately affected, being rural landowners.

It is a legal requirement of the Local Government Act 2020 that those directly affected must be consulted. Their circumstances must form part of any policy or process going forward. This has not occurred and, it is suspected, that Council have acted wilfully in this regard for decades. The indications currently are that Council have been independently advised of this requirement and, to date, have chosen to disregard its legal obligations.

- 
- 2.** PALs support the initiative to *"Protect our Green Wedge and its environmental integrity"*. However, this implies that ALL other uses, works, occupation and pastimes (being either commercial or private enjoyment) cannot co-exist with *"a safe haven for native wildlife, thriving biodiversity and native vegetation"*.

This is not correct, nor should it be allowed to perpetuate the myth that a Green Wedge can only thrive if there is NO human footprint upon it.

A successful Green Wedge is comprised of many facets, only a part of which is its natural environment. This is dictated by Government, and it is not the role of Council to overtly change and undermine that Government principle.

PALs request Council to reflect that above broader principle of co-existence be included in its statement of *Protecting our Green Wedge*.

- 
- 3.** PALs support the statement *"Recognise that the rural areas often lack existing infrastructure"* as it is clearly factual. However, this statement should also give some indication of a process to rectify these issues. It appears clear that suburbanites fail to appreciate or comprehend the disparity in service and amenity provision. A lack of existing infrastructure should be addressed as a Council obligation.
-



---

**4. The point should be deleted from consideration as it is not accurate.**

**PALs REJECT any proposition that there should be "Acknowledgment of land use conflict between agricultural and rural residential land uses".**

What evidence does NSC rely on when proposing this wantonly ideological statement "acknowledgement? What conflict? The lands now used for rural residential purposes have been generated from legal processes and comply with the controls and requirements of the NPS.

This statement is false. It has no basis in fact. PALs is concerned that it may well have been proposed or generated by anti landowners seeking to influence or drive the Council narrative. The end game is to remove the human footprint from the land, or at least, to seek to impose consolidation requirements onto existing legally generated parcels and force landowners into a position where there can be no "use" on any allotment unless it is considered to be of a viable minimum area. PALs overwhelmingly object to this unsupported proposition.

It denies legal and human rights of rural landowners who, in good faith and supported by the full entitlements of the legal land tenure system, own their land and thereby have a right to "use" it within reasonable parameters.

The statement "*risk that further residential development will fragment rural land into unviable land parcels*" is a nonsense statement and should be immediately removed.

The land within the Green Wedge and RCZ are controlled by the NPS with a plethora of Controls, Overlays, Restrictions and Agreement requirements that punishingly restrict what a landowner can, and cannot, do on their own land. A strong component in relation to rural lands is an existing control on the area of new lots created as part of a subdivision process.

To change this reality would require a significant planning scheme amendment.  
PALs are not advocating for this change and never have.

Therefore, the proposed "acknowledgement" sits in direct conflict with the reality of the NPS. The controls that exist within the NPS take priority and Council must not introduce any statement or control that is in conflict, or suggestive of controlling any given outcome of the NPS.

**It must be removed.**

---

**5. The statement "Manage the issues of land use conflict....." is both redundant and non-sensical. The statement should be removed.**

---

**6. The statement "Ensure development in rural areas mitigates potential fire risk" is a statement of the obvious. There are significant controls already within the NPS that restrict and/or stipulate matters that must address the potential fire risk. This statement is therefore redundant and should be removed.**

---

**7. The statement "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" would establish the same conflict that occurred with the dumping of land fill in Doreen, the subject of misleading controversy in the lead up to the last council elections.**

By making this type of statement Council would establish a mechanism for a landowner to, in fact, instigate those "uses" provided they have done the "*testing and necessary remedial treatment*". There is no process required within this statement to ensure that the outcome is appropriate and/or approved, purely that the testing has been done. This is the exact situation that occurred in Chapel Lane with the dumping of fill and the fact that someone, somewhere had determined that there would be no downstream effect. Once that determination had been made, Council had no mechanism to contest the works.

This statement is also redundant as there are extensive and ample controls already within the NPS, or that will be contained in the current planning scheme amendment brought about by the Chapel Lane exercise.

**This statement should be removed.**

- 
8. The statement "*Protect and enhance agricultural land for both its productive potential and environmental value*" suggests that it is both unnecessary and in conflict with itself.

In making this statement does Council now agree, in contrast to its previous statements and inferences, that agricultural pursuits can be of "*environmental value*"?

PALs do not see any instances across the rural areas of the Shire where agricultural land is NOT being protected with the added potential for enhancement. This point goes to the fact that landowners who are using their land for agricultural pursuits will intuitively only wish to both protect it and enhance it. This is purely commercial reality.

- 
9. The statement "*Our connection to the Green Wedge is celebrated by all who live, work or enjoy their time in it*" is a seemingly inclusive motherhood statement. Regrettably, this Council is systematically ensuring a very significant number of those who "*live.... in it*" are excluded and marginalised in favour of the very small number of environmental activists and a large number of those who do not "*live...in it*".

---

**PALs propose three additional statements that should be added if there is any genuine desire to include those that in fact, do live in it.**

---

10. Acknowledge and protect the rights of rural landowners to undertake responsible maintenance and fire mitigation activities on their properties to help protect themselves and the broader Nillumbik community from the passage of significant bushfire events across the rural landscapes.

- 
11. Acknowledge the significant work undertaken by rural landowners on an ongoing basis to protect and enhance the rural landscape which is so important for a vibrant Green Wedge and Rural Landscape.

- 
12. Undertake to reduce red and green tape, reduce in number and decrease the complexity of restrictions, controls and application requirements in relation to rural land use. Replace restrictions, management plans, formal agreements with a consultative relationship with rural landowners built on trust. Maintain Trust for Nature Covenants as a purely voluntary procedure between individual landowners and the council. Undertake to not impose these Covenants as a condition for the issuing of any planning permit.
-

### THEME 3 – NATURAL ENVIRONMENT

1. Given the large number of threatened native species and threats occurring to those species in the Shire, Planning needs to protect and conserve biodiversity, provide habitats for native flora and fauna, and control pest plants and animals.
2. 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**. Use and development have the potential to affect stormwater quality and adversely affect downstream areas.
3. Discourage development, including vegetation removal that degrades stormwater quality and increases potential risk of soil erosion, expansion and landslip or other hazards.
4. Address threatening processes associated with the loss and degradation of the natural and built environment in order to maintain the landscape values in the Shire.

#### PALs RESPONSE

The issue of the natural environment and, as inferred, its continuing decline and fragmentation should be a point of discussion, not mandate. There have been several references by council to the high quality environment and standing vegetation as contributing to the high overall quality of the Green Wedge.

Yet there is a continual inference or direct reference to just how much of the natural environment is being eroded by "greedy developers" (read -> rural landowners).

PALs are not aware of anyone who wilfully seeks to actively degrade or destroy the environment in which they live. This is a distortion intended to have the broader community believe that the bushlands are disappearing and the trees are being destroyed in favour of bitumen and concrete.

- 
1. PALs challenge the statement that a *"large number of threatened native species and threats occurring to those species in the Shire"*. The largest threat to native species are a combination of feral animals that decimate native populations, ongoing road kill and domestic cats. NSC should provide evidence for any proposition being put forward.

PALs acknowledge and recognise the excellent work being done by council currently in relation to feral animals (most particularly foxes and deer). This is an ongoing problem and council should ensure adequate funding for this very worthwhile initiative.

*(Maybe redirect some of the funding from that proposed for the KG Memorial Tower towards programs that will deliver real benefits to the Green Wedge).*

Planning already protects native flora and fauna but needs to do much more in the space of weed eradication and remediation works on council lands and roadsides before looking to, once again, impose restrictions on landowners.

- 
2. PALs support the consideration of downstream effects for stormwater runoff and quality. We note that there are already stringent controls on residential development in this regard within the Urban Growth Boundary. Within the rural context there are also sufficient controls in place, but suggest that the impacts across a rural property are , almost always, able to be contained within the property boundaries.
-

- 
- 3.** PALs support in principle where development "*degrades stormwater quality and increases potential risk of soil erosion, expansion and landslip or other hazards*". However, it needs to be stipulated that this assessment will not apply where there are NO issues in relation to "*potential risk of soil erosion, expansion and landslip or other hazards*" as past experience has shown that this assessment has been applied multilaterally across all applications, irrespective of the relevance to the particular application circumstances.

The MPS needs to confine this issue to specific waterways, initially and correctly specifying the Plenty River. It should not, under any circumstance, be expanded to include "all" waterways within the Green Wedge and rural areas.

- 
- 4.** PALs condemn the use of terms such as "*threatening processes*" within the context of a Management Plan Strategy (MPS).

The definition or context around "*threatening processes*" is undefined and should be removed.

PALs contest "*the loss and degradation of the natural and built environment*" statement. It lacks veracity and evidence. What is meant by a loss to the built environment?

Viewed in terms of the desire to "*maintain the landscape values in the Shire*" PALs submit that the supposed loss is illusory. It is not supported by evidence.

To connect these two statements is to infer that what has been built is destroying both the natural and the built environment. In its initial sense it is contradictory. In its overall sense it is incorrect.

As an overview is this aimed at the suburban environment or the rural environment?

It would appear that the mechanism is to suggest the suburban environment, but more than likely it will be used as a tool to refuse rural development planning applications broadly across the rural areas.

---



## THEME 4 – BUILT ENVIRONMENT

1. Apply design principles which will create a built environment that strengthens the inclusiveness and accessibility of our neighbourhoods, activity centres, facilities and services, while respecting our natural environment.
2. 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. Note that enhancement and attractiveness need to be consistent with the values of greatest priority as expressed by the community in Our People, Our Place, Our Future ie preservation of the green wedge, protection of biodiversity and action on climate change.
3. 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.
4. Protecting habitat links and minimising fire and flood risk and erosion are important considerations in siting buildings and works, particularly in rural areas.

### PALs RESPONSE

1. PALs agree in principle with the *"design principles which will create a built environment that strengthens the inclusiveness and accessibility of our neighbourhoods"*. There are already very tight controls within the NPS so statements of this nature are redundant and unnecessary.

Further, the statement should include and commit Council to considering and implementing innovative built solutions that cater for a combination of uses consistent with an ageing population and/or first home buyers wishing to become part of a local community but prevented from being so due to high real estate costs. This may include multi use options that combine commercial opportunities with residential opportunities, typical medium density housing with social housing as well as providing for localised open spaces.

2. As above.

3. As above.

4. With reference to *"siting buildings and works, particularly in rural areas"*, PALs fail to understand why rural areas are being highlighted when, in fact, there is almost always significant opportunity and choice on rural properties, but little or no choice on suburban properties.

Therefore, it is obvious that suburban siting is covered by extensive controls already with virtually no opportunity to protect habitat links. This statement implies further restrictive measures on rural landowners across the spectrum.

It is also critical to acknowledge that rural landowners have a legal right to build and live on their land. Their right is NOT subservient to the environment, it is a higher right in principle and should be acknowledged as such in the MPS.

**This statement must be removed as it is both redundant and self evident.**

THEME 5 – HOUSING

- 1. Recognise that the Shire will experience a reduction in household size due to an ageing of the population. The trend of decreasing average household size provides the impetus to provide for some medium density housing as an alternative housing choice.
- 2. Direct housing growth and diversity to activity centres in which are accessible, close to infrastructure, public transport, commercial areas, public open space and other community facilities.
- 3. Ensure a considered approach to planning and development will retain and enhance Nillumbik’s unique environment and neighbourhood character.

PALs RESPONSE

- 1. PALs support this assessment.

---
- 2. PALs support this assessment. It should be expanded to include opportunities to mixed use developments and innovative design solutions whilst maintain township character.

---
- 3. As above.

---

## THEME 6 – ECONOMIC DEVELOPMENT

1. Focus on strengthening existing enterprises and facilitating new business initiatives that respect the Shire's environmental, social and economic development priorities.
2. Maintain the main employment locations, the Eltham and Diamond Creek Major Activity Centres (which includes the commercial and industrial areas), Hurstbridge Neighbourhood Activity Centre and the industrial land at Research, to continue to provide opportunities for local employment.
3. Protect industrial precincts from non-industrial use and development unless otherwise identified.
4. Agriculture is an important area of economic development:
  - Promote land use in rural areas in accordance with the capability and productive potential of the land.
  - Retain existing agricultural land for soil based agricultural production.
  - Promote sustainable agricultural activities and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment.
  - Protect and enhance agricultural land for both its productive potential and environmental value.

In the Green Wedge (that is areas outside of the Urban Growth Boundary), 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.

### PALs RESPONSE

1. PALs support this proposition.

---

2. PALs support this proposition.

---

3. In general terms PALs support this but it should include being open to innovative initiatives and opportunities where there is a community benefit and where it can be demonstrated that the proposed use is not to the detriment of existing precincts and their intent.

---

4. In principle PALs do not support this proposition. Given the existing use of rural land within the Green Wedge areas, as well as the legal existing tenement areas for parcels, it is too prescriptive to tie down allowable uses.

Innovative or small scale uses on parcels of 8 hectares or less are potentially just as viable, and in many cases far more viable, than attempting to restrict agricultural uses to large scale ventures located on large parcels. Those days are gone within the context of a peri-urban Green Wedge.

Whilst there may often be large scale successful and viable agricultural enterprises on larger parcels within the Green Wedge, it must not be mandated.

For lands within this type of Green Wedge flexibility is key to success. Whether or not a commercial enterprise on rural land within the Green Wedge should proceed, or not, should be at the discretion of the landowner, not as mandated by the Council of the day.

It is a complete overreach to make council the arbiter of appropriate land management and then require rural landowners to *"minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment"* when there are no adverse effects on adjoining properties and their use and enterprise is wholly contained within their own boundaries.

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

Hobby farms and the small-scale enterprises which may be generated from small-scale requirements can be just as legitimate and, potentially, just as successful as any other.

Further, why is there indeed any requirement for landowners on parcels of 8 hectares or less to undertake any agricultural enterprises at all?

The wording of this item is geared towards further restriction and controls on rural landowners. If this is to be applied fairly, why is there no requirement for suburban landowners to:

- guarantee habitat links across their properties,
  - Limit the area of hard paving,
  - Limit the site coverage,
  - Control the type and colour of housing,
  - Require 100% native or indigenous gardens,
  - Require a minimum of large tree planting,
  - Require night-time blackouts to facilitate the ability of native fauna to move around safely,
  - Ban cats..... the list could on and on.
  - In relation to ***"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 proposition to restrict tourism to activity centres or to a narrow range of purposes is both unsophisticated and demonstrates a disregard or ignorance regarding tourist aims or appetites. Part of the attraction of Nillumbik for tourism visits is to depart from activity centres. This proposition for baseless tourism restrictions shows that whoever developed this proposition fails to understand and appreciate (particularly in a Covid impacted community the dynamic shift in consumer/tourist behaviour towards experienced based tourism pursuits – not the limited domain of wineries, agricultural destinations or other rural industry activities.
-

## THEME 7 – TRANSPORT

1. Enhance the accessibility and vibrancy of local townships, neighbourhoods and activity centres through connectivity with a focus on improving active and public transport options.
2. Further development of pedestrian and cycle trails to link the key activity centres is a priority to encourage safe pedestrian access for residents.
3. Facilitate increased public transport usage to aid in issues such as increased greenhouse gas emissions and traffic congestion.
4. Incorporate greater links between land use planning and transport, especially in relation to activity centres and the public transport network.
5. Facilitate safe and efficient roads and road links within the municipality and to the wider region that cater for all users given that the majority of residents travel to employment outside the Shire.

### PALs RESPONSE

PALs support this theme.

A note to council in relation to point 5. The delivery of safe and efficient roads also requires council to undertake appropriate fire mitigation works on road reserves.

This component in relation to transport is very important as it relates to the safe passage for emergency vehicles and emergency personnel along our local road systems.

It should also address the safe passage along the verges of our local roads as this is, and will continue to be, an aspect all too often neglected.

**Both of these facts should be included into the transport theme.**

---

## THEME 8 – INFRASTRUCTURE

1. Enhance the accessibility and vibrancy of local townships, neighbourhoods and activity centres through connectivity with a focus on improving active and public transport options.
2. 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.
3. Recognise the difficulties created through the dispersed nature of low-density residential areas in providing a full range of infrastructure services, and that rural areas have only limited physical infrastructure.
4. Facilitate efficient provision of infrastructure to areas designated for residential and low-density residential development.
5. Facilitate the consolidation of rural lots to create larger lots capable of containing effluent on site.

### PALs RESPONSE

1. PALs support this proposition.

2. As above.

3. As above.

4. As above.

5. The statement "*Facilitate the consolidation of rural lots to create larger lots capable of containing effluent on site*" encapsulates one of the most deceitful thrusts of the MPS.

It is a complete misrepresentation to assert that any reference to consolidation of rural lots relates this issue to efficient disposal of effluent.

- What has the issue of infrastructure got to do with the consolidation of rural lots?
- Why are rural lots being targeted when exactly the same argument could be applied to suburban or semi-suburban lots that remain unsewered?
- All rural lots currently do contain their effluent on site, otherwise they would not have achieved a planning permit to build in the first place. So why the need for this statement at all?

It is obvious that the underlying intent and strategy, advanced by green activist groups and thrust onto Council Officers and the majority of Councillors who remain generally unaffected by any change to the MPS, is to use whatever means and whatever it takes to punish rural landowners.

The obvious underlying push is to minimise human impact. It ignores that the indigenous peoples managed the landscape to the extent that their resultant landscape is now the safest and most appropriate landscape for both flora and fauna, as well as for human occupation.

Human occupation cannot be eliminated from this landscape as there is no legal authority to do so.

This is an abject betrayal by Council when their mandate and legal obligation is to represent and consider the effects of any actions on their ratepayers and on those who are impacted by their actions and decisions.

**This statement must be removed.**



## THEME 9 – OPEN SPACE

1. Ensure the planning, maintenance and enhancement of public open spaces enables and encourages safe, healthy and active lifestyles.
2. Ensure open space and recreational facilities are equitable and accessible to all community members.
3. Facilitate the provision of active and passive recreational facilities as an integral part of each township.
4. In rural areas the emphasis is towards developing key regional and district recreational areas, protecting native flora and fauna as well as developing a comprehensive regional based trail network.
5. Facilitate the provision and linking of open space and local recreational facilities to form a network across the Shire.

### PALs RESPONSE

1. PALs agree with this proposition.
2. As above.
3. As above.

4. This proposition is misleading and does not provide any clarity or detail in relation what is meant by *"the emphasis is towards ..... protecting native flora and fauna ..."*.

The principle is not contentious, however the mechanisms and application of it is unclear. Given the history of this Council and the longer term history of the Shire, rural landowners may expect additional restrictions to be placed over their rights and their properties as the go to option in order to satisfy this aim.

It is clear that in the last 50 years or so the majority of the loss of native vegetation and vegetation understorey have been on lands inside the Urban Growth Boundary (UGB).

There has been significant loss within newly created residential subdivisions. PALs acknowledge that this loss probably cannot be prevented due to the zoning of the land as well as the controls within the NPS inserted by State Government. However, this situation does not authorise NSC to therefore turn its attention to placing further restrictions and controls over rural lands in an effort to "regain" lost vegetation from the suburbs, when, in fact, rural areas have not "lost" any significant vegetation over the same period.

There are a multitude of mechanisms already in the NPS that are directed at protecting native flora and fauna, all of which enjoy the legal legitimacy of planning scheme requirements.

PALs have no issue with the continuing plans to expand the trail networks, on the proviso that any acquisition of private land which may be required provides fair and equitable compensation to affected (either directly or indirectly) landowners. This includes measures to ensure that there is no opportunity for trespass onto private property once the trails are open and operational.

5. PALs remain confused as to how the *"provision and linking of open space and local recreational facilities to form a network across the Shire"* will occur when there appears to be little or no opportunity to achieve this feel good outcome due to the fact that most, if not all, of the potentially affected land is in private ownership. Council must include a statement of how it intends to achieve this goal, what lands may be affected and on what terms would acquisition of private lands be provided.

Whilst the sentiment appears benign, the mechanism and process to achieve the outcome appears ominous.

## **THEME 10 – CLIMATE CHANGE**

1. Recognise that planning and preparedness for bushfire and other emergencies protects life, critical infrastructure, property and the environment.
2. Ensure emergency management information and capabilities are shared in the pursuit of preparedness, prevention, response and recovery.
3. Avoid intensifying bushfire risk to people and property through poorly located, designed or managed use or development.
4. Apply particular attention to fire issues in the design of subdivisions, the siting and design of buildings, and use and management of land in bushfire prone areas.
5. Reduce Council's direct contribution to climate change.
6. Prepare for, respond and adapt to the risks and impacts of a changing climate on our community, environment, infrastructure and services.
7. Support our community to reduce their contributions to climate change and to adapt to climate change risks and impacts

### **PALs RESPONSE**

It is a sad indictment of this Council that the issue of bushfires has been relegated to the category under climate change. Whilst there are a range of differing opinions in relation to the frequency and intensity of bushfire events and their connection to a changing climate, it is most likely that a significant contribution to bushfire events here and now relates to the ground fuel loads and the volume of those ground fuels being unacceptably high due to a longstanding lack of conscious ground fuel reduction works.

The issue of whether a change in long term policy to emissions and the subsequent reduction of emissions over the coming decades will reduce the threat of bushfires is irrelevant to the major issue of addressing the bush fire safety for our community at present.

It is surprising that Council does not acknowledge (and thereby chooses not to address) the by far and away leading issue that was revealed in the consultation completed by Council, presumably, in preparation for the MPS and its content was, in fact, the threat of bushfire.

This is of clear and paramount importance to the community, yet this Council with prospective future potential to exposure to litigation, chooses not to address these major community concerns.

The statements under this theme 10 continue (as they have for decades) to ignore the following facts:

- a) the people who currently (and legitimately) live on land within the BMO are continually ignored and treated as if they do not exist,
- b) there are circumstances where new residents can address and satisfy the suite of very restrictive requirements in relation to bushfire safety and thereby should be able to build and live in relative safety on rural lands in the Green Wedge.

Instead, this Council both assumes that existing rural residents have no rights and that the only mechanism available to council to maximise bushfire safety and minimise the loss of human life is to exclude humans from living within these areas in the first place.

The wilful disregard that this Council continues to display towards rural residents manifests itself in the total lack of awareness that Council has a moral and legal responsibility to minimise the risk of major bushfire events by properly and continually undertaking mitigation works as required under its approved Bush Fire Management Strategy and its operational document the Bush Fire Implementation Plan.



Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

This negligence extends to the basic lack of understanding of the fundamental principle that the without appropriate and proper maintenance of lands in private ownership, any minimisation of bushfire risk is inconsequential. Yet this council refuses to address the issue of private land maintenance and continues to place heavy restrictions (and penalties) on rural landowners who appreciate the benefits of proper maintenance of their properties. The extensive and expensive requirements required by council that must be provided in conjunction with a planning permit application in order to undertake even the most minor works even deters the local CFA brigades from applying.

The end result is typically no works, or at best ineffective works, are conducted.

Why authority is not given to the local CFA brigades to control, design and undertake these types of mitigation works is a mystery to PALs and many within the local rural community. This issue does not fall within the parameters of planning, it falls directly and immediately within the parameter of community safety.

For over a decade the recognition in the Bushfire Royal Commission 2009 recommendations of the importance of the contribution to community safety of the proper maintenance of private property for fire mitigation have failed to significantly move the needle away from the counter-intuitive restrictive stance.

The tension between the primacy of human life and the protection of flora and fauna is one of the most difficult challenges of this Council. Relegating human life to any secondary consideration is unjustifiable.

---

## THEME 11 – HERITAGE ARTS AND CULTURE

1. Protect and enhance places of heritage significance, including sites of Aboriginal heritage significance.
2. Ensure new use and development do not impede on or detract from sites and features of Aboriginal cultural heritage and archaeological significance.
3. The culture and heritage of the Wurundjeri Woi Wurrung people is understood and recognised as a proud part of our shared identity
4. Promote our shared heritage, history, arts and artistic culture to strengthen our community – Aspiration from OPOPOF engagement: "Residents enjoy a wide variety of recreational and cultural pursuits and have a strong sense of feeling part of their local community and townships."
5. Implement goals of the Arts and Cultural Plan 2018-2022:
  - Public participatory arts as an everyday experience
  - Develop and grow creative and cultural industries and;
  - Support and promote arts and cultural activities that maximise access.

### PALs RESPONSE

PALs support this theme.

As a note careful attention should be given to the actual words that appear increasingly on council literature in relation to indigenous recognition.

It is noted that this wording increasingly includes the words *"We acknowledge that sovereignty was never ceded."*

This assumes that Council has both the authority and community consensus to make this statement which goes to the fundamental principle of the legal land tenure system currently existing in Victoria.

By making this statement Council presumes to speak on behalf of all landowners but potentially raises land ownership issues that are not reflected in the legitimacy and absolute authority of the legal land titles system and leaves open future opportunities for a challenge to that legal land ownership.

### PALs RESPONSE TO CONTEXT AND VISION

Council exhibits poor vision when it comes to the *Context* and *Vision* statements.

Council continues to effectively discriminate against and ignore many concerns of rural landowners, rural properties, rural pursuits, rural lifestyles and rural contributions to the Green Wedge, rural contributions to the Nillumbik Community and the invaluable contribution that the rural landscapes make, not only to the Green Wedge, but the minimisation of bushfire risk into the future.

The context statement MUST encapsulate more than just the bush and vegetation. The State Government requirements for a Green Wedge cover a broad range of landscapes, uses, lifestyles, economic and social perspectives as well as encouraging visitation, development, tourism and enterprise.

The Nillumbik Green Wedge IS NOT a suburban green wedge. ALL of the Nillumbik Green Wedge is located in the rural areas of Nillumbik. It is false to state otherwise and suggests an attempt by suburban landowners to claim an interest, which they do not have, in the lands and landscapes that actually form the green wedge.

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

Proposed Amended Context and Vision statements below.

**Context**

Nillumbik's high landscape value plays a regional role for Melbourne as an accessible area of natural overall landscape beauty. The natural environment is combined with the beautiful rural landscapes together form 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 acknowledges the increase in vegetation cover over the preceding 60 – 70 years and the ongoing work and contribution of rural landowners to provide the ambience and rolling rural landscapes which when combined with the areas of indigenous vegetation provide the vistas we all enjoy.

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 Empirical evidence suggests a significant number of rare and endangered species are found in these native environments. Flora and Fauna are protected but share the landscape with rural properties. Whilst there is no up to date or current biodiversity assessments available to ground proof the above, there is significant evidence that demonstrates that there has been no significant loss in flora or fauna which would compromise the future of the Nillumbik Green Wedge.

Rural landowners also play a pivotal role in ensuring that rural landscapes are preserved and maintained by the ongoing farming, agricultural pursuits, grazing and hobby farm interests that when combined all deliver the Nillumbik Green Wedge in accordance with the State Government vision for Green Wedges.

**Vision**

Nillumbik will remain a metropolitan rural 'green wedge' situated on the edge of the Urban Growth Boundary, maintaining a large natural resource for the benefit of all Melburnians. The planning of Nillumbik will continue to focus on balance the ongoing farming and rural based uses in combination with the ongoing sustainability of the 'green wedge' in physical, social and economic terms. Nillumbik will embrace all the components necessary to deliver a vibrant Green Wedge.

To preserve and nurture the natural environment of the Green Wedge and combine the rural residential lifestyles and rural based uses for future and current generations.

In addition it is important to note that:

As identified in Melbourne 2030 identifies the Nillumbik Green Wedge is of social, economic and environmental value because of and include the following features:

- environmental and landscape quality (particularly the Yarra River and surrounds)
- vibrant and successful economic activities
- broad rural landscapes incorporating rural grazing lands and rural enterprises
- existing river red gums and other existing habitat areas
- national parks
- metropolitan water storages

It must also The Vision recognises that the land, waterways and all life they sustain are central to the cultural values of First Nations Peoples. As such, their value must be is recognised and protected throughout the Shire in conjunction with the recognition of existing landowners as the current custodians. This is also in keeping with community-wide surveys conducted by Council that showed the Top Three Things valued in Nillumbik are:—

Preservation of the Green Wedge; Protection of environment and biodiversity; Action on climate

(NOTE: This is not correct and therefore cannot be included. The single most identified issue was the threat of bushfire and bushfire mitigation.

Attachment 1 Redacted and Consolidated Written Submissions MPS Phase 2 Consultation

*This Shire IS NOT a "Conservation Shire". It is a Rural Shire that sits adjacent to the Urban Growth Boundary. This Shire has an obligation and a legal requirement to look after the best interests of ALL its residents. It has NO authority to ignore or disrespect the existence of its rural residents.)))*

*The MPS Vision must be consistent with the community's aspirations for 2040 and reflect the intent for Nillumbik as a Green Wedge **Conservation Shire**. The statements must be ambitious and written in the present tense – with intention and achievement, as well as aspiration. An overarching statement could be:*

*In 2040 Nillumbik ~~is~~ a world leader in*

*~~– biodiversity protection and reinvigoration~~*

*~~– community stewardship of the environment;~~*

*~~– climate change mitigation and adaptation;~~*

*~~– sustainable urban design and living;~~*

*~~– community inclusiveness, equity and connection, with a focus on its First Nations People;~~*

*~~– community participation in the arts and celebration of its cultural heritage~~*

*THE VISION – NILLUMBIK 2040*

- Develop and deliver strong ongoing bushfire mitigation programs to maximise bushfire safety for all residents and landowners in the Shire*
- Continue biodiversity protection*
- Develop strong community partnerships with the current custodians of green wedge lands*
- Continue appropriate climate change adaptation commensurate with factual real time assessment*
- Support and encourage best practice initiatives for viable urban and rural design and living*
- Community inclusiveness, equity and connection acknowledging the history and practices of the First Nations People*
- Continue to develop the Arts and the Green Wedge as a repository for Arts based programs*

## **SUPPLEMENTARY INFORMATION TO BE READ IN CONJUNCTION WITH THIS SUBMISSION**

PALs is highly critical of the manner in which this consultation is being conducted. The information provided and the proposed 5,000 word maximum resultant MPS which is prescribed, which is to be developed given the assertion that *".....the current MPS is essentially the translated MSS"* appallingly fails to include the existing MSS for the community to even peruse - let alone comment on whether it accurately resonates with community views, priorities and aspirations.

Given that this is a fundamental flaw in the process – and with the express intention of PALs not allowing the MSS to simply be acquiesced to as a legitimate document to be the subject of an "essential translation" (sic) PALs includes with this submission (for a second time to ensure the prospect of it being unmissable) in the link below - the MSS as submitted to the Minister for Planning – of which even a cursory view unmistakably demonstrates the reprehensible mischaracterisation of its having been an essentially "policy neutral" and administrative correction exercise - qualified for exemption from public consultation and exhibition.

Go to Addendum 1 in the submission here:

<https://www.dropbox.com/s/bcpwg5ee4bkhlvc/Nillumbik%20PALs%20Submission%20to%20Draft%20Green%20Wedge%20Management%20Plan%20%28%E2%80%9CGWMP%E2%80%9D%29%20Final%20with%20Addenda%20190810.pdf?dl=0>

Given the importance of the Municipal Planning Strategy (MPS) and its relationship with the basic principles that will inform Council policy and council assessment of future applications, it is critical that a suite of previous PALs submissions be read in conjunction with this current submission.

PALs have been providing detailed and high quality, relevant submissions to NSC and Government Agencies for over four years and most are now (and remain) highly relevant to this latest submission.

The views of landowners on all the critical subject matters in the NPS and its constituent documents are clear.

### **CAVEAT**

PALs has been patiently anticipating the inevitable juncture in NSC's regulatory review schedule for the alleged impropriety of the MSS review of 2014 (C86) to be subject to compulsory periodic review.

For NSC to now assert that the MSS will form the basis of the MPS (having been put on notice over a period of more than 2 years that there is the genuine prospect of serious legal issues) with the prospect of "perfecting or baking in" the matters covertly inserted in 2014 via Planning Scheme Amendment C86, prospectively exacerbates or magnifies any prospective legal issues or jeopardy. PALs resort to leading Queen's Counsel opinion regarding the MPS development trajectory makes it imperative for NSC to confront this serious issue now. It is a development which NSC will ignore at its peril.

Scores of landowners and their families have suffered substantial economic, mental and physical health damage directly and indirectly as a result of the matters contained in the corrupt MSS.

**The prospective consequences are substantial for NSC - having been so clearly put on notice - if it fails to dispense with the myriad offending inclusions made in 2014 to the MSS and if it fails to develop the MPS from scratch - with genuine and legitimate community consultation and substantive input. PALs demand that NSC must resile from the toxic assertion that**

*".....the current MPS is essentially the translated MSS".*



## SUPPLEMENTARY INFORMATION LINKS

To access all of the PALs information which is to be considered integral to this submission, please use the links below to access some of the relevant PALs material.

<https://www.dropbox.com/s/bcpwg5ee4bkhlyc/Nillumbik%20PALs%20Submission%20to%20Draft%20Green%20Wedge%20Management%20Plan%20%28%E2%80%99CGWMP%E2%80%9D%29%20Final%20with%20Addenda%20190810.pdf?dl=0>

<https://www.nillumbikpals.com.au/wp-content/uploads/2020/09/PALs-submission-DRAFT-BUSHFIRE-MITIGATION-STRATEGY-2019-2023-DBMS.pdf>

<https://www.nillumbikpals.com.au/wp-content/uploads/2020/09/PALs-submission-Dismantling-Victorian-Native-Vegetation-Clearing-Regulations-V8.pdf>

<https://www.nillumbikpals.com.au/wp-content/uploads/2020/09/PALs-submission-Nillumbik-Housing-Strategy-discussion-paper-v2.pdf>

<https://www.nillumbikpals.com.au/wp-content/uploads/2020/09/PALs-submission-Planning-And-Building-Approvals-Process-Review-%E2%80%93-Discussion-Paper.pdf>

<https://www.nillumbikpals.com.au/wp-content/uploads/2020/09/PALs-submission-The-Royal-Commission-into-National-Natural-Disaster-Arrangements-Bushfires-Royal-Commission-BRC-2020-.pdf>

<https://www.nillumbikpals.com.au/wp-content/uploads/2020/09/PALs-submission-CHRISTMAS-HILLS-LAND-SALES-.pdf>

<https://www.dropbox.com/s/ofzkids6ryxobsw/PALs%20submission-Planning%20for%20Melbourne%E2%80%99s%20Green%20Wedges%20and%20Agricultural%20Land%20FINAL.pdf?dl=0>

PALs thanks NSC for the opportunity to contribute to this important process of review of the MSS and development of the MPS.

This submission, together with the library of supplementary information contained in each and every PALs submission (the links to which are included above and which are to be read in conjunction for the purposes of rural landowners' views being unmistakably understood and seriously considered – to inform a new MPS) is commended to NSC, its Councillors and its relevant Council Officers for consideration.

**PALs welcomes any inquiry for clarification of any of the serious matters detailed in this submission.**



Damian Crock  
Chair  
Working Group  
Nillumbik PALs  
+61 412 066 666

### **MUNICIPAL PLANNING STRATEGY CONSULTATION**

Thank you for the opportunity to contribute to this consultation.

Sadly, council's MPS is fundamentally flawed by failing rural residents in its lack of recognition of their very existence, rural living in general, by not valuing productive rural landholdings and rural activity in the green wedge and the significant contribution all these make to the very existence and sustainability of it.

More than a lack of acknowledgement and appreciation of this critical and valuable contribution, the current MPS goes so far as to consciously undermine rural living and ultimately the green wedge along with it.

Rural living is the primary use of the smaller 'hobby' properties, including both productive land and bush blocks. This is a positive 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.

So why has council done this and itself created tension through its existing planning scheme and policies, undermining community cohesiveness and collaborative effort to preserve the green wedge in the process?

There could be long term ramifications that council should consider if it makes life impossible for people living on smaller rural properties to reasonably pursue the legal, rural activities of their choice. Fewer may be compelled to comply or be motivated to commit the substantial time and resources to managing these properties. Even worse, should they move on, this could make way for non-resident landowners who land-bank properties, creating derelict land through weed and pest invasion and failing infrastructure, making it ripe for speculative subdivision pressure. This process also undermines the communities that resident landowners support and sustain.

As such, the MPS' Context, Vision, Strategic Direction and Objectives need to get it right and therefore be significantly revised to reflect the on-ground truths of our diverse rural environment, the nature and value of rural settlement and demonstrate support for rural living and associated activity in the green wedge.

These are anomalies that must be addressed at this time.

#### **Clause 02.01 CONTEXT**

##### **Suggested amended wording in blue**

Para 2 - "The 'green wedge' is a rural area of environmental, ~~and~~-agricultural and recreational importance to both Nillumbik and the wider metropolitan area."

Para 4 - What about Yarrambat?

Para 5 - "The natural environment is a significant reason for people deciding to live and work in Nillumbik."  
In rural areas, native vegetation exists in undulating regions and along major rivers and creeks. This is dispersed with existing grazing land and treed pastures which are highly valued for supporting diverse rural activities.

Para 7 - Add - The Equine sector is a significant economic driver outside the shire's urban areas.

Para 8 - Add at the end - 'Complimentary to these, Nillumbik's extensive off-road shared trail network links townships and rural areas to these natural features and neighbouring municipalities.'

#### **Clause 02.03 STRATEGIC DIRECTION**

Comments:

It is essential that the revised Strategic Direction speaks to a reasonable balance in the planning and management of the green wedge which genuinely and equally factors social, economic and environmental outcomes and finally embraces the existence of rural living and rural residents as core benefits to it.

The Nillumbik green wedge is not a wilderness, it incorporates diverse and dynamic rural places where people live, work (for some), play and enjoy their varied lifestyles. Townships exist, there are properties of all sizes, farms, natural environments (bush and cultivated), native, farm and domestic animals live, rural roads and shared trails are key infrastructure, schools, kindergartens and community hubs thrive, businesses are run, diverse rural activities are pursued, outdoor recreation, sports, arts and clubs are integral.  
This document needs to reflect this reality and on-ground identity of the Nillumbik green wedge.

Residents of the green wedge and their (private) properties (which make up over 80 % of it) need to be acknowledged along with their contribution to its environmental, social and economic viability, sustainability, amenity and appeal.

**Without rural residents, their land and their efforts, there is no Nillumbik Green Wedge.**

Preserving farming, agriculture and diverse rural activities such as the ability to keep animals on your property is important and retains rural 'country' character that is a big part of the appeal of the green wedge to both residents and visitors.

A point of uniqueness for Nillumbik is the strong and enduring equine culture in the rural areas of the green wedge. Horse keeping is one of the largest rural activity sectors underpinning the Nillumbik green wedge, not only in terms of the number of properties that are used for this purpose, but the broad reach of the dollar benefits through affiliated industries and activity. It is a diverse and significant economic driver outside the shire's urban areas.

The equine sector has driven local agricultural enterprise and related businesses through produce and property management, kept local equine practitioners employed, seen the establishment of feed and equipment stores and local riding schools and clubs contribute to ongoing visitation.

#### **02.03-1 Settlement**

Para 3 - in discussing Nillumbik's rural land, mention needs to be made of the existing productive, grazing land and treed pastures that supports diverse rural activity and enterprise.

Council seeks to:

Add - [Preserve existing productive grazing land that supports rural living and activity](#)

#### **02.03-2 Environmental and landscape values**

The green wedge environment isn't just native plants and animals, it includes all living things as they interrelate in the landscape and its biodiversity incorporates the entire variety of species outside the UGB.

Existing grazing land and treed pastures are necessary and important for popular rural uses as the keeping of grazing animals, providing for compatible agriculture, the preservation of biodiversity, defendable fire breaks and the rural, scenic amenity, landscape character and vistas that locals and visitors' value and seek.

The natural environment isn't just the bush, nor should there be a relentless push for the re-vegetation of areas of existing cleared land given all the above.

#### **Protection of biodiversity**

Roadsides are also important for the provision of safe, off-road, shared trails which can and do co-exist harmoniously in the natural environment.

Council seeks to (last dot point):

"Protect and enhance the environmental, landscape and habitat values of roadside vegetation in the shire, [incorporating provision for off-road safe, shared trails.](#)" (ADD)

#### **Landscapes**

In paragraph 3, native vegetation, water courses and undulating terrain are attributed as the main features contributing to the shire's landscape identity. However, the rural landscape character isn't just about the bush and open grazing land and treed pastures are consistently throughout the green wedge, significantly contributing to that character. This needs to be captured in such statements.

The preservation of grazing land / open pasture country is just as important in the overall protection, sustainability and livability of the green wedge as our 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.

Therefore, council should not only be seeking to, "Protect and enhance rural landscape character through vegetation retention...", but also [the preservation of existing grazing land and treed pastures which contribute to rural land use and activity and the visual amenity of the green wedge.](#)

Further, without the existence of open pasture country, there would be very few of the much-lauded vistas for residents and visitors to enjoy.



#### **02.03-4 Natural resource management**

##### **Agriculture**

There is a need to acknowledge the prevalence of rural living and rural activity that contribute to the country character, viability and sustainability of the green wedge.

The most prevalent and enduring rural activity and legitimate rural land use in the Nillumbik green wedge is the keeping and grazing of animals, particularly horses.

Hence, protecting existing grazing land that supports agriculture and legitimate rural uses such as the keeping of animals is essential.

Council currently seeks to, "Retain existing agricultural land for soil based agricultural production." But this should also include [for the grazing of animals](#) being a legitimate rural activity on the predominant rural living properties in the green wedge.

#### **02.03-6 Housing**

##### **Rural residential development**

The statement that, "Residential settlement in rural areas is usually based on an appreciation of the bush and often a willingness to revegetate previously cleared areas." is only partially true and the latter part of the statement is a value judgement - where is the evidence of this? Often revegetation is a council permit condition, not a free choice.

Many residents choose properties that have existing cleared pasture for the keeping of grazing animals and other rural activities and are prepared to pay a premium for land with this capability.

The value placed by many residents on existing cleared grazing land is not reflected in the top statement and hence is not a true reflection of rural residential existence.

#### **02.03-7 Economic Development**

##### **Business and employment**

In the second paragraph, there is an opportunity to mention the shire's shared trail network in the commentary around tourism in non-urban areas. The shared trails encourage visitation from which other enterprises benefit such as local accommodation providers, hospitality, the arts and other attractions.

#### **02.03-9 Community infrastructure**

"Nillumbik contains extensive areas of open space for the purposes of conservation, [rural activity and recreation](#)." (ADD)

This is a more accurate reflection of the on-ground reality in the green wedge.

#### **Clause 02.04 STRATEGIC FRAMEWORK PLAN**

##### **02.04 - 3 Open space and recreation facilities plan**

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

The existing verge trail on Dawson Road is missing between Kings Road and the Eltham-Yarra Glen Road.

THIS PAGE WAS LEFT INTENTIONALLY BLANK

## MPS- Activity Centres

Title/Question: Theme 1: Activity Centres  
Tool Type: Form  
Activity ID: 305  
Report Date Range: 9 Sep 2021 - 21 Oct 2021  
Date Exported: 26 Oct 2021 09:45 am

| Contribution ID | Date Submitted         | Do you agree with the identified key |    |        | If not, which objective/s and why?   | With consideration of objectives in the other themes, can you identify any gaps in this theme that the MPS should consider?   |
|-----------------|------------------------|--------------------------------------|----|--------|--|---|
|                 |                        | Yes                                  | No | Unsure |  |   |
|                 |                        |                                      |    |        | Objectives 1 & 3 are acceptable but I have grave misgivings regarding objective 2. I am not sure exactly what is contained in the idea of "medium density housing (including mid-rise commercial development and apartments)". I would hate to see anything like the high rise monstrosities which have arisen in Box Hill. My feeling is for development no more than 3 storeys high, with adequate parking, plenty of set back to allow greenery & shade trees. The housing development opposite Eltham North Primary School is a very good example of development which maintains the Eltham character - leafy, green, low rise & constructed of materials in keeping with Eltham. The small pockets of greenery & open space scattered throughout Woodridge were in danger of being built upon, being deemed "lazy assets". Complete nonsense! We need pockets of green more than ever now, very valuable assets, with climate change threatening. | I will comment on the housing theme also as my views here will overlap.   |
| 19290           | Oct 21, 2021, 05:15 PM |                                      |    | 1      |  |   |
|                 |                        |                                      |    |        | Key objective 1<br>Why does Council permit Diamond Creeks major shopping/activity centre with Coles Supermarket as its anchor,trade for many years with only ONE toilet pan to serve its hundreds of permanent customers.Coles have simply taken over original public toilets for staff only use. Has Council an active health officer? How is this centre allowed to get away with it?<br>We are tired of observing third world practices such as urinating out the back facing the railway track.. Cant Nillumbik do better than that in 2021?.  | Key objective 1<br>With no real landscaping or planting around the carparking areas Diamond Creek shopping centre on both sides of the road, with ramshackle basic shopfronts appears like an early frontier town and has virtually no appeal. It is there only to sell produce but has no appeal or provides any amenity. Does Council have a Landscape architect?<br>If this is to become a major activity centre it is in need of a 'rev up' by Council. |
| 19288           | Oct 21, 2021, 03:59 PM |                                      |    | 1      |  |   |

|                              |   |  |  |   |
|------------------------------|---|--|--|---|
|                              |   |  |  | <p>I'm unsure if they're gaps, but I would just like to stress the need for *safe* infrastructure for non-car use. Bike lanes should not be placed in the gutters of roads and should be treated as separate infrastructure. I think many people would consider riding bikes as opposed to driving if alternative methods were actually viable and safe. It would be really good to see council working with Vic Roads and the state department to ensure townships (including access to them) have appropriate development.</p> <p>There should be higher density around town centers (since Hurstbridge, Diamond Creek, and Eltham all have access to trains and buses now) and an emphasis on walking and riding bikes.</p> <p>I would *highly* recommend watching videos from this channel as they show how different life can be when we treat "car alternatives" as genuine and equal ways of travelling and living: <a href="https://www.youtube.com/c/NotJustBikes">https://www.youtube.com/c/NotJustBikes</a></p> <p>I don't identify as a cyclist and I haven't been interested in using a bike for transport in over a decade, but it's something I would strongly consider if I felt it was safe.</p> |
| 19277 Oct 21, 2021, 01:26 PM | 1 |  |  |   |
| 19195 Oct 19, 2021, 08:10 AM | 1 |  | <p>i fully support the PALS SUBMISSION</p> <p>2. This objective would be strengthened by the addition of specific definitions regarding medium density, mid-rise commercial development, apartments.</p> <p>Active transport [eg walking, cycling] must be given priority in design processes, and encouraged.</p> <p>3. This objective must include consideration of walkability and cycleability.</p> <p>Systems of community transport that minimise reliance on cars (eg walking school buses, greater connectivity among community, car pooling etc) must be supported.</p> | <p>- Indigenous tree canopy and understorey are protected throughout Nillumbik, including Activity Centres within the Shire. Council actively pursues net increase of indigenous vegetation in urban and rural areas.</p> <p>- Township or structure plans must guide the strategic vision for each activity centre</p>   |
| 19161 Oct 14, 2021, 09:26 PM | 1 |  |  | <p>- Indigenous tree canopy and understorey are protected throughout Nillumbik, including Activity Centres within the Shire. Council actively pursues net increase of indigenous vegetation in urban and rural areas.</p>   |
| 19122 Oct 11, 2021, 11:29 AM | 1 |  |  |   |
| 19091 Oct 09, 2021, 10:03 AM | 1 |  |  | <p>Placement of community hospital in Apollo Parkways does not fit into the stated activity centres/the services provided there.</p>  |

|                              |   |   |
|------------------------------|---|---|
| 19078 Oct 08, 2021, 10:10 AM | <p>I support the PALs submission</p> <p>1) Diamond Creek still poor relation to Eltham with regard to community services, there is no library, no decent swimming pool and no modern gym facility. Diamond Creek provides centre for large rural area, so parking needs to be managed well. Many rural people commute from DC as trains are more frequent from there.</p> <p>2) Huge expansion of housing along Yan Yean Road, although not in Nillumbik, puts pressure on infrastructure, sporting facilities and businesses.</p> <p>3) Would question availability of public transport to Research and Hurstbridge, who is going to catch train from Eltham or DC to go shopping in Hurstbridge. Research is only accessible by the occasional bus. Rural people use these centres and most use cars, so need improved parking. Also seems to be little flexibility in planning scheme with regard to new enterprises in Research or Hurstbridge.</p> | <p>I support the PALs submission</p> <p>Panton Hill and St Andrews are important to rural people and provide schools, eating places, fuel and post offices, so they need to be included.</p>  |
| 19038 Oct 07, 2021, 06:04 PM | <p>1</p> <p>I want to see good provision for parking - for commuters, s casual parking and disabled parking. All the emphasizes on walkability ignores the fact some people are just not up to that, especially given the hilly nature of the terrain. There is really NO thought given to the use of the spaces by disabled and older people who will make up more of the Nillumbik population in the years ahead. To cater for the ageing population of Nillumbik there should be at least some emphasis on the use of the centres by older and disabled people eg provide seating along the roads to let people take a break.</p>  | <p>MUCH better parking, introducing paid parking to ration the available space. I would probably want to see the traders parking costs increased by a huge amount..</p> <p>I would like to see more emphasis on apartments with a less strict imposition of stereotypical materiality restrictions. There should be MUCH more emphasis on retaining and increasing tree canopy in the built areas as this will reduce the heat island effects of townships which will be exacerbated by climate change. .</p> |
| 19037 Oct 07, 2021, 06:01 PM | <p>1</p>  |   |

|                              |   |  |  |
|------------------------------|---|--|--|
|                              |   | <p>This is not completely a question of yes or no but as there are suggestions for most of them I have selected no.</p> <p>I think all objectives should be informed by and reflect that Nillumbik is a Green Wedge Conservation Shire first and foremost and this should be apparent throughout all Themes within the MPS (see below)</p> <p>Objective 2<br/>Suggest</p> <ul style="list-style-type: none"> <li>- the addition of specific definitions regarding medium density, mid-rise commercial development, apartments.</li> <li>- Active transport [eg walking, cycling] must be encourage by being allocated priority in design processes.</li> </ul> <p>Objective 3<br/>Suggest</p> <ul style="list-style-type: none"> <li>- Clearer evidence of priortising walkability and cycleability and systems that minimise dependence on cars eg community buses, car pooling.</li> </ul> | <p>I think that for each of the themes there should be a clearly evident how it is informed by the overarching vision and purpose of Nillumbik as a Green Wedge and Conservation Shire. This wish of the Nillumbik Community has been represented to Council over and over again, 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.</p> <p>For the overall MPS recurrent with each theme there is the need to not only develop policies, plans and guidelines, but that there is resource allocation to monitor their implementation and ongoing adherence, to ensure effectiveness. This is currently a gaping deficit.</p> <p>Suggest the inclusion of objectives:</p> <ul style="list-style-type: none"> <li>- Indigenous tree canopy and understorey are protected throughout Nillumbik, including Activity Centres within the Shire. (including resource allocation to</li> <li>- Council actively pursues a net increase of indigenous vegetation in urban and rural areas.</li> <li>- Township or structure plans that require the need for tree canopy and understory protection must guide the strategic vision for each activity centre.</li> </ul> |
| 19029 Oct 07, 2021, 03:58 PM | 1 | <p>Key Objective 2) Medium density and mid-rise do not fit Eltham town's landscape with its hillside location and Main Road would be overshadowed by such development. Design needs to work with the landscape and with Eltham's treed neighbourhood character and local expectations.</p>   | <p>Major Activity Centres reflect community values, interests and neighbourhood character. Eltham has always been known as "Leafy Eltham" and residents voted "trees" as being the most important aspect of living in Eltham (Wingrove Ward Meeting). Built form in the town centre needs to be offset by indigenous planting and tree shaded gathering areas.</p> <p>Bicycle racks needed near to the shops to reduce reliance on cars and support healthy lifestyles.</p>  |
| 19028 Oct 07, 2021, 03:55 PM | 1 | <p>I feel frustrated that the focus seems to be very much on Eltham activity centres. We are part of Nillumbik and in Yarrambat and don't even have a general store open or a bakery. We have been proposed a township plan and still nothing . We have been locked down with very little within our 5 kms. I have lived here for 17 years and it's not good enough with the high level of rates we play and the lack of amenities.</p>  | <p>As above .. whilst activity centres are great if you live close to them it's not great for those of us that don't and lack facilities.</p>  |
| 19017 Oct 06, 2021, 09:52 PM | 1 |  |  |

|                              |   |           |  |
|------------------------------|---|-----------|--|
| 19005 Oct 06, 2021, 08:01 PM | 1 |           | <p>A gap is that indigenous trees and vegetation should be protected throughout Nillumbik, including activity centres; Council should actively pursue the planting of indigenous vegetation in both urban and rural areas, and protect existing indigenous vegetation from being removed. The local biodiversity and ecology of Nillumbik should be fostered. Bike and foot travel should be encouraged via the design process.</p>  |
|                              |   | See below | <p>The objectives must be linked to a statement that our activity centres will be reflective of the broader natural beauty of the area. They will reinforce what is distinctive about Nillumbik, i.e. the integration of built form and indigenous vegetation.</p> <p>The activity centres will promote the meeting of social and cultural needs of the community.</p> <p>The activity centres will capitalise on what is unique about them - enhance the indigenous tree canopy and the experience of the natural environment whilst partaking in shopping, accessing services, etc. (in contrast to the Greensborough Plaza and Doncaster Westfield which are indoor centres).</p> |
| 19004 Oct 06, 2021, 07:59 PM | 1 |           | <p>I am concerned about the wording in Objective 2 particularly the terms mid-rise commercial and apartments.</p> <p>Only a small area in Eltham's Activity Centre, for example, allows any mid-rise development and only to 4 storeys maximum with this tapering to 3 with possible in-roof in another small area. We don't want to see Eltham any further ruined by hideous apartments that at present don't truly allow for enough green space to plant substantial canopy trees which would be a change for the better.</p>  |
| 18999 Oct 06, 2021, 05:13 PM | 1 |           | <p>Allowing for tree canopy planting within the Activity Centre commercial and Apartment development land, to mitigate the heat island effect, to retain some Eltham character and not only rely on the street frontages for tree planting as it simply isn't enough.</p>  |

|       |                        |   |   |  |
|-------|------------------------|---|---|--|
|       |                        |   | <p>They are all very general; Objective 1 appears to restate the obvious that you will continue doing what you have been doing, with an indication, but no elaboration on how you will support higher levels of business activities and "other" activities. By their exclusion it is very difficult to offer any opinion on this objective. I also note that unquantified generalities make for unmeasurable objectives and would suggest less generalisation and more specifics may help in garnering support.</p> <p>In regard to Objective 2, it would be of concern that council be seeking an "increased role" in the provision of mid-rise and commercial and apartments. Why is it not possible to explain what the expectations of the new role will be. For example will it affect rate payers and residence of the area? will there be planning changes and what are they.</p> <p>In regard to Objective 3, It is good that a "blend" of activities will continue, so status quo.</p> | <p>The claim is made (objective 3), that the existence of public transport which I understand is not provided by council, generally supports higher "than otherwise" levels of business and activities. The objective asserts the existence of the transport will lower car usage. It is far from clear exactly what Council intends to do to meet this objective or how success will be measured.</p>   |
| 18998 | Oct 06, 2021, 05:08 PM | 1 |   |  |
|       |                        |   | <p>Objective 1: Should include :While maintaining and protecting the neighbourhood character of the areas.</p> <p>Objective 2: Concern with undefined Medium rise? How will this be accomodated with existing neighbourhood character of the areas.</p> <p>Objective 3: Must accept that a lot of Nillumbiks residents live away from the centres and rely on vehicles for transport which must be accommodated.</p>  |  |
| 18981 | Oct 06, 2021, 02:00 PM | 1 |   |  |
|       |                        |   | <p>These objectives are about urban areas. As a rural lifestyle grazing and hobby farming resident the only things that interest me about these areas is how much of my rates money goes into funding them, and that I have parking there when I go to conduct business. Not an area of interest or one that impacts us aside from this.</p>  | <p>Activity Centres have limited relevance to grazing and hobby farming residents.</p> <p>The only consideration for rural residents in the planning scheme for these areas is that there must be sufficient road access and car parking so that rural residents can park to conduct family and property business. If these needs are ignored, we will conduct this business elsewhere. This move would not contribute to the economic sustainability of Nillumbik Activity Centres.</p> |
| 18967 | Oct 06, 2021, 08:43 AM | 1 |   |  |
|       |                        |   | <p>Doesn't have a walkway and is dangerous for pedestrians to get there from the train. It's not truest accessible to all.</p>  | <p>Make the centre accessible and safe by providing a proper walkway from the station</p>  |
| 18966 | Oct 06, 2021, 07:27 AM | 1 |   |  |
|       |                        |   |   | <p>Shouldn't the eltham community Hospital be based close to one of these activity centres (not squeezed into Apollo Parkways)</p>   |
| 18961 | Oct 05, 2021, 08:16 PM | 1 |   |  |



|       |                        |  |   |
|-------|------------------------|--|---|
|       |                        | <p>There needs to be more specific detail given about what constitutes commercial activity. Some things classified as such may not be suitable in our Activity Centres.</p> <p>The lack of definition of medium-density housing, mid-rise commercial development and apartments is concerning. There is also no mention here that Nillumbik is a low growth area. Hence the current medium density and apartment complexes may already be meeting the demand. There needs to be an audit of vacancy rates in the current buildings of this nature.</p> | <p>There is no mention of protection of the current vegetation or of the requirements in any new build to plant canopy trees as well as middle and under storey vegetation, preferably indigenous/native. The topography of Eltham Activity Centre means that the built environment is particularly intrusive. Too much of the canopy is already lost which would have softened. screened and continued what I would hope still is a valued feature of Nillumbik.</p> |
| 18930 | Oct 05, 2021, 12:32 PM | 1  |   |
| 18881 | Oct 04, 2021, 04:00 PM | 1  |   |
|       |                        | <p>I am opposed to medium density housing including mid-rise commercial development and apartments).</p>   | <p>mid-rise commercial development and apartments should be left to adjoining councils like Mannigham so that Nillumbik can retain its significant point of difference</p>  |
| 18867 | Oct 04, 2021, 03:05 PM | 1  |   |
|       |                        |  | <p>Needs to be an emphasis on pedestrian 'walkability' and cycling in the context of energy efficiency, reducing emissions and reducing vehicle congestion.</p> <p>Importance of indigenous remnant vegetation, particularly local native trees within Activity Centres.</p>  |
| 18856 | Oct 02, 2021, 08:06 PM | 1  |   |
|       |                        |  | <p>This objective must include consideration of walkability and cycle-ability. Systems of community transport that minimise reliance on cars (eg walking school buses, greater connectivity among community, car pooling etc) must be supported. Community transport in out-lying areas to assist residents enable residents to access activity centres.</p>  |
| 18851 | Oct 02, 2021, 02:04 PM | 1  |   |
|       |                        |  | <p>Ensure indigenous tree canopy and understorey are protected throughout Nillumbik, including Activity Centres within the Shire. Council must actively pursues net increase of indigenous vegetation in urban and rural areas.</p> <p>Strengthen protection of trees in all areas especially in areas of development; improve compliance checks on building sites.</p>   |
| 18845 | Oct 02, 2021, 10:04 AM | 1  |   |

|                              |   |  |   |
|------------------------------|---|--|---|
| 18826 Oct 01, 2021, 12:15 PM | 1 | <p>Define mid-rise commercial development in metres or floors. Mid-rise is too vague.</p> <p>What different types of diverse housing include? Too broad a statement.</p>   |   |
| 18824 Oct 01, 2021, 11:13 AM | 1 | <p>Where are the boundaries of the major activity centres and neighbourhood activity centres specifically defined ?</p> <p>Where are the terms "medium density" and "mid-rise" defined?</p> <p>I am concerned that the objectives of increased housing density is being applied without adequate consideration of vegetation, tree canopy and streetscape landscape. While the % of property occupied by the building footprint is 'controlled' and although the balance may be intended to allow scope for vegetation, it is generally hard-paved for vehicle access and parking with minimal/token planting on borders.</p> <p>Adequate increased vehicle parking provisions need to be included to accommodate parking by the increased number of residents.....it is not feasible to rely on kerbside street parking to take-up this increase in residential parking demand. Onsite parking may require a reduction in the number of residences on the site or increased costs due to construction of underground parking.</p> <p>The objectives should include strong reference to the protection/retention/alignment with/ reflection of the cultural, historical and environmental values of the shire or locality. These objectives should be integrated with proposals of development/increased density....not merely a cosmetic afterthought regarding the colour and texture of cladding etc!</p> | <p>While activity centres seek to minimise the need for vehicular travel within the activity centre, the concentration of services in the activity centres attract clients from the surrounding areas and further afield. It cannot be assumed that the majority of people will travel to the activity centre by public transport. Provision for vehicle parking must be made for people coming from 'outside' the activity centre to access services within the activity centre and those accessing public transport services from the major transport node.</p> |
| 18817 Sep 30, 2021, 11:49 PM | 1 | <p>Objective 2. We don't need any more apartments and mid rise development. Mid-rise development leads to less trees, more traffic, congestion and a lower standard of living. This type of development only really benefits developers. Melbourne has many other areas where higher density development is more appropriate.</p>  | <p>Whilst it is important to contain growth within the MAC's it should not be at the cost of retaining local character, tree canopy and high environmental standards.</p> <p>Providing diverse housing opportunities is important for an ageing community.</p> <p>Pedestrian access at Eltham station is very poor.</p> <p>The public transport hub needs to be more accessible for all and especially for people with mobility issues.</p>   |
| 18814 Sep 30, 2021, 10:02 PM | 1 |  | <p>Eltham is great the way it is. I'd like to see sustainable growth and less growth to keep the area's amenity and landscape kept the way it is. I don't think many people want to see the Doncasterisation of Eltham over the coming years.</p>   |

|                              |   |  |  |
|------------------------------|---|--|--|
| 18813 Sep 30, 2021, 09:37 PM | 1 | Key objectives 2, medium density and mid-rise apartments and complex's will destroy the character of the area.   | Yes, there is no mention of keeping larger blocks, which in turn protects trees and vegetation and no mention of restricting future development.   |
| 18812 Sep 30, 2021, 09:27 PM | 1 | <p>It's unnecessary development- why do either need to be increase? Traffic and big cost infrastructure will not be paid for by Council but rate payers will be negatively impacted; traffic congestion, schools, pools carbon emissions and increase waste which is not being reduced. Both Eltham and Diamond Creek are surrounded by vegetation. Increasing population and commercial activities will reduce vegetation cover. To much pressure on existing amenities. Council should leave the population as is and operate within current budget; population growth is not the</p> <p>Answer. No more tree removal, no more people, no more waste of rate money on art. No more rate payers, paying for electricity for rate payers. Where are all these people going to live - send them to city where high density is appropriate, Not in the green wedge. Leave the green wedge green. Go ahead and develop Kialake if you must! Nillumbik is green - keep us green with</p> | <p>The MPS does not reflect what the long standing and current residents want or need for these areas. It is an unsatisfactory document that ignores all values of the green wedge and its protections. It doesn't reflect how residents and the community want to use Diamond Creek or Eltham centres. There is no benefit to the community - increases to the population will have the opposite and very negative effect (traffic, waste, carbon emissions, vegetation impacts, busyness and crowding, less open space and an unhealthy increase in population density). This is not Nillumbik's responsibility- keep the green wedge green, keep our neighbourhood character. Keep the endangered species safe and protected. Where will development stop? Hasn't covid shown us the benefits of low density populations ? Our covid numbers tell story and benefits of current population limits and amenities in the shire.</p> <p>No population growth cap is identifiable.</p> <p>No minimum block size to reflect current neighbourhood feel such as backyard trees.</p> <p>Reduce council staff and therefore costs</p> <p>Strengthening of green wedge protection is missing.</p> <p>Existing Trees and plants be given a monetary value to support the environment. All high rises to be banned.</p> <p>Landowners to be supported not penalised for owning land and/or farming.</p> <p>All new buildings are required to operate as carbon neutral.</p> <p>Sustainable principles brought to the forefront</p> |

and develop Kinglake if you must! Nillumbik is green - keep us green with properties and different to every other suburban Council. Stop forcing land owners to sell, reflective of greedy Council. Save some species for goodness sake.  
Diamond creek to get mid rise apartments is the most awful proposal ever. Mid rise will destroy the character, environmental objectives and contribute to climate change. Keep Diamond Creek high rise free. Keep the green wedge green.  
All new developments should have 12 star ratings and internal building temperatures of between 16-24 degrees, all new buildings must be carbon neutral and produce no building waste. All trees be given a monetary value, \$100000 per tree.  
Activity centres are not welcomed or required, these services already exist and are not needed.

sustainable principles brought to the forefront.  
Mid-high density and buildings are not environmentally friendly, not sustainable and encourages an increase to population which puts more pressure on current requirements. What's the magic population number - many people live in Nillumbik because of the green wedge, space, small population density, access to natural environment, trees, ability to own land and enjoy farm animals and native animals.  
Current reduction in native species over the last 40 years is a clear indicator that increasing population is detrimental to the environment.  
Increase in population will increase energy demands and therefore carbon emissions which is a negative outcome.  
Increase in population will put pressure on future resources; more schools, cemeteries, parks, landfill, recycling centres, roads, hospitals, doctors where will they fit if we sell everything now? Letting consumerism plan our future rather than planning for a healthy and environmentally friendly future.  
Apartments are not required in Nillumbik, they can stay in Doncaster.  
I do not want the activity centres- who is next poor old Hurstbridge and Wattle glen. Plenty of empty offices, shops and homes that are wastfully sitting empty therefore it is unsustainable to build more.  
Parking is already a nightmare and increasing population will make this worse - I'm not walking shopping home or riding my bike to the doctor (how many Council workers do? Send your maintenance crew out on public transport!).

Increase minimum block size,  
You guys spent 20million to turn a pool in Eltham -disgraceful,  
how can you plan and keep the area the way we like it?  
Here's an idea, schools all reduce their land and make some social  
housing on site.  
Stop letting developers make money and take it out of the shire.  
It's a terrible plan, no value for our children and the environment.  
Unacceptable and disappointing. No measures of environmental  
impacts and future are outlined to a satisfactory standard, just  
reflects greed and money.  
Why not fill in Kanagroo Ground, Warrandyte or Allendale Rd?  
Build an apartment block above the Council offices - no, I guess  
you don't want it in your backyard either. Don't do it to use and  
waste our future environment, once it's gone it's gone and you  
can't get it back.  
Give the roads back to VicRoads to nagar and pay for (great  
savings),  
Increase and add more open spaces, car parks, increase traffic  
lanes and more traffic signals, make more bike paths and wider.  
More people more costs - do the accounts, more people does not  
reduce your council  
costs. Tell the state government to develop regional areas not our  
beautiful green wedge. Come on Nillumbik fight to protect our  
shire, keep it green.  
I guess a 3 storey housing apartment on the football ovals might  
work? Parking already exists, there are heaps, overwhelming used  
by only men in the shire...

Please protect the green wedge for future generations, save the mid/high rises for the city and other councils in Melbourne.  
Collect money from closed religious groups in shire not those that welcome all and provide charity work.  
What is the carrying capacity of Nillumbik's native species and human populations - it's not mentioned?

All

New buildings to be solar powered. Ban 4WDs in planned activity centres as they are unnecessary.

Ban single use plastic at all shops like Coles and woolies.  
Eltham and Diamond Creek are already developed to capacity, why not focus on developing and expanding populations in St Andrews, Kanagroo Ground, Research, Cottlesbridge, Kinglake, strawthorn - these areas could all become activity centres, and have plenty of room for high rises (no more out of character than mucking around with Diamond Creek or Eltham). These areas are more central to the shire and are currently lacking in amenities and commercial developments, easy to add bus routes and roads currently under traffic volume and capacity - plan doesn't explore these options.

Socio economic plan is currently unsatisfactory. Economic plan is inaccurate (cost/ benefits is unsatisfactory) and environmental plan needs to be independently conducted.

Population increase will just put more pressure on existing infrastructure, existing environment which has not been accounted for to a high enough degree.

We can't all afford Tesla's.

Let objective 2:

Medium rise commercial and residential is not the way the Nillumbik shire should continue to develop.

Eltham in particular is becoming unrecognisable due to mid rise apartment complexes.

18781 Sep 29, 2021, 09:55 PM

1

Objective 2: Activity centres will simply expand join up and encroach into local semi rural areas.  
Need to cap the activity centres.

18707 Sep 27, 2021, 10:55 AM

1

|                              |   |  |  |
|------------------------------|---|--|--|
|                              |   | <p>Additional comments to</p> <p>Objective 1</p> <p>Active transport needs to be a priority to encourage increased walking and cycling access to both major activity centres, including effective accessible and signed links from trails and public transport. Effective, accessible and well located bicycle storage options are required in all activity centres. Tree canopies and understory planting needs to be protected with locally indigenous planting requirements strongly promoted and enforced.</p> <p>Objective 2</p> <p>Housing activities including diversity of housing and in particular, medium density housing, commercial and apartments requires more specific definitions to protect against overdevelopment and loss of neighbourhood character. Tree canopies and understory planting needs to be protected with locally indigenous planting requirements strongly promoted and enforced.</p> <p>Objective 3</p> <p>Active transport needs to be a priority to encourage increased walking and cycling access to both the Hurstbridge and Research Neighbourhood Activity Centres, including effective accessible and signed links from trails and public transport. Accessible off road links for pedestrians and cyclists need to be safe and clearly defined from the Diamond Creek Trail at Hurstbridge. Effective, accessible and well located bicycle storage options are required in all activity centres.</p> |  |
| 18626 Sep 26, 2021, 04:46 PM | 1 |  |  |
|                              |   | <p>The definition of medium density housing and where the mid rise commercial developments and apartments are located within the activity centre is of some concern.</p> <p>A neighborhood street that has single story dwellings and 3 x 2 story townhouse developments such as Cecil street, Eltham should not be allowed to have 6 x 3 story solid built form apartments as proposed recently (but knocked back by VCAT). Allowing planting for canopy trees and native vegetation should be made a priority so as not to lose the character of the town.</p>   | <p>Green Character in the activity centre.</p> <p>How, as the Activity centres becomes more developed can the 'green' character of the township remain especially on the east side of Main road ?</p> <p>Access in and around the activity centres. It is no good developing these areas and increasing the density without appropriate parking and convenient access.</p> <p>Having additional walkabilty for shoppers and residents to encourage walking, bike storage for riders near shops ?</p> <p>Parking in and around Coles and Woolworths at peak times is a nightmare, is additional parking being considered for local staff.</p> |
| 18442 Sep 22, 2021, 12:41 PM | 1 |  |  |

Yarrambat??

We dont even have a made footpath in the main street or to any of the connecting bus stops.

18431 Sep 21, 2021, 08:41 PM

1

Objective 3 is not an objective it is a statement. - unless the objective is to preserve the status quo. This would indicate no investment in areas outside of Eltham and Diamond Creek.

18365 Sep 19, 2021, 05:12 PM

1

In general I do agree however I think objective 2 is confusing when talking about growth. There is green field development happening in Diamond Creek and there is a substantial amount of infill occurring in residential areas. I think this objective should explicitly say that these areas will 'continue to accommodate most of the shire's commercial and medium density housing.

I also think that the role of indigenous vegetation in the activity centres should be acknowledged and that any existing mature indigenous trees should be retained, planting opportunities (especially for canopy trees) will be maximised and indigenous vegetation favoured for new plantings.

18342 Sep 18, 2021, 10:08 PM

1

18291 Sep 17, 2021, 12:57 PM

1

Key Objective 2 - Nillumbik has an aging population but it is also decreasing as young people move away. Any medium density housing should be limited in size so as not to remove the country feel of the towns.

Key Objective 3 is unrealistic. Nillumbik Council has little control over public transport and Hurstbridge and Research have very little public transport.. Both towns can continue with a blend of uses but they are too small and rural for there to be sufficient public transport to result in fewer cars.

18285 Sep 17, 2021, 10:37 AM

1



|                              |   |  |  |
|------------------------------|---|--|--|
|                              |   | <p>the appeal of the Major Activity Centres is their leafiness and village feel associated w the built form response and scale of development. Great care should be taken to ensure that new development does not impact on these places in a negative way.</p> <p>the Planning scheme should require very high design standards from new development in the activity centres to ensure that building heights, visual bulk and scale do not detract from the appeal of Eltham and Diamond Creek.</p> <p>Hurstbridge needs a more attention on reducing vehicle speeds through the main street. this will improve pedestrian safety and encourage better trading conditions</p> | <p>The strategy should look at how it can better support small villages of Kangaroo Ground, Panton Hill Christmas Hill and St Andrews.</p> |
| 18278 Sep 17, 2021, 07:13 AM | 1 |  |  |
|                              |   | <p>Key objective 2. I don't agree with medium density buildings in our area. It cuts down our green space which is why people bought into the area. It generates higher density of people, more traffic congestion and there's not enough infrastructure put in place to support this.</p> <p>I don't agree with the housing opportunities in objective one for the same reason. It's disappointing that council allows land to be subdivided, making our area higher density.</p>   |  |
| 18267 Sep 16, 2021, 08:20 PM | 1 |  |  |
|                              |   | <p>Need more housing for older single women living in poverty</p> <p>We as a community should explore all of the opportunities to provide social and community housing for our vulnerable community members</p>  |  |
| 18254 Sep 16, 2021, 06:26 PM | 1 |  |  |
| 18230 Sep 16, 2021, 03:54 PM | 1 |  | No   |
|                              |   | <p>What about Yarrambat?</p>   |  |
| 18217 Sep 16, 2021, 10:55 AM | 1 |  |  |

|       |                        |   |  |   |
|-------|------------------------|---|--|---|
|       |                        |   | <p>I don't want to see medium density housing with terribly skinny roads that are really designed for single use ie driving or parking not both! I'm horrified for fire truck drivers in an emergency with narrow roads, cars parked on the road and there's barely enough room for a car let alone a fire truck or an ambulance! I don't want a mini Fitzroy with multiple high rises in the area either. I really think access for through traffic in eltham and diamond creek is getting to the point of severe congestion! One train in DC and the traffic is backed up to the secondary college. More people are living further out and no one has thought about the roads! The Fitzsimmons Rd new development won't fix the single lane into and leaving Eltham! There will still be a traffic jam! The single lane needs to be widened!</p> | As above                                  |
| 18144 | Sep 12, 2021, 05:20 AM | 1 |  |   |
|       |                        |   | <p>I agree with one and three, but not with the plan for mid-rise commercial development and apartments. I would want to see more details on this before agreeing.</p>   | Providing more detail for each objective. |
| 18124 | Sep 11, 2021, 12:55 PM | 1 |  |   |
|       |                        |   | <p>Partially agree, though should include all areas along the existing rail corridor otherwise would be a waste of infrastructure.</p>   |   |
| 18083 | Sep 10, 2021, 08:38 AM | 1 |  |   |

## Built Environment

Title/Question: Built Environment  
Tool Type: Form  
Activity ID: 308  
Report Date Range: 9 Sep 2021 - 21 Oct 2021  
Date Exported: 26 Oct 2021 09:56 am

| Contribution ID | Date Submitted         | Do you agree with the identified key |    |        | If not, which objective(s) and why?   | With consideration of objectives in the other themes, can you identify any gaps in this theme that the MPS should consider?  |
|-----------------|------------------------|--------------------------------------|----|--------|---|--|
|                 |                        | Yes                                  | No | Unsure |   |  |
| 19307           | Oct 21, 2021, 10:23 PM |                                      |    | 1      | Our concern here is general rather than specific in recognition of the design principles within the current planning scheme. However, it is important that anything new and innovative/'different', whether urban or rural, is not automatically excluded due to subjective interpretation by inexperienced or biased minorities.<br>Key objectives 1-3<br>Please refer to my my comments under planning relating to major activity centres and more specifically relating to Diamond Creek.<br>Council need to develop a Landscape plan for both sides of the main Diamond Creek shopping centre and a staged plan to implement. | Urban design outcomes really need to recognise the importance of accessible townships (bikes, mobility aids, etc). They should not be seen as an addition or afterthought to car centric urban planning. One example is having designs that reflect the difference between a street and a road and designing around that (e.g., streets prioritise people, roads prioritise cars). |
| 19289           | Oct 21, 2021, 04:10 PM |                                      |    | 1      | Ratepayers need action not just virtue signally words from consultants..  |  |
| 19282           | Oct 21, 2021, 01:53 PM |                                      |    | 1      |   |  |
| 19198           | Oct 19, 2021, 08:26 AM |                                      |    |        | i support the PALS submission and recommendation  | It is vitally important that alternative forms of transport and accessibility are understood, with outcomes improved to include them.  |
| 19189           | Oct 18, 2021, 09:42 AM |                                      |    | 1      | Yes, my strategy is to develop wattle glen and especially Wilson road huge lands need to be subdivided in to smaller lots, streets to narrow, path ways needed, lights need to be put on roads, some of the green wedge areas need to be developed to prevent a bush fire risk also improving every facility in the area will benefit the community.  | We also need themes to reflect the need for higher/diverse density around town centers (which isn't an excuse for cheaply made, poorly designed apartments). More people should be living around towns, less should be living far away.  |
|                 |                        |                                      |    |        |   | Wattle glen Wilson road contains different multiple land sizes there's an acre land and a 20 acre land both zoned as a green wedge, we need to build up this area and subdivide the huge lands in to to a smaller lots if we want to keep it as a green wedge we still able to make it a low density zone this will make our community grow. Thank you                             |

|       |                        |   |   |  |
|-------|------------------------|---|---|--|
|       |                        |   | <p>2. Note that enhancement and attractiveness need to be consistent with the values of greatest priority as expressed by the community in Our People, Our Place, Our Future ie preservation of the green wedge, protection of biodiversity and action on climate change.</p>   | <p>Indigenous tree canopy and understorey are protected throughout Nillumbik, including the built environment and all new developments within the Shire. Council actively pursues net increase of indigenous vegetation in both urban and rural areas.</p> <p>In urban areas, introduce 'Biodiversity Sensitive Urban Design. In rural areas, the need to recognise that the built environment and associated infrastructure (e.g. access roads, car parking etc) is a secondary use and must be sub-ordinate to primary rural land uses/conservation</p>  |
| 19164 | Oct 14, 2021, 09:34 PM | 1 |   |  |
|       |                        |   | <p>Recognise the full extent of the environmental impact when reviewing building permits i.e. if vegetation must be cleared in order to provide a 'safe' site in bushfire/flood events</p>  | <p>Indigenous tree canopy and understorey are protected throughout Nillumbik, including the built environment and all new developments within the Shire. Council actively pursues net increase of indigenous vegetation in both urban and rural areas.</p> <p>In urban areas, introduce 'Biodiversity Sensitive Urban Design. In rural areas, the need to recognise that the built environment and associated infrastructure (e.g. access roads, car parking etc) is a secondary use and must be sub-ordinate to primary rural land uses/conservation.</p> |
| 19125 | Oct 11, 2021, 11:41 AM | 1 |   |  |
|       |                        |   | <p>The objectives are silent with regard to the form, scale and appearance of building design on residential properties. An objective should be included that ensures development is designed to protect and enhance the valued landmarks, views and vistas of the unique landscape of the Municipality.</p> <p>It is noticeable over recent times large poorly designed double storey dwellings are being approved by Council on large residential allotments rather than being designed to sit within the landscape. The dwellings are poorly articulated, do not step down in the landscape and generally constructed of one material.</p> <p>The built form screams look at me, look at me.</p> <p>There is an example of a large storage shed recently built on an isolated ridgeline removed from a property domestic zone. It disrupts the wonderful viewline across valleys to the Dandenong Ranges.</p> <p>Another example is the construction of an outbuilding the size of a large dwelling which appears clearly to have been established to be used for a commercial enterprise on a residential lot.</p> <p>Within the Municipality landscaping to minimise the impact of these buildings is near impossible due to the BMO provisions. Hence the Mc Mansions that are now being built are diminishing the attractiveness of the Municipality unique landscape.</p> |  |
| 19121 | Oct 11, 2021, 10:24 AM | 1 |   |  |
| 19063 | Oct 07, 2021, 09:54 PM | 1 |   |  |

#### Key Objective 1

Apply design principles which will create a built environment that strengthens the inclusiveness and accessibility of our neighbourhoods, activity centres, facilities and services, while respecting our natural environment. Agree that township character needs to be maintained, but not sure how this works with current State Planning policy.

#### Key Objective 2

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. Due to poor planning in the past, it is hard to regulate for the historical and individual characteristics of Eltham and Diamond Creek, when they are both such a mish mash of previous design styles. Drawing a line in the sand now may help, but also deter developers from coming to Nillumbik.

#### Key Objective 3

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. Agree. However, topography of Nillumbik and lack of public transport will make this difficult outside of major activity centres.

#### Key Objective 4

Protecting habitat links and minimising fire and flood risk and erosion are important considerations in siting buildings and works, particularly in rural areas. This is important in all areas, why would rural areas be singled out here. Is this an opportunity for another overlay for the rural areas? Habitat links can also be fire wicks so a bit tricky. Overlays already exist for areas at risk of inundation.

Key Objective 1) Should include words in capitals:

"Apply design principles which will create a built environment" THAT IS ENHANCED BY INDIGENOUS PLANTS AND TREES "and that strengthens etc .."

Key Objective 2) Should include words in capitals: "Promote urban design outcomes in activity centres and townships that retain the historical and individual characteristics of each area" ENHANCING INCLUSIVENESS BY PROVIDING TREE SHADED GATHERING SPACES " and enhancing its attractiveness, distinctiveness, safety and accessibility."

19059 Oct 07, 2021, 09:03 PM

1

This is not completely a question of yes or no, nor am I unsure, but as there are suggestions for many of them I have selected no.

#### Obj 2

Note, as I suggested in relation to the Activity Centre Theme enhancement and attractiveness need to be consistent with the values of greatest priority as expressed by the community in Our People, Our Place, Our Future ie preservation of the green wedge, protection of biodiversity and action on climate change.

#### Obj 4

Additional suggestion for this objective:

Restrict the granting of building permits if vegetation must be cleared in order to provide a 'safe' site in bushfire/flood events

19054 Oct 07, 2021, 07:02 PM

1

Suggested overarching objective for this Theme, as also suggested for Activity Centres Theme

Indigenous tree canopy and understorey are protected throughout Nillumbik, including areas of built environment and all new developments within the Shire. Council actively pursues net increase of indigenous vegetation in both urban and rural areas.

In urban areas, Biodiversity Sensitive Urban Design is required.

In rural areas, planning requirements need to ensure that the built environment and associated infrastructure (e.g. access roads, car parking etc) is a secondary use and must be sub-ordinate to primary rural land uses/conservation.

|       |                        |   |   |   |
|-------|------------------------|---|---|---|
|       |                        |   | I don't agree with the notion of keeping everything within the strait jacket of what is now considered appropriate materiality in Nillumbik. I'm not suggestin revolution but some evolution.   | I would like to see more emphasis on apartment building extending outside the current areas. Combined with enforced tree canopies think apartments would enhance the streetscape compare with the never ending completely boring set up where three houses are plonked on what was a single lot. Council should take a MUCH more active role in encouraging developers amalgamate sites to allow for more innovative provision of housing. Council also need to provide a framework that -- regardless of what the State Government might require -- protects consumers from shoddy builders. |
| 19043 | Oct 07, 2021, 06:28 PM | 1 | Objective 4.<br>-Habitat links are also important in the urban parts of our Shire! ( inside the UGB) (as are the other things listed).<br>-The words" important considerations" are lily livered weasel words that are designed to allow development regardless as long as the development promises to plant a few tube stock in some far away piece of land in the Shire. The words important consideration ought to be changed to say critical consideration, or crucial, but not "important."<br>- Planting offsets ought not be permitted.<br>O.1. Ditto, mere respect for our natural environment is not strong enough wording and is tacked onto the end of the Objective as an afterthought and as mentioned in the Climate Change section, Climate change considerations need to be included in all Objectives. | See above re Climate Change.<br>-Mudbrick building tradition and the notion of limiting embedded energy in built form in addition to other measures to lessen a buildings carbon footprint such as size ( building envelopes) siting for passive solar ( and solar), room for a clothes line!<br>-Room in all areas, including Activity Centre developments, for canopy trees to reduce heat islands and enhance wellbeing.   |
| 19032 | Oct 07, 2021, 04:34 PM | 1 |   | subdivision to huge blocks in wattle glen should be considered especially the blocks on the edge of the green wedge. Streets need to be full developed let's compare wattle glen to sunbury or mickelham the development there is growing so fast we must develop wattle glen it's only 25km away from cbd.   |
| 19023 | Oct 07, 2021, 02:56 AM | 1 |   | A key objective expressly requiring the creation, retention and/or enhancement of indigenous tree canopy, within our built environment, is required.  |
|       |                        |   | See below.  | From an urban design perspective, built form is to be integrated into indigenous vegetation.  |
| 19007 | Oct 06, 2021, 08:20 PM | 1 |   | ESD principles need to be incorporated into buildings, recognising that the Shire was at the forefront of sustainable building since the latter part of the last century.   |
| 19006 | Oct 06, 2021, 08:19 PM | 1 |   | Design principles should include the protection and proliferation of indigenous tree canopies and flora; Council should actively pursue the net increase of such planting. Ecologically Sustainability Development (ESD) consultants/principles should be applied to all developments - renewable energy should always considered as a feasible source of power, along with low embodied-energy materials and passive design principles. Parking should be limited and minimal, to encourage active and/or public transport.  |
| 18993 | Oct 06, 2021, 04:05 PM |   | Objective 2: Also respects and reflect Local character.<br>Objective 4: Also Without incurring loss of environmental values   | Council actively pursues net increase of indigenous vegetation in both urban and rural areas. Live Local Plant Local!   |

|       |                        |   |   |  |
|-------|------------------------|---|---|--|
| 18989 | Oct 06, 2021, 03:47 PM | 1 | <p>Objectives</p> <p>Needs to be a fifth objective to protect the indigenous tree canopy and understory in urban areas. In this respect consider the introduction of 'Biodiversity Sensitive Urban Design' as a planning tool to achieve this outcome.(as is already done with Water Sensitive Urban Design).</p>   | <p>In rural areas, the need to recognise that that the built environment and associated infrastructure (e.g. access roads, car parking etc) is a secondary use and must be sub-ordinate to a primary rural land uses of the natural environment and/or agriculture on existing cleared land.</p>   |
| 18970 | Oct 06, 2021, 08:51 AM | 1 | <p>Key objectives 1 – 3 are irrelevant to rural grazing and hobby farming residents as they deal exclusively with urban built development. If car parking for rural residents coming into these areas could be specifically mentioned this would be useful. Rewrite Key Objective 4 is already covered – needs to be rewritten to read – providing for the safety and amenity of rural residents and their properties, minimising fire risk, minimising flood and erosion and protecting habitat links are important considerations in siting buildings and works in rural areas.</p> <p>If the same is required in urban areas it is suggested this is already protected in waterways planning, and public land planning.</p>  | <p>safety, amenity and service of rural grazing and hobby farming residents is a gap noticeably absent from this narrative</p>   |
| 18943 | Oct 05, 2021, 02:46 PM | 1 | <p>Whilst it is stated to respect the natural environment , this is not strong enough wording. This does not necessarily allow for the biodiversity to flourish .The natural environment should determine the design principles.</p> <p>If bushfire and floods and erosion are risks then that site should be declared unsuitable to build on.Vegetation should not be cleared to mitigate bushfire risk.</p> <p>..There needs to be more emphasis on preserving the individual characteristics of the areas, with particular regard to the style of building. Particular streets have concentrations of architecture from a certain period and this should be maintained.</p> <p>Nillumbik has strong artistic, architectural and landscaping history. These features need to be lauded and preserved.</p> | <p>The built environment is to fit into the natural environment so that it is not the feature.The housing should nestle into the hills and landscape including vegetation.</p> <p>Historic, artistic ,architectural and landscaping heritage must take precedence in the consideration of the built design principle of Nillumbik.</p>   |
| 18922 | Oct 05, 2021, 11:44 AM | 1 | <p>Key Objective 1</p> <p>Suggest add phrase re streetscapes such as::</p>  |  |
| 18892 | Oct 04, 2021, 05:13 PM | 1 | <p>Apply design principles .....etc...etc.....while respecting our natural environment and protecting or enhancing current streetscapes.</p>  |  |
| 18887 | Oct 04, 2021, 04:41 PM | 1 | <p>Objective 2 and 4 (see below for amendments)</p>   | <p>Objective 2 (above): Urban design outcomes must also be consistent with the high priority community values expressed in the 'Our People..etc' survey, i.e. preservation of the Green Wedge; protection of biodiversity and action on climate change.</p> <p>Objective 4 (above): Building permits need to be restricted if vegetation must be cleared in order to provide a 'safe' site in bushfire/flood events.</p> |
| 18882 | Oct 04, 2021, 04:01 PM | 1 | <p>Needs to be a fifth objective to protect the indigenous tree canopy and understory in urban areas. In this respect consider the introduction of 'Biodiversity Sensitive Urban Design' as a planning tool to achieve this outcome.(as is already done with Water Sensitive Urban Design).</p>   | <p>In rural areas, the need to recognise that that the built environment and associated infrastructure (e.g. access roads, car parking etc) is a secondary use and must be sub-ordinate to a primary rural land uses of the natural environment and/or agriculture on existing cleared land.</p>   |
| 18870 | Oct 04, 2021, 03:09 PM | 1 |   | <p>I think that improvements to existing built environments is required I do not support creating new built environments</p>   |

|       |                        |   |  |
|-------|------------------------|---|--|
|       |                        |   | Objectives 1 - 4. They are mostly dull objectives, as are the objectives, under Infrastructure.  |
|       |                        |   | They suit engineers.   |
|       |                        |   | Nillumbik should be positive and set splendid Architectural objectives and measures to enhance the special character of the municipality's heritage, character, arts, lifestyle, culture, Mud brick buildings, Green Wedge, bushland, hills, villages, etc.,   |
|       |                        |   | Nillumbik should publish a Style Guide for buildings, especially, apartments and villa units, requiring that they enhance, rather than detract from the above.   |
|       |                        |   | This style guide should be complemented by a Streetscape Style Guide of Nillumbik's essential character as noted above.  |
|       |                        |   | Nillumbik should engage Architects and not Engineers, to develop these guides and specific to towns and villages within the municipality as well as of general application across the municipality.  |
|       |                        |   | The Local Character and Place Guidelines 2019 of the NSW Government offer and insight how this might be done in Nillumbik. See at <a href="https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/Local-character-and-place-guideline-2019-05-21.pdf">https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/Local-character-and-place-guideline-2019-05-21.pdf</a><br>It says - "The Guideline has been drafted in collaboration with Government Architect NSW, who recognises the importance of local character in planning for future growth of great places. The Guideline has been developed to align with Government Architect NSW policies including Better Placed" |
|       |                        |   | Compare this to Victoria's poorer offering - Understanding Neighbourhood Character Practice Note 43 Of 2018. See at <a href="https://www.planning.vic.gov.au/__data/assets/pdf_file/0029/97184/PPN43-Understanding-Neighbourhood-Character.pdf">https://www.planning.vic.gov.au/__data/assets/pdf_file/0029/97184/PPN43-Understanding-Neighbourhood-Character.pdf</a>  |
| 18833 | Oct 01, 2021, 02:29 PM | 1 | Additional Comments to<br>Key Objective 2<br>An effective, strong and responsive Neighbourhood Character Policy is required to control urban design outcomes in activity centres, residential areas and townships. This policy should not support the type of non Nillumbik styles of recent developments that do not comply with earlier neighbourhood character controls. Retention of historical characteristics of all areas, including residential, should be considered a priority.  |
| 18832 | Oct 01, 2021, 02:28 PM | 1 | Key Objective 4<br>Any potential planning permits should be restricted if significant vegetation clearance is required<br>Create more single level 2-3 bedroom houses for older residents to downsize into.<br><br>Many of us can't afford to move into the 1.3 million+, double story townhouses that are being built. I get that developers think you can live in the bottom and have the upstairs for visitors but why pay for an area of a house that will probably have limited usage and you can't get up the stairs yourself to enjoy?  |
| 18829 | Oct 01, 2021, 12:28 PM | 1 | And having a small garden area around these new dwellings would be ideal to grow a few annuals, veggies or herbs. After all, many of us have done this for 30+ years so why would we want to stop entirely.  |
| 18754 | Sep 29, 2021, 06:58 PM | 1 | Over development in the Eltham area is changing the view of the area. Need to protect the current Eltham area and stop the   |
| 18706 | Sep 27, 2021, 10:52 AM | 1 | over development of allowing multiple housing and high rise residences.  |
|       |                        |   | No. 4<br>You already have all rural areas zoned fire, and flood risk as well as termite.   |
|       |                        |   | This is already covered, what are u really trying to achieve?  |
| 18357 | Sep 19, 2021, 04:08 PM | 1 | Access for pedestrians is needed, not for cyclist, u just spent billions on them   |



|                              |   |  |  |
|------------------------------|---|--|--|
| 18344 Sep 18, 2021, 10:32 PM | 1 | Key Objective 3<br>Cyclists should be constrained to areas of low risk eg. they should not be allowed on narrow, winding roads that impede normal traffic flow. This is a risk to motorists and cyclists.<br>Cyclist lanes should be developed where practicable, without impacting high use parking areas, and cyclists should be constrained to these roads.                                       | I like objective 1 but I think it will function as lip-service in practice since without a more specific aims for social or affordable housing the objective will not be measurable. Consideration should be given to alter this objective to make it more achievable.<br>I would like to see an objective about increasing sustainable design in the shire - for example having an objective regarding a minimum star rating or passive haus certification for new structures. Reduction of energy use per occupant and disincentives for oversized dwellings could be considered. Reuse/reclamation of materials in new developments could be included as well as incentivising local/Australian made materials.<br>I think it is important that the built environment is oriented well for solar access for both the new development and impacts to surrounding developments.<br>A built environment to soft landscaping ratio could be considered as an objective in different zones to enable adequate space for the establishment of canopy trees. |
| 18295 Sep 17, 2021, 01:50 PM | 1 |  |  |
| 18233 Sep 16, 2021, 04:05 PM | 1 |  | Very well constructed plan   |
| 18127 Sep 11, 2021, 01:01 PM | 1 | Key Objective 4<br>Protecting habitat links and minimising fire and flood risk and erosion are important considerations in siting buildings and works, particularly in rural areas.<br>The inclusion, in particular, of rural areas is strongly suggestive of a bias already in the objectives of this report. All other objectives are easily related to the urban areas - this one is much broader | #1. what does "inclusiveness and accessibility" actually mean?   |
| 18104 Sep 10, 2021, 02:43 PM | 1 |  |  |

## Climate Change

| Title/Question:    |                        | Climate Change Form  |  |
|--------------------|------------------------|--|--|
| Tool Type:         |                        | Form   |  |
| Activity ID:       |                        | 314  |  |
| Report Date Range: |                        | 9 Sep 2021 - 21 Oct 2021   |  |
| Date Exported:     |                        | 26 Oct 2021 09:57 am   |  |
| Contribution ID    | Date Submitted         | Do you agree with the identified key objective(s) if not, which objective(s) and why?  | With consideration of objectives in the other themes, can you identify any gaps in this theme that the MPS should consider?  |
|                    |                        | <p>Yes</p> <p>No</p> <p>Unsure</p>   |  |
|                    |                        | <p>While several Key Objectives in this Theme are of very real concern, it is appropriate that the subject of bushfire preparedness should be referenced in Theme 10. However, this subject should have also appeared in context in every Theme, and particularly 2 and 3. Why was this not the case?</p> <p>It is essential that Council recognise and support the contribution made by rural land owners to mitigate bushfire risk through sound property management; subjective terminology such as 'poorly located, designed or managed use or development' must only be considered in context with agreed definitions that are not subject to interpretation by inept or biased minorities. Council is only one voice in the process of determining how land should be used and managed in bushfire prone areas, with appropriate consideration given to landowners who provide essential maintenance of their properties, along with independent experts across a variety of fields.</p> <p>I fully support the PALS submission</p> <p>1-4. This objective relates to bushfire management, the risk of which increases with climate change, but it is not an objective about climate change per se</p> | <p>NOTE: These objectives have a disproportionate emphasis on bushfire.</p> <p>Suggestions for strengthening the objectives in order to address the Climate Change Theme and achieve climate change mitigation, are listed below.</p> <p>Suggestions for objectives for consideration:</p> <ul style="list-style-type: none"> <li>Promote Environmentally Sustainable Design (ESD) throughout planning policies</li> <li>Tree canopy, understory and small herbaceous plant cover are protected and increased in the urban areas</li> <li>Planning policies should facilitate and enable renewable energy developments without compromising biodiversity and conservation values.</li> </ul> <p>Suggestions for alternate objectives from Plan Melbourne</p> <ul style="list-style-type: none"> <li>Improve energy, water and waste performance of buildings through environmentally sustainable development and energy efficiency upgrades.</li> <li>Facilitate the uptake of renewable energy technologies</li> <li>Mitigate exposures to natural hazards and adapt to the impacts of climate change</li> <li>Require climate change risks to be considered in infrastructure planning</li> <li>Reduce pressure on water supplies by making best use of water resources. This describes how issues such as climate change impact on water security through reduced rainfall, increased evaporation, increased flood risk.</li> <li>Protect and enhance the health of urban waterways. This recognises that the impacts of climate change combined with urban development from Melbourne's growing population influence the quality and quantity of urban stormwater run-off and pose a number of challenges for the health of Melbourne's waterways.</li> </ul> <p>From Victoria's Climate Change Strategy</p> <ul style="list-style-type: none"> <li>Ensure new residential development is well-designed, durable, resilient to climate change and built to a high-quality standard.</li> </ul> |
| 19309              | Oct 21, 2021, 11:12 PM | 1  |  |
| 19204              | Oct 19, 2021, 08:36 AM |  |  |
| 19171              | Oct 14, 2021, 10:00 PM | 1  |  |
| 19131              | Oct 11, 2021, 12:08 PM | 1  |  |
| 19116              | Oct 10, 2021, 08:48 PM | 1  |  |
| 19067              | Oct 07, 2021, 10:02 PM | 1  |  |
| 19064              | Oct 07, 2021, 09:55 PM | 1  |  |
| 19052              | Oct 07, 2021, 06:53 PM | 1  |  |
| 19035              | Oct 07, 2021, 05:29 PM | 1  |  |

|                              |   |   |   |   |   |
|------------------------------|---|---|---|---|---|
|                              |   |   | <p>The first 4 Objectives could all be put into one Objective about managing bushfire risk, a risk that has always been with us but that is worsening due to climate change.</p> <p>I am concerned that the built form could lead to more habitat loss with this wording and as I have commented earlier, perhaps it is time to say no more development if the risk of further degradation of the land/waterways will occur if it is the only way to make the building safe. Arguably there is no safe place in our Shire but there are certainly places that are far less safe than others. Any MPS ought not be planning subdivisions in "bushfire prone areas." ( O.4) The only way to make it safe would be to knock out all vegetation and concrete everything!</p> <p>Objectives 5-7 ought to be put first.</p> <p>O.5. I would like to see the word 'direct' be deleted from the sentence so as to include both direct and indirect contributions by Council to global warming being reduced.</p> <p>O.6. I would like the use of the word "mitigation" rather than just responding, adaptation and preparation, which makes it seem as though we are all just passive players who have no ability to proactively set out to reduce our own footprint. Mitigation measures need to be embedded at the beginning of any planning application, and be integral to it, not tacked onto an application in the aftermath as a token gesture that signifies nothing.</p> <p>3 and 4. Just makes it sound as though it will be impossible for anyone to build in the green areas of the shire without going broke applying for endless permit after permit.</p> |   |   |
| 19030 Oct 07, 2021, 04:12 PM | 1 |   |   |   |   |
| 19016 Oct 06, 2021, 09:40 PM | 1 |   |   |   |   |
| 18995 Oct 06, 2021, 04:37 PM |   |   |   |   |   |
| 18992 Oct 06, 2021, 04:04 PM | 1 |   | <p>Fire is only one probable impact from climate change. Change in weather patterns and increase temperature also require appropriate responses.</p> <p>Planning policies should encourage renewable energy developments without compromising environmental values.</p> <p>Facilitate the uptake of renewable energy technologies.</p> <p>Protect and increase tree canopy in urban areas to mitigate the impact of increasing temperatures.</p> <p>Almost every one of these objectives focuses on preparation for and adaptation to climate change, rather than actually addressing or preventing it. These objectives appear to imply that humans are helpless in the face of climate change and have no option but to accept and adapt to it. Instead, Nilumbik should</p>  | <p>See above and:-</p> <p>** Every Objective must include and have embedded in it, Climate Change impacts, whether negative or not, and if negative an impact, whether measures that will not further destroy habitat/waterways but will reduce the carbon footprint of the development are possible, and if possible, are enforceable as part of any permit.</p> <p>** Other Government Bodies, such as Major Roads Projects Victoria ( think of the destruction of Eltham's Gateway with the 10 lane highway we didn't want) , or Yarra Valley Water ( think Christmas Hills Land ), must also comply with any MPS Objectives and the rules that will govern all of us.</p> <p>**The MPS must reflect the fact that it is meant to be protecting and enhancing the habitat values of Melbourne's last intact Green Wedge. It must not lose sight of this fundamental objective.</p>   |   |
| 18985 Oct 06, 2021, 03:10 PM | 1 |   | <p>The objectives seem to deal mainly with bushfire and while that is important there are many other issues to consider and these are detailed in the gaps text box.</p> <p>Do not support the insertion of these key objectives into the planning scheme.</p> <p>Delete Key Objectives 1, 2, 5, 6 and 7 – these are irrelevant for planning purposes and the planning scheme.</p> <p>Delete Key Objective 3 – this is factually incorrect – it is not location, design, or use of property that intensifies risk – as much as it is management of private property, the management of surrounding private property and the management of surrounding public properties. These activities are not covered by the planning scheme.</p> <p>Amend Key Objective 4 is already covered by the Bushfire Management Overlay and Bushfire Prone Areas Mapping, planning and building codes. These should be referenced.</p> <p>Objective 3 council can avoid this by doing more on road Side road bush fire mitigation</p> <p>Council has an obligation to fulfil their bush fire mitigation strategy.</p>  | <ul style="list-style-type: none"><li>•Recognising the role that protecting and increasing of our rural indigenous vegetation and wildlife corridors takes in reducing emissions and helping to mitigate the impact of climate change on our native fauna.</li><li>•For agricultural land use help to encourage new technologies and practices that help reduce emissions.</li><li>•Promoting Environmentally Sustainable Design throughout planning policy.</li><li>•Facilitating the uptake of renewable energy technologies without compromising biodiversity and conservation values (e.g. solar farms in already cleared areas)</li><li>•Planning for passive 'energy reduction' design (such as the use of tree cover to shade buildings that reduces energy consumption for cooling during summer).</li><li>•Ensuring new residential development is well-designed, durable and resilient to climate change and built to a high quality standard.</li><li>•Protecting and increasing tree canopy from ongoing loss in urban areas to date to mitigate the impact of increasing temperatures with global warming.</li></ul> <p>There needs to be an urgent focus on residential areas where consolidation and subdivision of large lots and increasing density of dwellings is taking place and tree canopy being lost.</p> |   |
| 18976 Oct 06, 2021, 09:04 AM | 1 |   |   |   | <p>this is about permit applications and land use - that is what the planning scheme does - using it as some form of a pageant is not appropriate and will not produce a useable fit for purpose statement</p>  |
| 18959 Oct 05, 2021, 07:18 PM | 1 |   |   |   |   |
| 18953 Oct 05, 2021, 04:58 PM | 1 |   | <p>There is not any suggestion on what Council is doing to address Climate Change.</p> <p>Bushfire is only one problem the Shire is facing with Climate Change.</p> <p>First Nations people should be consulted on land management.</p>   | <p>To address Climate Change in a meaningful way there need to be objectives such as:-</p> <ul style="list-style-type: none"><li>-increasing the amount of vegetation and in particular canopy trees in urban areas to mitigate the heat island effect</li><li>-introducing planning controls which ensure the use of renewable energy and energy saving devices</li><li>-restrict development so that there is room on site for adequate tree and understorey planting</li><li>-approve sustainable living housing and commercial buildings</li><li>-increase the amount of open green space</li><li>-restrict development in bushfire and flood prone areas</li></ul> <p>Climate change will put stress on native fauna in our Green Wedge so council must plan to facilitate wildlife movement to avoid native animals being isolated and trapped in habitat pockets. An ESO review is overdue and now urgent to address this obvious consequence of climate change. Habitat 'buffer' areas need to be defined, also wildlife corridors and linkages to allow movement principally in a north-south direction to avoid fauna heat stress. Increased vegetation will be needed. Council must refer to the proposed Amendment C101 (ESO review) for the technical work already completed on this.</p>                            |   |
| 18940 Oct 05, 2021, 02:26 PM | 1 |   |   |   | <p>Protect and increase tree canopy in urban area.</p> <p>Facilitate Environmentally Sustainable Design throughout the planning system, including advice for retrofitting existing housing stock.</p> <p>Facilitate renewable energy projects without compromising biodiversity and conservation objectives.</p> <p>Protect and enhance the health of urban and rural waterways and make best use of water resources.</p> |
| 18936 Oct 05, 2021, 01:36 PM | 1 |   |   |   |   |
| 18931 Oct 05, 2021, 12:34 PM |   |   | <p>I believe the Theme should be "Mitigation of the impacts of climate change and response to natural disasters"</p>  | <p>Key Objective 4 should include consideration of flood issues and the effects of changes in land form such as significant cuts or fills associated with developments.</p> <p>Suggest:</p> <p>Put people first and don't treat them like fools.</p>  |   |
| 18910 Oct 04, 2021, 10:20 PM |   | 1 | <p>1 As it sits it implies climate change is the sole cause of fire and emergencies</p>   |   |   |
| 18898 Oct 04, 2021, 06:23 PM | 1 |   | <p>What a load of garbage , less rules not more.</p>  |   |   |
| 18879 Oct 04, 2021, 03:41 PM | 1 |   |   |   | <p>If one of the objectives is to avoid intensifying bushfire risk to people and property through poorly located, designed or managed use or development, then</p>  |
| 18861 Oct 04, 2021, 12:06 AM |   | 1 | <p>I would like to see stronger climate action and a climate declaration from the council. And lowering emissions ought to be central in all decisions, it's foundational to our future.</p>  |   |   |
| 18852 Oct 02, 2021, 02:04 PM | 1 |   |   |   | <p>Response to climate change needs to be higher up in the list. Yes, we need to prepare for the challenges, but we first need to stop doing the damage.</p>  |
|                              |   |   | <p>Additional Comments relating to the Climate Change theme 10 to</p>   |   |   |
| 18839 Oct 01, 2021, 04:35 PM | 1 |   | <p>Key Objective 7</p> <p>Community support includes encouragement to protect tree canopies, use Environmentally Sustainable Design (ESD) principles with buildings, utilise renewable energy and provide safe evacuation options for people with disabilities in times of bushfire.</p> <p>Only the last three Key Objectives state anything about climate change. All the rest are a response to climate change, namely the expected increase in bushfire threat.</p>   |   |   |
| 18435 Sep 21, 2021, 11:14 PM | 1 |   | <p>Climate change recognition means a complete overhaul of the ways we produce and request carbon at an individual, community and State level. The changes will be monumental and beyond the capacity of most individuals to comprehend before the final tipping points are reached and there is no way to reverse the situation. Models indicate that this is less than 10 years. So get cracking, drop all plans to continue with business as usual and throw the Council into full Climate-change planning as if our lives depended on it.</p>   |   |   |

|                              |   |   |   |   |
|------------------------------|---|---|---|---|
| 18363 Sep 29, 2021, 04:26 PM |   | 1 | 3 is not your business/jurisdiction<br>4 there are already good measures in place<br>5 not where I want my money spent  |   |
| 18348 Sep 18, 2021, 11:04 PM |   |   |   | I don't think they go far enough in terms of carbon neutrality for the shire. It would be great for there to be something in there about energy efficient |
| 18315 Sep 17, 2021, 08:56 PM | 1 |   | Key Objective 7: Rather than just 'support' Council to take a proactive and leadership role in encouraging the community to reduce their contributions to climate change.   |   |
| 18301 Sep 17, 2021, 02:31 PM |   | 1 | Key Objective 5<br>Whilst we would all like to see a reduction in climate change, how we reduce the impact should be methodically planned, communicated and agreed.<br>I recently read that 800 residents responded to a Shire conducted climate action survey, with 87% of respondents stating they would like to see the Shire achieve net zero by 2050.<br>Firstly, 800 respondents are hardly representative of a total population of ~65,200 residents, in fact 87% of 800 is just 596 residents, or just over 1% of the total population. Given the likelihood of respondents having a keen interest in surveys regarding climate change, the 1% is likely to be skewed, dubious at best.<br>Secondly, I'm unsure how you can agree to such targets without understanding what activities / events are currently contributing to climate change within the Shire, and by how much, and what actions are being proposed to reduce those impacts, and the consequences of implementing those proposed actions. Only<br>1 after having these questions answered can one make an intelligent, well informed decision. |   |
| 18280 Sep 17, 2021, 08:39 AM |   |   |   |   |
| 18262 Sep 16, 2021, 07:11 PM | 1 |   |   | Work toward a paperless office or minimise hard copies wherever possible<br>Proceed with the solar farm on the old tip site                               |
| 18240 Sep 16, 2021, 04:21 PM | 1 |   |   |   |
| 18207 Sep 15, 2021, 04:51 PM |   | 1 | The shire attempts to be scaring residents instead of taking steps to ameliorate the danger. Why are subdivision permits being issued for bushfire areas? If the threat is real, why allow MORE people to face the risk?<br>Not sure why weather-related (ie storms and fires) are only mentioned in the "climate change" section, and not throughout the MPS. Yes it's linked to climate change, but they should also be recognised in more sections as well.  | Fire prevention in areas such as the Plenty Gorge so that habitat isn't lost WHEN there is a fire (not if).   |
| 18133 Sep 11, 2021, 01:14 PM |   | 1 | #5... would have liked to see this expanded into subpoints/objectives   |   |

Economic Development

Title/Question:                      Economic Development  
Tool Type:                              Form  
Activity ID:                              310  
Report Date Range:                      9 Sep 2021 - 21 Oct 2021  
Date Exported:                      26 Oct 2021 09:59 am

| Contribution ID | Date Submitted | If not, which objective(s) and why? |     |    | With consideration of objectives in the other themes, can you identify any gaps in this theme that the MPS should consider? |
|-----------------|----------------|-------------------------------------|-----|----|---|
|                 |                | with the identified I               | Yes | No |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |
|                 |                |                                     |     |    |   |

practices that are responsive to, and care for, local  
soils, slope, climate, indigenous flora and fauna,  
13  
waterways and the community; reduce and eliminates  
dependence on chemical inputs, particularly herbicides,  
phosphates, and insecticides; encourages the use of  
contemporary best practice to achieve the above. This  
includes rehabilitating indigenous biodiversity, use of  
wildlife-friendlier fencing, maintaining soil coverage,  
harnessing renewable energy sources, conversion to  
indigenous grasses and other foods, increase of habitat  
connectivity.  
5. Suggest add  
...or winery... while ensuring that any “in conjunction uses” or  
other modifications to existing use are according to approved  
Land Management Plans, which detail how the environment,  
habitat links and biodiversity are protected

I would like to see added:  
A. Agriculture is an important area of economic development:  
•Promote land use in rural areas in accordance with the capability and productive potential of the land.  
•Retain existing agricultural land for soil based agricultural production.  
•Promote sustainable agricultural activities and land management practices that minimise adverse impacts on the primary production  
and environmental values of surrounding land and the catchment.  
•Protect and enhance agricultural land for both its productive potential and environmental value.  
Add Sustainable/regenerative objectives:  
Sustainable Agriculture is an important area of economic development:  
•Promote land use in rural areas in accordance with the natural capability and sustainable productive potential of the land. This must be  
locally responsive, and be protective of local soils, waterways, vegetation, and fauna. This also ensures no further clearing of vegetation.  
•Retain existing agricultural land for soil based, sustainable, regenerative, ecologically friendly agricultural production.  
•Promote sustainable, regenerative, ecologically friendly agricultural activities and enforce land management practices that do not have  
adverse impacts on the environmental values and/or primary production of surrounding land and the catchment.  
•Protect agricultural land for both its productive potential and environmental value. Apply regenerative practices that are responsive to,  
and care for, local soils, slope, climate, indigenous flora and fauna, waterways and the community; reduce and eliminates dependence  
on chemical inputs, particularly herbicides, phosphates, and insecticides; encourages the use of contemporary best practice to achieve  
the above. This includes rehabilitating indigenous biodiversity, use of wildlife-friendlier fencing, maintaining soil coverage, harnessing  
renewable energy sources, conversion to indigenous grasses and other foods, increase of habitat connectivity.  
Also - ensuring that any “in conjunction uses” or other modifications to existing use are according to approved Land Management Plans,  
which detail how the environment, habitat links and biodiversity are protected

|       |                        |   |  |   |
|-------|------------------------|---|--|---|
|       |                        |   | Key objective 4 - Agriculture is a narrow term and often does not include equine industries, please either make it clear that Agriculture includes equine related activities, or address equine related activities separately in the plan as equine activities are very important in Nillumbik. Soil based agriculture is also quite a restrictive term and not a great term to be using here - why are we limiting this to soil based agriculture? What does soil based agriculture actually mean? What does it exclude and include? Does it exclude (for example) livestock? or does it exclude only animals fed on supplementary feeds rather than pasture grown in the soil (e.g. pigs, chickens?)<br>Key objective 5 - This makes no sense. Why are we restricting commercial activities in the green wedge to those that can be used in conjunction with agriculture, rural industry or winery? Plenty of people run home businesses in all different kinds of areas/industries - are you proposing that this should be stopped? why? If you aren't proposing this please change the wording so that your intent is clear  |   |
| 19081 | Oct 08, 2021, 10:49 AM | 1 |  |   |
| 19076 | Oct 08, 2021, 07:42 AM | 1 |  | Encourage redevelopment and improvement of Eltham's commercial centre behind Bridge Rd and Susan St.<br>A growing number of cafes and craft bars are opening here, something Eltham residents really appreciate, but the area is a mess!<br>Covid lock down has created a new working from home culture for many in Nillumbik, home offices are probably going to be on-going.                        |
| 19069 | Oct 07, 2021, 11:05 PM | 1 | Theme 6: Economic Development<br>Key Objective 1   | Suggest the following objective as I have also suggested in my comments on the Green Wedge Theme, is listed here, in Economic Development:<br><br>‘Recognise that the rural areas often lack existing infrastructure. Including essential services, community facilities and internet coverage, and explore options for increasing connectivity without compromising habitat and wildlife corridors.’ |
| 19056 | Oct 07, 2021, 07:14 PM | 1 | Obj 2<br>Retaining and enhancing community/neighbourhood character must take priority, and must not be impacted by commercial interests.<br>Environmentally and socially sustainable enterprises must be encouraged.<br><br>Obj 4<br>Suggested additions to highlight the importance of Nillumbik promoting sustainable agriculture and to support innovation and leadership in this area.<br><br>Sustainable Agriculture is an important area of economic development:<br>•Promote land use in rural areas in accordance with the natural capability and sustainable productive potential of the land. This must be locally responsive, and be protective of local soils, waterways, vegetation, and fauna. This also ensures no further clearing of vegetation.<br>•Retain existing agricultural land for soil based, sustainable, regenerative, ecologically friendly agricultural production.<br>•Promote sustainable, regenerative, ecologically friendly agricultural activities and enforce land management practices that do not have adverse impacts on the environmental values and/or primary production of surrounding land and the catchment.<br>•Protect agricultural land for both its productive potential and environmental value. Apply regenerative practices that are responsive to, and care for, local soils, slope, climate, indigenous flora and fauna, waterways and the community; reduce and eliminates dependence on chemical inputs, particularly herbicides, phosphates, and insecticides; encourages the use of contemporary best practice to achieve the above. This includes rehabilitating indigenous biodiversity, use of wildlife-friendlier fencing, maintaining soil coverage, harnessing renewable energy sources, conversion to indigenous grasses and other foods, increase of habitat connectivity.<br><br>Obj 5<br>Suggested addition<br>...or winery... while ensuring that any “in conjunction uses” or other modifications to existing use are according to approved Land Management Plans, which detail how the environment, habitat links and biodiversity are protected |   |

|       |                        |                               |  |   |
|-------|------------------------|-------------------------------|--|---|
|       |                        |                               |  | Need to add some metrics for the in conjunction with agriculture use of green wedge land.   |
|       |                        | Objective 5 not strong enough |  | Need to ensure that developers cannot get away with calling a single lemon tree out the back next to the dunny as "agriculture".  |
| 19045 | Oct 07, 2021, 06:36 PM | 1                             |  | Equally need to ensure that proposals for in conjunction uses are not refused based mainly on the personal whims of some council staff member   |
|       |                        |                               | Key objectives 1 – 3 are irrelevant to rural residents.<br>Review and rewrite Key objective 4 – this is contradictory – the productive potential of the land is not necessarily soil based agricultural production – sustainable agricultural activities are not necessarily soil based agricultural production – land management practices that minimise adverse impacts of primary production and environmental values may not be soil based agriculture either. Agricultural land is already being protected by the Victorian Government. Nillumbik does not need to duplicate what is already occurring.<br>Delete Key objective 5 and replace it with something more appropriate – this objective is not true or desirable. Green wedge rural areas house significant home business and “commercial” activities (whatever these are). They always have and always will. This is appropriate now and into the future. What is a rural industry? Horse agistment is a significant economic activity in rural Nillumbik now, and will remain so into the future. This is appropriate.<br>Where is the tourism, accommodation and day stay destination economic development objective? The purpose of green wedge areas is to provide infrastructure, recreation opportunities, environmental benefits, and agriculture for metropolitan Melbourne. If council removes opportunities for this area to deliver to it’s purpose the area will continue to be vulnerable. Let’s be really clear on this – most lifestyle grazing and hobby farming families do not particularly value the influx of visitors driving through here on weekends – but we all recognise it is important for the viability and sustainability of the area and so we share. It is interesting to us that our sharing is reciprocated with proposals that seek to ignore, undermine, punish, limit, restrict, economically and socially disadvantage and harm us for no benefit – which is what council proposals have consistently done for more than 16 years. |   |
| 18972 | Oct 06, 2021, 08:56 AM | 1                             |  | pushing any economic activity from green wedge areas is not achievable, not desirable, and not practical. we are all aware council aims to bring economic decline to green wedge areas - and this is a breach of several Victorian laws - suggest revising this - it is in the public domain now and is unconscionable conduct by council |
|       |                        |                               | The wording does not provide enough protection for the character of the activity centres to still be retained even if further businesses or developments occur. Any new place of employment must adhere to strict planning guidelines for not overwhelming the current built and natural landscape.<br>The possibility of more tourism and or commercial or agricultural ventures in the Green Wedge run the risk of spoiling what Nillumbik hopefully wants to preserve.....environment, biodiversity, flora and fauna habitat, health of waterways etc. Even if restricted to agricultural, rural industry and winery these ventures can become too large and destructive of the entire environment.   |   |
| 18946 | Oct 05, 2021, 03:40 PM | 1                             |  | The economic social and environmental priorities need to be explained in this objective.<br>How is the infrastructure in the more rural areas to be introduced?<br>Again this is an issue which needs environmental consideration if new ventures are to be considered.   |
|       |                        |                               | Key Objective 1 could be strengthened by reference to increasing local employment<br>e.g.<br>Focus on strengthening existing enterprises and facilitating new business initiatives that provide increased local employment opportunities and respect the Shire’s environmental. social and economic development priorities.  |   |
| 18926 | Oct 05, 2021, 12:02 PM | 1                             |  |   |
|       |                        |                               | Objective 4: In the rural conservation zone (RCZ) conservation is the primary use, so agriculture must be secondary to conservation so it must serve to sustain conservation purposes in all instances.<br>Objective 5: Should be re-written to better describe the 'in conjunction' relationship i.e. "...restricted to activity centres or purposes that can be used in conjunction with existing viable agriculture, existing viable rural industry or existing viable winery. The commercial or tourism activity must operate according to a land management plan which shows how biodiversity, habitat links and rural amenity are protected".  |   |
| 18906 | Oct 04, 2021, 10:10 PM | 1                             |  |   |



|       |                        |   |  |  |
|-------|------------------------|---|--|--|
|       |                        |   |  | <p>ADD New Objective:<br/>Progress the off-road shared trail network and connections across all public land tenures to link with neighbouring municipalities, maximising visitation and safe recreation opportunity.</p> <p>With Key Objective 4, ADD a 5th dot point:<br/>* Protect existing grazing land for animal keeping and rural activities</p> |
| 18904 | Oct 04, 2021, 10:02 PM | 1 |  |  |
| 18874 | Oct 04, 2021, 03:32 PM | 1 |  |  |
|       |                        |   | Additional Comments to   |  |
|       |                        |   | Key Objective 1<br>Also undertake training and development processes to raise the awareness of local traders of the benefits in responding to the catering needs of cyclists and walkers utilising the Diamond Creek Trail and other off road exercise options in Nillumbik. These could include cafes, restaurants, accommodation providers and servicing facilities. |  |
|       |                        |   | Key Objective 2<br>An effective, strong and responsive Neighbourhood Character Policy is required to control urban design outcomes in activity centres, residential areas and townships. It should be a priority to enhance identified community and neighbourhood character, which should not be compromised by commercial interests.                                 |  |
|       |                        |   | Key Objective 3<br>Also uses within industrial precincts should not compromise or impact on the amenity of residential areas adjoining these precincts.  |  |
|       |                        |   | Key Objective 4<br>Prioritise and encourage sustainable and ecologically friendly agricultural activities in Green Wedge areas, while protecting waterways and neighbourhood and community character.  |  |
|       |                        |   | Key Objective 5<br>The range of tourism and commercial activities within the Green Wedge needs to respond to the existing supporting services, land use requirements and community facilities.   |  |
| 18835 | Oct 01, 2021, 03:16 PM | 1 |  |  |
|       |                        |   | Objective 1 is so broadly written re facilitating new businesses that we could wind up with a bunch of 'new initiatives' that don't fit into a Green Wedge.  |  |
| 18831 | Oct 01, 2021, 01:14 PM | 1 |  |  |
|       |                        |   | Objective 4 - there is no mention of agriculture based on animals or equestrian which currently exist in the Shire. Both are well established and should be allowed to continue.<br>What does this council see as 'Primary Production' this should be clearly stated.  |  |
| 18376 | Sep 19, 2021, 06:21 PM | 1 |  |  |
| 18359 | Sep 19, 2021, 04:15 PM | 1 |  |  |
|       |                        |   | Absolutely not! What is your goal here... to reduce rural property value! You are trying to bring back c101 and c31  |  |
|       |                        |   | Key Objective 5<br>Within limits, National Parks for people to enjoy should be encouraged within the Green Wedge.  |  |
| 18297 | Sep 17, 2021, 02:03 PM | 1 |  |  |
|       |                        |   | Objective 4 should be brought into the current century by allowing modern uses such as hydroponic gardening as well as soil based  | Review objective 4   |
| 18236 | Sep 16, 2021, 04:13 PM | 1 |  |  |
|       |                        |   | Nillumbik needs development and jobs. Pinning all hopes on agriculture is too green and unrealistic. Broaden your view.  | Township for Yarrambat   |
| 18221 | Sep 16, 2021, 11:11 AM | 1 |  |  |

18129 Sep 11, 2021, 01:04 PM

Much of the key objectives deal with bricks and mortar businesses. How do you plan to support/promote micro and service-based businesses in the Shire?

1

Green Wedge

Title/Question:      Green Wedge  
Tool Type:            Form  
Activity ID:                              306  
Report Date Range:    9 Sep 2021 - 21 Oct 2021  
Date Exported:        26 Oct 2021 09:40 am

| Contribution ID | Date Submitted         | Do you agree with the identified key objectives? |    |        | If not, which objective(s) and why?  | With consideration of objectives in the other themes, can you identify any gaps in this theme that the MPS should consider?  |
|-----------------|------------------------|--|----|--------|--|--|
|                 |                        | Yes  | No | Unsure |  |  |
| 19293           | Oct 21, 2021, 05:50 PM |  |    |        | Objectives 4, 7 & 8 are very important. I would like to see the Green Wedge protected from development, no stealthy enlargement of the Urban Growth Boundary. With climate change to be considered we need green open spaces now more than ever. It has been termed the "lungs of Melbourne" & so it should remain. I'm not sure what essential services, infrastructure, & community services involves, but I can sympathise with the need for internet coverage.<br>Objective 5: Ensure development in rural areas mitigates potential fire risk. What sort of development would be proposed?  |  |
| 19281           | Oct 21, 2021, 01:49 PM |  |    |        | Key objective 4.<br>There is no evidence of conflict between agricultural and residential rural land use to be 'managed'.<br>Our small rural landowners have for many years been the underappreciated true custodians of our Green wedge, the majority area 90%+, lies outside the shires residential zones.<br>Our small rural landowners who are over regulated by very restrictive planning overlays need to receive far more support from Council and not be further frustrated by ill considered restrictive controls.<br>I request that Council implements recommendations incapsulated within the Nillumbik Proactive landowners ( PALS) submission made at this time.  | Whilst we should always preserve areas of known environmental significance Council should not be tempted to try to 'lock away' areas of land as 'conservation zones' in the guise of 'natural resource management'. Our small rural landowners already do an excellent job in managing their land without additional frustrating interference. |
| 19278           | Oct 21, 2021, 01:31 PM |  |    |        | It's not that I disagree with any of the objectives, but I can't tell if this acknowledges that protecting the environment also includes sustainable and appropriate development. This doesn't only mean stopping bad development like subdividing plots away from the business areas of towns, but actively working towards providing different forms of housing/housing densities around townships.<br><br>Part of the green wedge characteristics is living in leafy green towns, so it would be fantastic to see a creative vision where we can have higher density in Hurstbridge, Eltham, and Diamond Creek without compromising the environmental importance of living in Nillumbik (i.e trees providing appropriate shade alongside streets/bike lanes/paths). |  |
| 19196           | Oct 19, 2021, 08:13 AM |  |    |        | i fully support the PALS SUBMISSIONS   |  |

|       |                        |   |   |  |
|-------|------------------------|---|---|--|
|       |                        |   | <p>1. Recognise that the preservation of the green wedge, protection of biodiversity, and action on climate change, hold the greatest value – and are therefore top priority - for the Nillumbik Community.<br/>(Consistent with the findings from the Our People, Our Place, Our Future community consultation)</p> <p>6. All development in rural areas minimises potential fire risk in a way which is acceptable to, and compatible with, First Nations People's stewardship of the land, as well as being compatible with Climate Change mitigation and preservation of biodiversity.</p> <p>8. Suggested addition:<br/>... whilst ensuring agricultural practices employ sustainable and regenerative practices, protect the Green Wedge and reinvigorate biodiversity.</p> | <p>The protection of the environment and biodiversity should guide all planning in Nillumbik.<br/>Other suggested objectives:<br/>Apply a building envelope to minimise the development footprint for built form and associated infrastructure by minimising fragmentation otherwise caused by scattered development.<br/>The Urban Growth Boundary (UGB) is treated as a hard boundary which does not allow for extension into the Green Wedge.<br/>Extend and support Trust for Nature covenants<br/>Continue to investigate the feasibility of planning permit conditions defining a maximum footprint for domestic areas (avoiding fragmentation) on lots with Green Wedge and Rural Conservation Zone taking into consideration biodiversity, landscape and agriculture.<br/>Develop policies to effectively control invasive plant and animal populations, and restrict planting of environmental weeds.<br/>Review the application of Environmental Significance Overlays and Significant Landscape Overlays across the Green Wedge zones in line with Government policy, ensuring enforcement of protections and adequate resourcing</p> |
| 19162 | Oct 14, 2021, 09:29 PM | 1 |   |  |
|       |                        |   |   | <p>The protection of the environment and biodiversity should guide all planning in Nillumbik.</p> <p>Apply a building envelope to minimise the development footprint for built form and associated infrastructure by minimising fragmentation otherwise caused by scattered development.<br/>The Urban Growth Boundary (UGB) is treated as a hard boundary which does not allow for extension into the Green Wedge.</p> <p>Extend and support Trust for Nature covenants</p> <p>Continue to investigate the feasibility of planning permit conditions defining a maximum footprint for domestic areas (avoiding fragmentation) on lots with Green Wedge and Rural Conservation Zone taking into consideration biodiversity, landscape and agriculture.</p> <p>Review the application of Environmental Significance Overlays and Significant Landscape Overlays across the Green Wedge zones in line with Government policy, ensuring enforcement of protections and adequate resourcing</p>  |
| 19123 | Oct 11, 2021, 11:35 AM | 1 |   |  |
| 19105 | Oct 10, 2021, 08:28 AM |   | I support PALS submission. 100%   |  |
| 19104 | Oct 10, 2021, 08:24 AM |   | I am I. Support of the document that PALS have submitted , stand behind what they have said   |  |
| 19102 | Oct 09, 2021, 07:18 PM | 1 | I wish to add my support to the PALS submission. If you want to reduce mud in runoff into the creeks, then start by sealing all your dirt roads.  | I agree with PALS in their submission.   |
| 19092 | Oct 09, 2021, 10:08 AM | 1 | Revise Objective 3. Rural areas cannot 'lack existing infrastructure'. They can (and do) lack infrastructure existing elsewhere in the shire.   |  |
| 19080 | Oct 08, 2021, 10:33 AM | 1 | Key objective 4 makes no sense - what conflict is there? land parcels that are unviable for what? Remove this objective please<br>Key objective 2 regarding native vegetation needs to be balanced against fire risk  |  |
| 19079 | Oct 08, 2021, 10:11 AM |   | I support the PALS submission   | I support the PALS submission  |
| 19074 | Oct 08, 2021, 12:26 AM | 1 | 4 & 5<br>Minimum subdivision is set I believe at around 20 acres. The message I take from these statements is that it will be even harder, if not impossible to build a home on current vacant legitimate blocks. This is not fair and equal to all.  | I think a balance needs to be found between protecting the green wedge and fire risk. Tracts of rural land can help as fire breaks. A balance needs to be found here to protect wildlife and human life  |
| 19073 | Oct 07, 2021, 11:58 PM | 1 | Objective 4: any possible conflict between agricultural and rural residential land uses and a risk that further residential development will fragment rural land into unviable land parcels should not be an issue, as the Green Wedge is legislated by State Parliament. Council do not have the remit to over-ride State legislation.   |  |

19060 Oct 07, 2021, 09:20 PM

1

Supporting the rural residents to navigate the planning process in a timely and economical way, which is non-punitive and supports their aspirations, their family and their value as a member of the rural community and a part of the wider Nillumbik family. Not some criminal that should be punished for living in this GW and wanting a hobby farm or lifestyle property.

- 1) Not sure how recognising that the rural areas (land zoned Rural Conservation or Green Wedge) contain sites of environmental and landscape significance, natural resource based activities and residences translates into Planning outcomes, unless it means additional overlays. I would think that recognising that the majority of RCZ and GW zoned land is in private ownership, with historical settlement patterns and land uses might have some meaning. Natural resource based activities? does this mean enjoying living here and having lifestyle property, potentially with cleared grazing land.
- 2) Who are we protecting our Green Wedge from? we have an urban growth boundary, there are only a few vacant blocks that might get a building permit. This Council is buying into "The Green Wedge Protection" mythology. What is it's environmental integrity, surely that is what has evolved due to mining being abandoned, large orchards and some other farming no longer being viable, allowing re vegetation, due to farms being sub-divided forty years ago and the more marginal land being left to return to bush by lifestyle property owners. It is not National Park, The GW is primarily something that the people who have lived here, many intergenerationally have created, either by replanting, allowing re-growth, retaining cleared grazing land etc. that is all part of its unique environmental integrity. It is already a safe haven for native wildlife, thriving biodiversity and native vegetation. There are no multi-developments planned, no huge tourist attractions, nothing that threaten these things. Can we not also protect, if it needs protecting the historical significance of its patchwork of farms, hobby farms and lifestyle properties and the diversity of livestock and farming that does still occur.
- 3) Recognise that the rural areas often lack existing infrastructure. Including essential services, community facilities and internet coverage. Is this to acknowledge and help those who live in rural areas or provide another reason why they shouldn't live there. Kinglake is an example of a thriving township, not in Nillumbik, but serving those in that part of the shire, since Black Saturday it's community infrastructure has improved, the businesses are thriving and it even has a proper petrol station. Rural residents love living here and acknowledge that we don't have same services as the rest of Nillumbik, so please don't then punish us further with more overlays and planning restrictions.
- 4) Acknowledgment of land use conflict between agricultural and rural residential land uses and a risk that further residential development will fragment rural land into unviable land parcels. There is no such thing as an unviable land parcel in rural areas, as existing sub-division will confirm, with many .5, 1, 2, 3, 4, 5 acre properties existing harmoniously with their neighbours. What is this land use conflict that is described here? The only conflict with smaller lots is the requirement under the Ball rating to remove vegetation.
- 5) Manage the issues of land use conflict, resource use and environmental management arising from the diversity of uses through sustainable land use and natural resource management. Again the only land use conflict is the one which may occur when existing cleared grazing land is subjected to enforced planting, stock reduction or fencing of waterways. The other conflict occurs when existing or new properties seek building permits in areas with RCZ zoning and require numerous and costly environmental reports and the requirement of paying offsets. If Council is going to hide the potential of additional overlays under the heading of land use conflict, it needs to articulate where this conflict is occurring. Is it between environmental planners and residents or Ideologically driven, but misguided Councillors. Ground truth needs to be done to prove the premise for this objective.
- 6) Ensure development in rural areas mitigates potential fire risk. Bal ratings and BMO overlays already regulate this with regard to new development and also for those seeking to expand or add infrastructure to their properties. If this meant that Council infrastructure in rural areas, such as club houses, ovals etc could be hardened up to provide some shelter during bush fire this would be good. If it meant that rural roads would be widened and site lines improved by removal of fuel this would be good. Impossible to mitigate potential fire risk, so I guess, this will be another reason for Council to reject applications from any that wish to develop a home or business in rural areas.
- 7) 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. Advocate to State Government to undertake Shire Wide testing and analysis of contaminated land. Ridiculous. Think this means that no sport or recreational activities, horse riding etc will ever take place on old tip sites. Other than that do not see the point of it. Mining was rampant in many of our bush land reserves, along the streams and waterways of Research and Smiths Gully, yet development has occurred on these sites. Many of the orchards in Hurstbridge, South Eltham and other areas used DDT and other long lasting contaminants. It is a problem, but not one I think the State Government will concern itself with. How would Council use this information if it was obtained? how would it impact on existing use rights. Alistair Knox Park is built on the old Eltham tip, perhaps you should start with that.
- 8) Protect and enhance agricultural land for both its productive potential and environmental value. Does this mean Council

8) Protect and enhance agricultural land for both its productive potential and environmental value - Does this mean Council will give cleared grazing land and other farm land some status in the planning scheme? Will it have its own environmental value allocated to it, so that it too can be protected as part of the GW and not be subjected to re-vegetation. What if it is for keeping of livestock, such as horses, that is deemed an agricultural use, but not necessarily adding to the GDP. Yet has value for residents and visitors alike.

9) Our connection to the Green Wedge is celebrated by all who live, work or enjoy their time in it- Motherhood statement - means little to those who choose to live here and look after it. We Celebrate our rural life and our rural communities, not any mystical connection to some descriptor.

I wonder whether you might have had more input had you not made this Planning Strategy so comprehensive - all in one report. Perhaps you prefer people NOT to take the time to read and comment on.

We are on land, which we care for at great expense, huge amounts of time and energy are also put into our land. We LOVE where we live and all we ever hear about is looking after a bird, or insect or whatever, we don't want some "greenie" dictating to us - we don't tell those in suburbia how to live!

We 100% support PALS submission - let's listen to those actually ON land!

19047 Oct 07, 2021, 06:41 PM

Suggestions for other objectives  
Other suggested objectives:  
Apply a building envelope to minimise the development footprint for built form and associated infrastructure by minimising fragmentation otherwise caused by scattered development.  
The Urban Growth Boundary (UGB) is treated as a hard boundary which does not allow for extension into the Green Wedge.

Extend and support Trust for Nature covenants

Continue to investigate the feasibility of planning permit conditions defining a maximum footprint for domestic areas (avoiding fragmentation) on lots with Green Wedge and Rural Conservation Zone taking into consideration biodiversity, landscape and agriculture.

Develop policies to effectively control invasive plant and animal populations, and restrict planting of environmental weeds.

Review the application of Environmental Significance Overlays and Significant Landscape Overlays across the Green Wedge zones in line with Government policy, ensuring enforcement of protections and adequate resourcing

This is not completely a question of yes or no but as there are suggestions for most of them I have selected no.

Objective 1  
Referring to 'sites of environmental and landscape significance' can lead to a narrow focus on Commonwealth significance under the EPBC Act or State significance under the Flora and Fauna Guarantee etc. A common default (even in planning scheme amendments and VCAT cases) is to down-play environmental significance if there's a lack of Commonwealth or State significant species, rather than recognising that all areas of vegetation/habitat are significant and must be protected.

Natural resource-based activities, including agriculture, must not be to the detriment of the environment, and must actively work to enhance the health and abundance of indigenous biodiversity.

19042 Oct 07, 2021, 06:26 PM

1

Reverence that the preservation of the green wedge - protection of biodiversity and action on climate change - hold the

Recognise that the preservation of the green wedge, protection of biodiversity, and action on climate change, hold the greatest value – and are therefore top priority - for the Nillumbik Community.  
(Consistent with the findings from the Our People, Our Place, Our Future community consultation)

Referring to the Green Wedge in Nillumbik containing ‘residences’ implies that residential land use is supported in the Green Wedge zones. This is not the case in the RCZ or GWZ and to imply otherwise is contrary to the purposes of those zones

Objective 3  
Suggested reword  
‘Recognise that the rural areas often lack infrastructure, including essential services, community facilities and internet coverage, and explore options for enabling community connections whilst minimising the impact on vegetation.’

Ob 4  
Development cannot be to the detriment of the environment and/or lead to further loss of existing agricultural land.

Ob 5  
Needs to take into account  
The management of conflicting land-use, resource use and environmental management, is done through the development, enforcement and ongoing review of land management plans, in conjunction with environmental protection strategies and enforcement. These processes must be adequately resourced.

Ob 6  
Suggest that it is reworded to say  
Development should only proceed where the proposed development meets the first principle of avoiding and minimising loss of native vegetation.

In addition  
All development in rural areas minimises potential fire risk in a way which is acceptable to, and compatible with, First Nations People’s stewardship of the land, as well as being compatible with Climate Change mitigation and preservation of biodiversity.

Ob 8  
Suggested addition:  
... whilst ensuring agricultural practices employ sustainable and regenerative practices, protect the Green Wedge and reinvigorate biodiversity.

Protection of the Green Wedge and the relevant zones must be the paramount and overarching aim and must not be allowed to be compromised by ideas that might be described as “Living in the Green Wedge.

Natural resource-based activities, including agriculture, must not be to the detriment of the environment, and must actively work to enhance the health and abundance of indigenous biodiversity.

Recognise that the preservation of the green wedge, protection of biodiversity, and action on climate change, hold the greatest value – and are therefore top priority - for the Nillumbik Community.  
(Consistent with the findings from the Our People, Our Place, Our Future community consultation)

Referring to the Green Wedge in Nillumbik containing ‘residences’ implies that residential land use is supported in the Green Wedge zones. This is not the case in the RCZ or GWZ and to imply otherwise is contrary to the purposes of those zones

Under 8: Suggested addition:... whilst ensuring agricultural practices employ sustainable and regenerative practices, protect the Green Wedge and reinvigorate biodiversity.

The protection of the environment and biodiversity should guide all planning in Nillumbik.

Other suggested objectives:  
Apply a building envelope to minimise the development footprint for built form and associated infrastructure by minimising fragmentation otherwise caused by scattered development

Need to emphasise ENFORCEMENT activities to ensure that everyone follows the rules. Make sure Council has the resources to do this..

|       |                        |  |  |
|-------|------------------------|--|--|
|       |                        | <p>While not against the assumed intent of a majority of the Key Objectives, we have concerns about all of them when they are considered in the context of the wording used in the Strategic Direction document within the MPS. Of particular concern are Key Objectives 1, 2, 4 and 5.</p> <p>It is essential that the MPS review is not driven by subjective assessment of what is important/relevant and what is not; for example, use of the terms 'poorly located, designed or managed' must be supported by previously agreed definitions that cannot be left to interpretation.</p>   |  |
| 19039 | Oct 07, 2021, 06:06 PM | 1  |  |
|       |                        |  | <p>The MPS is not acknowledging that are large majority of rural residence are lifestyle and hobby farms and contribute greatly to the existence of the GW. Why is this? It would seem from these objectives that they may be considered as a conflict for land use but as conflicts are not specified,it's hard to know and comment on. I get a feel from these objectives that they have been born out of terrible anxiety and are perceived problems. All objective should be based on data that provides evidence to the issue not on the anxiety of a minority of community members. The majority of Nillumbik residents sit in the middle of the bell curve with the hard greens and the developers either side and we just want a balance and to enjoy our connection to the GW and not theirs!</p> |
| 19031 | Oct 07, 2021, 04:33 PM | 1  |  |
|       |                        | <p>Key Objective 2<br/>Protect our Green Wedge and its environmental integrity to ensure a safe haven for native wildlife, thriving biodiversity and native vegetation.</p> <p>The Green Wedge and the environment is protected by various State Laws so it does the need local planning to protect, it is unnecessary. The MPS and the objectives should not replicate other State laws and acts. the Objective should read Acknowledge our Green Wedge and the environment it provides as a safe haven for native wildlife, thriving biodiversity and native vegetation.</p> <p>☒</p> <p>Key Objective 4<br/>Acknowledgment of land use conflict between agricultural and rural residential land uses and a risk that further residential development will fragment rural land into unviable land parcels.</p> <p>I find this objective is unclear. What are the conflicts? and under what evidence base can you say this? Are you saying that the larger rural lots in the GW that could be legally divided into small lots, should not be? as it will no longer be viable as agricultural land to farm? If it is not economically viable to farm, then what are you expecting lot owners to do? Are you really intending to penalise individuals who have a legal right to subdivide? If so then council need to prove that the land can be viable to farm.</p> <p>Key Objective 5<br/>Manage the issues of land use conflict, resource use and environmental management arising from the diversity of uses through sustainable land use and natural resource management.</p> <p>Another unclear objective what does this mean? Please use clear simple language so the meaning of the objective is transparent. I'm not even going to hazard to guess what this means.</p> <p>Key Objective 7</p> |  |



|       |                        |   |  |   |
|-------|------------------------|---|--|---|
|       |                        |   | <p>Protect and enhance agricultural land for both its productive potential and environmental value.</p> <p>What makes this objective different from the ones above? I get the feeling from all the objectives that unless the GW has bush blocks or productive farming that any other land use is unacceptable so rural lifestyle living properties will be seen as unacceptable and yet they under pin the GW and makes it sustainable. We do not live in a National or State Park but in Metro Melbourne. What do you consider the environmental value of agricultural land?</p> <p>Key Objective 8</p> <p>Our connection to the Green Wedge is celebrated by all who live, work or enjoy their time in it.</p> <p>Again, what does this objective mean? and what is it designed to achieve? My connection to the GW may not be your connection, so which of our connections are we celebrating? This objective sound exclusive not inclusive! Makes it sound like we only have one connection and everyone must feel it too! To make it more inclusive "Our diverse connections to the Green Wedge are celebrated by all who live, work or enjoy their time in it."</p> |   |
| 19022 | Oct 07, 2021, 02:44 AM | 1 |  | <p>In wattle glen there are huge blocks that need to be developed! wattle glen needs a major development will be great to make a use of this huge lands and use them for the community. This will benefit the area and the community that live in it.</p>   |
| 19021 | Oct 06, 2021, 11:03 PM | 1 |  | <p>In agreeing with the above objectives however in addition, as an owner of 20 acres of land on the edge of the Green Wedge (Wilson Road, Wattle Glen), I believe it is important to consider allowing further subdivision into smaller lots (STCA) given subdivision in this area has not occurred since 1986 / 1987. This area is a beautiful landscape, is only 25 km from the Melbourne CBD and should be benefited by the people and by the community. It is a disadvantage to the land and area that it is not being used to its full potential and capacity and not being recognised for this potential.</p> <p>The land that is on the edge of the Green Wedge should be changed to, at least, a low density zone to make the Wattle Glen area larger and allow for further growth in this area, whilst still ensuring that the native wildlife and native vegetation is maintained and protected as this would be vital to the Shire.</p> |
| 19019 | Oct 06, 2021, 10:19 PM | 1 | <p>The objectives seem very leading to me. They do not take into consideration the potential opportunities for tourism and the number of hobby farmers in the area. Many rural owners have livestock which does not seem to be covered. It sounds to be like the proposal is to lock it up and throw away the key. It does not deal with the issue of lack of diverse housing options in the area.</p> <p>The Green Wedge should be able to be enjoyed by everyone however not restrictive controls on private property.</p>   | <p>Promoting Tourism opportunities for our area</p> <p>Hobby Farmers</p> <p>With north east link to be built consideration needs to be given to greater housing diversity in appropriate areas</p> <p>Need to address the issue of housing affordability in the shire and look to create appropriate rezoning of land close to infrastructure to support greater number of residents. Nothing like Doreen but clever environmentally sensitive developments that fit into Nillumbik's way of life. Somewhere I would love to retire!</p>  |
| 19018 | Oct 06, 2021, 10:00 PM | 1 | <p>Protecting the environment at the cost of bushfire and human safety. The council is contradictory on this issue.</p>  |   |
| 19014 | Oct 06, 2021, 09:31 PM | 1 | <p>I'm concerned the wording of these objectives are masking something deeper. Think c101 &amp; c 81. I have a sneaking suspicion this is a back door attempt to reintroduce something similar which I object to.</p>  | <p>No, but how is the council going to improve internet coverage? (Part of key objective 3)</p>   |
| 19013 | Oct 06, 2021, 09:29 PM | 1 | <p>Because they are motherhood statements and it is not clear what it means in real terms</p>  | <p>As above</p>   |

|       |                        |   |  |  |
|-------|------------------------|---|--|--|
|       |                        |   | Most importantly, protection of the environment and ecology should guide all planning by the Council.  |  |
|       |                        |   | Also:<br>- Treat the Urban Growth Boundary (UGB) as a hard boundary - extension into the Green Wedge is prohibited.<br>- Implement policies to control invasive flora and fauna.<br>-Complexify methods and approach to fire management in a way that is acceptable to or informed by First Nations People stewardship of the land, that is, in a way that is compatible with climate change mitigation and revitalises biodiversity.  |  |
| 19011 | Oct 06, 2021, 09:12 PM | 1 | There is nothing about protecting existing rural landholders rights, nothing about rural grazing and hobby farmers. No mention of business, tourism, amenity, or infrastructure in rural areas.  | Yes protection the the rights of rural residents and their rightful use of their land.   |
| 19010 | Oct 06, 2021, 09:09 PM | 1 | Objective 5.( the first O.5 )( see earlier submission on the previous Objectives I didnt realise I couldnt go back into it to add to it!}<br>O 5's sentence reads like something out of the comedy "Utopia" and it may well be trying to fudge what land use will be given priority. I don't like the word "sustainable" : for whom? the farmer, the developer who wants to build a hotel out in the Wedge, or the environmental value of the land: the trees, the understorey, the grasses, the soil and river health, the native fauna?<br>A green wedge must be about the natural environment and whatever is best for it FIRST.<br>This is imperative because I have seen over my lifetime living in the Shire ( and formally the Shire of Eltham) the gradual erosion of the Green in the Green Wedge with more and more development, land clearing, huge houses in the Wedge.etc<br>Re O.5 part two Fire risk : I would argue that no development may be the best option in parts of the high fire risk areas as people will be put at risk no matter how much land clearing you allow around a house ( and this in turn diminishes the Green in the Wedge as mentioned earlier).<br>Objective 7. This objective is the one where an SLO as mentioned earlier, would be good to protect the aesthetic of the Green Wedge and the use of the word enhance ought not imply "increase" at the expense of natural bushland.  | Re O 5 Part 1:There are too many potential land uses allowed in the Green Wedge of our Shire ( and most Green Wedges in Melbourne are completely degraded now) so in order to preserve the last remaining intact Green Wedge in Melbourne, the Planning Scheme must limit land use permits and introduce building envelopes that are enforced and not altered.<br>Only very limited further building ought be permitted, mainly within the rural township boundaries.<br>Once again, it is time the natural environment is put first.<br>I would like to see the word "enhance"" used for the Natural Environment not just the Agricultural land in O.7.<br>Re O.7 An SLO.<br>One more thing not covered here are the rural township plans and boundaries: we must ensure they are included and not expanded, likewise that there ought to remain a hard Urban Growth Boundary: this last point is very important, in fact crucial. Thank you. |
| 19001 | Oct 06, 2021, 06:06 PM | 1 | Objective 1.Please delete the word "residences" as it is not applicable to all areas in the Green wedge.<br>O 2. As most of our Green Wedge land is owned privately, the Objective needs to ensure that this land is included in the Objective, not just the land held by the Crown/State/Local Govts. The scheme must therefore, update it's Environmentally Significant Overlays and include a Significant Landscape Overlay applying to the Green Wedge.<br>Local Government must be furnished with the funds to actually manage the Green Wedge land including enforcement of the provisions to protect our flora/fauna and landscapes/waterways, and help for those with rural bush properties to maintain them including weed and feral pest eradication.  | See above already stated plus we need to ensure our waterways are not further degraded: all of them including tributaries, as they are a haven for the platypus and many rare species of frog and are essential for a healthy Green Wedge.<br>We need to make it clear that the land in Christmas Hills that Melbourne/Yarra Valley Water says they no longer need for catchment purposes is not subdivided but remains a part of the precious Green Wedge and in Government hands.  |
| 19000 | Oct 06, 2021, 05:33 PM | 1 | Key Objective 1<br>Suggested be revised to read:<br>Recognise the rural areas (land zoned Rural Conservation and Green Wedge) have as their primary purpose the natural environment, rural landscape, natural resource based uses and soil-based agriculture.<br>•My first concern is that referring to 'sites of environmental' significance can lead to a narrow focus on Commonwealth significance under the EPBC Act or State significance under the Flora and Fauna Guarantee and the like. My experience is that will be a common default in both consideration of planning scheme amendments and VCAT cases with expert witness down playing environment significance based on may a lack of Commonwealth or State significant species.<br>•My second concern is that reference to the Green Wedge in Nillumbik containing 'residences' implies that residential land use is supported in the Green Wedge zones. This is not the case in the RCZ or GWZ and to imply otherwise is contrary to the purposes of those zones.<br>Key Objective 4<br>•Built form development and associated infrastructure cannot be at the detriment of natural environment and/or lead to the further loss of soil-based agricultural land. Needs to be acknowledgement that rural resident development is not supported in the GWZ or RCZ. There should be a rural building envelope to reduce the risk of fragmentation and rural land uses fundamental to the Green Wedges (e.g. the natural environment and soil-based agriculture) must always be the primary use of the land. | •Need to ensure that the natural environment and/or existing soil based agriculture are the primary land use in the RCZ and other Green Wedge zones.<br>•Application of design requirements where built form and associated infrastructure is subordinate to the natural environment and/or existing areas of soil based agriculture in the Green Wedges.  |
| 18987 | Oct 06, 2021, 03:43 PM | 1 |  |  |

|       |                        |   |   |
|-------|------------------------|---|---|
|       |                        | <p>Objective 1: Focusing on defined areas of significance will inevitably lead to the loss of biodiversity within the Shire. All areas of vegetation/habitat are significant and must be protected.</p> <p>Objective 4: The objective should state: Ensure that land use conflict between agricultural and rural residential land will NOT fragment rural land into unviable land parcels</p> <p>Objective 6 re fire? Mitigate? How? Manage fire risk by application of 10/30 OR? Should define or may be interpreted as justification for unchecked vegetation removal.</p>  | <p>The protection of the environment and biodiversity should be the priority for all planning in Nillumbik.</p> <p>Recognise Urban Growth Boundary as hard boundary</p> <p>Control invasive plant and feral animals.</p> <p>Prohibit planting of environmental weeds</p>  |
| 18986 | Oct 06, 2021, 03:34 PM | 1   |   |
|       |                        |   | <p>Consider adding an objective about recognising and celebrating the multigenerational rural residents. Rural Nillumbik has many families with multi-generational occupancy and use of rural land, mainly agricultural, lifestyle and hobby farming land, and artistic pursuits. These relationships should be encouraged, welcomed, and recognised for cultural and heritage value in rural areas. This theme seems to be continuing the ongoing practice of council over many years to misrepresent ground truth, perpetuate myth and selectively promote some interests over others to suit predominantly urban residents whilst ignoring rural lifestyle grazing and hobby farming residents altogether based on no evidence and for no benefit.</p> |
| 18968 | Oct 06, 2021, 08:48 AM | 1   |   |
|       |                        | <p>Delete Key Objective 1 and replace with this objective – Private land Zoning in rural areas reflects ground truth and is fit for purpose.</p> <p>Zoning in the Nillumbik Green Wedge areas is currently not fit for purpose. Zones imposed on land do not reflect the actual settlement on the ground. 85 per cent of rural residents experience housing insecurity because of this failure. Amending the planning scheme to correct this anomaly will be welcomed by rural residents. Note the Victorian government does not support Nillumbik containing sites of environmental and landscape significance. The state requires significance sites to be identified as significant from a state-wide or regional perspective. Regional planning does not identify significance of landscapes in Nillumbik. State planning doesn't either. A current ground truth assessment would determine if Nillumbik has places with environmental and landscape significance worthy of recognition. There is no current ground truth assessment to inform this.</p> <p>Delete Key Objective 2 and replace with this objective – Nillumbik welcomes and celebrates the diversity of land use of rural green wedge areas.</p> <p>This diversity includes rural agricultural use, and rural lifestyle use including grazing and hobby farming, and bush living. About 20 per cent of Nillumbik and 25 per cent of rural Nillumbik is lifestyle grazing and hobby farming properties. About 25 per cent of Nillumbik is public land, 20 per cent is agricultural land and the balance is lifestyle properties that are bush blocks. Council has a long history of ignoring rural lifestyle grazing and hobby farming residents and the landholdings they own and live on. This does not mean these residents, and their landholdings do not exist. It just means Council would prefer we didn't. The effect of the purposeful alienation is the perception that council does not serve the needs of these residents, and council, and the planning scheme are irrelevant to these residents and their land. If council wants meaningful, equitable, acceptable, and enforceable land use planning, council should acknowledge and celebrate the diversity of land use in rural areas. The green wedge is already protected, and the Victorian government is currently taking steps to enshrine this protection. Council does not need to duplicate what Vic Gov is already doing</p> <p>Delete Key Objective 3 - this recognition serves no useful purpose and does not benefit rural residents or landholdings. It ignores the major infrastructure that is located here (Melbourne's Water purification and storage at Sugarloaf Dam, Melbourne's Power Lines, Melbourne's Water pipelines), and the state assets of significance (Warrandyte State Park). It ignores Victorian government planning to address essential communications and services infrastructure in rural areas.</p> <p>Delete Key Objective 4 - there is no land use conflict in Nillumbik. There are few opportunities for further subdivision in</p> |   |

|       |                        |   |   |   |
|-------|------------------------|---|---|---|
|       |                        |   | <p>Delete Key Objective 4 – There is no land use within in Nillumbik. There are few opportunities for further development in rural Nillumbik. There is little risk of further residential development in Green Wedge areas in Nillumbik (with the possible exceptions of replacement housing in Christmas Hills and potentially some vacant acreage parcels – neither of which is significant). See comments for Objective 2. This objective is based on a misunderstanding of ground truth. Perpetuating the ongoing lie about land use in rural areas does not make it true, it simply perpetuates a lie.</p> <p>Delete Key Objective 5 (a) – there are no issues of land use conflict, resource use and environmental management arising from diversity of uses in Nillumbik. This misrepresents the truth (again).</p> <p>Amend Key Objective 5 (b) – support development and management of land in rural areas mitigating fire risk (note delete the word potential – the use of this word is misleading).</p> <p>Delete Key Objective 6 – This is not a priority for the planning scheme in rural areas and its meaning and application are unclear.</p> <p>Delete Key Objective 7 – It is not clear what this means. No opinion unless clarity is provided</p> <p>Delete Key Objective 8 – What does this mean within the context of the planning scheme? Its purpose and application is not clear. The connection to the Green Wedge is not celebrated by rural grazing and hobby farming residents who moved here for lifestyle reasons that council does not appear to welcome, acknowledge, or celebrate. Clarify this or delete it.</p> |   |
|       |                        |   | <p>The state government requires the green wedge to cover a range of rural uses</p>   |   |
| 18956 | Oct 05, 2021, 07:04 PM | 1 |   |   |
|       |                        |   | <p>There is not enough emphasis on liveability and the rights of people to live and live safely on land and in homes within the green wedge.</p>  | <p>1. That rural landholders should be supported in initiatives to reduce wildfire risk as this benefits not only residents in the rural parts of the green wedge but on the surrounding built up areas. Residents in rural parts of the green wedge should have automatic right to rebuild in the event of fire.</p> <p>2. Economic development - there are many more types of economic development that could occur in the green wedge that would attract tourism and jobs without diminishing what makes the green wedge special. Tourism should be a recognised priority in the green wedge with easy approval processes.</p> <p>3. Infrastructure should be a further priority - safer roads, better maintained, more sealed roads (to reduce water turbidity in runoff) and clearing of vegetation along road reserves to enable safe exits for people in the event of wildfire</p> |
| 18955 | Oct 05, 2021, 06:09 PM | 1 |   |   |
| 18950 | Oct 05, 2021, 04:23 PM | 1 |   | <p>Fails to identify nuisance noise such as uncontrolled barking dogs and noisy recreational vehicles, e.g. toy bikes causing unreasonable disturbance to neighbors and wildlife.</p>   |
| 18948 | Oct 05, 2021, 04:10 PM | 1 |   | <p>Some recreational use, particularly using motor vehicles e.g. toy bikes, cause a high degree of noise and thus nuisance and disturbance to neighbours and wildlife. This activity can last for some hours and involve a gathering of riders</p>  |
|       |                        |   | <p>It appears that there is still a risk to the integrity of the Green Wedge as it was originally envisioned unless some of these key objectives are clarified and expanded upon. What is a natural resource based activity.....it may be something which has a detrimental effect on the natural environment. The mention of residences may imply that there may be more intrusion into the Green Wedge by future housing.</p> <p>The recognition of the Green Wedge as a valuable and sensitive environment in the protection of native wildlife, vegetation and landscape needs to take precedence over any potential plans to introduce tourism ventures which supposedly allow more people to enjoy the area but ultimately destroy the very environment these ventures set out to encourage people to experience.</p>   | <p>All planning in Nillumbik should have the protection of the environment and biodiversity as its overarching guide. This is alluded to in some of the key objectives here but not stated clearly enough.</p> <p>Incremental creep of the built form and other activities (tourism, agriculture) can erode the integrity of the Green Wedge. It is a buffer between urban and country and the Urban Growth corridor should not be allowed to expand into it.</p> <p>There should be an objective to state that the Green Wedge is for all and not just for the benefit of those who choose to live in it and sometimes wish to use it for their own gain. This objective needs to include the importance of preserving it for future generation also.</p>  |
| 18934 | Oct 05, 2021, 01:23 PM | 1 |   |   |

|       |                        |  |   |
|-------|------------------------|--|---|
|       |                        | Objective 4 is only an acknowledgement of the conflict. For a 30 year plan the objective should outline an intention to either maintain the current balance between rural, residential and Green Wedge or other not to just acknowledge the conflict. The objective need to be more explicit about the planned outcomes for a balance.<br>Objective 3 should be stronger, not just to 'recognise'. The objective should be to work with all levels of government to improve the services for the rural areas. Remembering thta this is a 30 year plan not just a 3 year plan.<br>Objective 8 is too vague and unclear. What does to 'celebrate' mean? Is the Green Wedge currently accessible to all?  | More walking tracks through the Green Wedge just as we find in the UK and Europe. These do not need to be concrete paths and not speed tracks for bike use. But for all the community to enjoy the Wedge more access needs to be available.   |
| 18933 | Oct 05, 2021, 01:15 PM | 1  |   |
|       |                        | There is a mix of action statements (2,5,5!,6,7) and context statements (1,3,4,8) How do you measure success for the latter?<br><br>Objective 3<br>how can you have a lack of existing infrastructure?<br>Maybe it could be described "rural areas (with dispersed populations) often have limited infrastructure, including essential services, community facilities and internet coverage"   |   |
| 18919 | Oct 05, 2021, 10:56 AM | 1  |   |
|       |                        | I agree with 7 and 8 .<br>I believe rural land owners should be assisted by council to maintain property . Not hampered by them.   | Yes , the way it's written is to provide a predetermined outcome. You. should work with existing land owners , not alienate them with this garbage  |
| 18907 | Oct 04, 2021, 10:11 PM | 1  |   |
| 18890 | Oct 04, 2021, 05:11 PM | 1  |   |
|       |                        | Key Objective 1 - Amend to read:<br>"Recognise the rural areas (land zoned Rural Conservation or Green Wedge) contain sites of environmental and landscape significance, natural resource-based activities, residences and diverse activities associated with rural living."<br><br>Council also needs to acknowledge the people that live, work and play in the green wedge, their families, homes and property infrastructure, businesses, domestic animals and livestock, productive rural land and rural activity.<br><br>Rural residents are part of the reality, identity and future of the green wedge, so need to be incorporated in this statement or have a dedicated statement recognising this.<br><br>Key Objective 2:<br>Protect our Green Wedge and its environmental integrity to ensure a safe haven for native wildlife, thriving biodiversity and native vegetation<br><br>Agree, but the green wedge environment isn't just about native plants and animals and biodiversity does not solely relate to native wildlife and vegetation, it incorporates the entire variety of plants and animals outside the UGB.<br><br>Key Objective 3:<br>Recognise that the rural areas often lack existing infrastructure, including essential services, community facilities and internet coverage.<br>What is the point of this Objective?<br><br>Key Objective 4:<br>Acknowledgment of land use conflict between agricultural and rural residential land uses and a risk that further residential development will fragment rural land into unviable land parcels.<br><br>Where are the stats to justify this statement of land use conflict? How is existing rural residential land in conflict with agricultural land and as there is no provision for new subdivision in the Nillumbik Green Wedge how will it be in the future? | ADD New Objectives:<br>•Recognise the critical role that land in private ownership plays in underpinning the Green Wedge<br>•Preserve rural activities including general farming, agriculture and the keeping of livestock<br>•Respect and preserve existing use rights on rural land in the Rural Conservation and Green Wedge Zones |
| 18886 | Oct 04, 2021, 04:38 PM | 1  |   |

|       |                        |   |   |   |
|-------|------------------------|---|---|---|
| 18875 | Oct 04, 2021, 03:33 PM | 1 | <p>Key Objective 1<br/>Suggested be revised to read:<br/>Recognise the rural areas (land zoned Rural Conservation and Green Wedge) have as their primary purpose the natural environment, rural landscape, natural resource based uses and soil-based agriculture.</p> <ul style="list-style-type: none"> <li>•My first concern is that referring to 'sites of environmental' significance can lead to a narrow focus on Commonwealth significance under the EPBC Act or State significance under the Flora and Fauna Guarantee and the like. My experience is that will be a common default in both consideration of planning scheme amendments and VCAT cases with expert witness down playing environment significance based on may a lack of Commonwealth or State significant species.</li> <li>•My second concern is that reference to the Green Wedge in Nillumbik containing 'residences' implies that residential land use is supported in the Green Wedge zones. This is not the case in the RCZ or GWZ and to imply otherwise is contrary to the purposes of those zones.</li> </ul> <p>Key Objective 4<br/>•Built form development and associated infrastructure cannot be at the detriment of natural environment and/or lead to the further loss of soil-based agricultural land. Needs to be acknowledgement that rural resident development is not supported in the GWZ or RCZ. There should be a rural building envelope to reduce the risk of fragmentation and rural land uses fundamental to the Green Wedges (e.g. the natural environment and soil-based agriculture) must always be the primary use of the land.</p> | <ul style="list-style-type: none"> <li>•Need to ensure that the natural environment and/or existing soil based agriculture are the primary land use in the RCZ and other Green Wedge zones.</li> <li>•Application of design requirements where built form and associated infrastructure is subordinate to the natural environment and/or areas already used for existing soil based agriculture in the Green Wedges.</li> <li>•Apply a building envelope to minimise the development footprint in rural areas for built form and associated infrastructure by minimising fragmentation otherwise caused by scattered development.</li> <li>•Review the application of ESO and SLO across the Green Wedge zones in line with Government policy, ensuring enforcement of protections and adequate resourcing.</li> <li>•Requirement for a land management plan for all proposed built developments and their associated infrastructure to ensure the primary use of the land is for natural environment and/or agriculture where cleared land is already available. This is in line with the in conjunction requirement for certain uses that should be applied to all proposed built developments.</li> </ul> <p>Council needs stronger compliance to protect the Green Wedge's planning objectives. Around our rural township there are many examples of trees being cutdown or arborists hired to take out crowns of trees for distant views to the Dandenongs or Kinglake. Recently landholders accessed crown land (bushland) with large tractors and seriously damaged the vegetation (photos supplied). Council was notified in these instances and no action taken.</p> <p>A gap is a clear definition of political signage, now supposed to be covered in section 52.05 and 73.02. Council staff now interpret a sign on my front gate that reads "Protect our Green Wedge" as a political sign yet it is almost the same wording as Council's letterhead? It does not say to vote for anyone or any party. I was to be fined \$800 if the sign was not removed.</p> |
| 18871 | Oct 04, 2021, 03:11 PM | 1 |   |   |
| 18868 | Oct 04, 2021, 03:06 PM | 1 |   | NO  |
| 18862 | Oct 04, 2021, 12:08 AM | 1 | <p>I agree with them, but also I'd like to see a push towards Food Security for Nillumbik with managed growing land servicing the local area.</p>   |   |
| 18859 | Oct 03, 2021, 08:02 PM | 1 | <p>Objective 1: Needs re-writing so that environmental and landscape values are not minimised and localised by just referring to, "sites of significance". The whole Green Wedge has environmental and landscape significance of varying degrees and planning policies must be designed to protect and enhance the environment and landscape of the whole Green Wedge not just the narrow focus of recognising certain "sites".</p> <p>Objective 3: Needs re-writing so that ambiguity is removed. What is intended by this objective? Lack of infrastructure is what makes a rural area, rural. If the intention is to bring infrastructure provision up to an urban standard, then the potential is for there to be a loss of green wedge values. That must be avoided.</p> <p>Objective 4: Most of Nillumbik's rural land is zoned for conservation, that is why dwellings need permits which are often refused. Further residential development potentially creates conflict with both agriculture and the natural environment. The RCZ discourages rural residential uses.</p> <p>Objective 5: In the context of environmental management and sustainable land use, land management plans should be included as a tool.</p> <p>Objective 5: Development in rural areas must also protect biodiversity.</p> <p>Objective 8: Nillumbik's Green Wedge has value for anybody living outside the shire too. It is a valued resource for Melbourne because of its open space, natural environment, clean air, landscapes etc. This region-wide value must be recognised in this objective..</p>  | <p>There must be an acknowledgement of the various threats, potential and real, which challenge our Green Wedge: i.e. the threat of over-development - rural land is attractive for life-style/ rural residential purposes. There are many small lots already existing from past inappropriate subdivision which are vulnerable to residential applications by those seeking amenity benefits. Small lot development reduces open space and should be discouraged.</p> <p>There should be an objective to retain the Urban Growth Boundary in its current position in Nillumbik, including the firm intention to resist any weakening of development controls around the UGB.</p> <p>Where development is allowed, use should be made of building envelope requirements to confine the impact of development.</p>   |

|       |                        |   |  |  |
|-------|------------------------|---|--|--|
| 18853 | Oct 02, 2021, 02:20 PM | 1 | <p>Natural resource-based activities, including agriculture, must not be to the detriment of the environment, and must actively work to enhance the health and abundance of indigenous biodiversity.</p> <p>Recognise that the preservation of the green wedge, protection of biodiversity, and action on climate change, hold the greatest value – and are therefore top priority - for the Nillumbik Community.</p> <p>(Consistent with the findings from the Our People, Our Place, Our Future community consultation)</p> <p>1. Natural resource-based activities, including agriculture, must not be to the detriment of the environment, and must actively work to enhance the health and abundance of indigenous biodiversity.</p> <p>Recognise that the preservation of the green wedge, protection of biodiversity, and action on climate change, hold the greatest value – and are therefore top priority - for the Nillumbik Community.</p> <p>(Consistent with the findings from the Our People, Our Place, Our Future community consultation) Referring to the Green Wedge in Nillumbik containing ‘residences’ implies that residential land use is supported in the Green Wedge zones. This is not the case in the RCZ or GWZ and to imply otherwise is contrary to the purposes of those zones.</p> <p>3. Recognise that the rural areas often lack infrastructure, including essential services, community facilities and internet coverage, and explore options for enabling community connections.’</p> <p>4. Development cannot be to the detriment of the environment and/or lead to further loss of existing agricultural land.</p> <p>5. The management of conflicting land-use, resource use and environmental management, is done through the development, enforcement and ongoing review of land management plans, in conjunction with environmental protection strategies and enforcement. These processes must be adequately resourced.</p> <p>6. Development should only proceed where the proposed development meets the first principle of avoiding and minimising loss of native vegetation.</p> <p>All development in rural areas minimises potential fire risk in a way which is acceptable to, and compatible with, First Nations People’s stewardship of the land, as well as being compatible with Climate Change mitigation and preservation of biodiversity.</p> <p>8. Whilst ensuring agricultural practices employ sustainable and regenerative practices, protect the Green Wedge and reinvigorate biodiversity.</p> |  |
| 18849 | Oct 02, 2021, 02:01 PM | 1 | <p>Most important is (2). The object of the green wedge is to prevent further loss of habitat and environment for indigenous flora and fauna.</p>  | <p>Conservation of habitat is not really addressed. Conflict between rural use and residential use is considered, but not how rural and residential use can affect the preservation of endangered species in the area.</p> |
| 18827 | Oct 01, 2021, 12:20 PM | 1 | <p>Objective 3 written as it is can open Pandora’s box re rural development. I understand the need with working from home for better and wider intranet coverage but not for heaps of wine bars or restaurants to flood the district.</p> <p>There is nothing about illegal dumping that should be included.</p>   |  |

|       |                        |   |   |   |
|-------|------------------------|---|---|---|
| 18820 | Oct 01, 2021, 07:28 AM | 1 | This is a deceptive documents with political speak that does not actually address what you are undertaking, namely threatening land holders with impossible restrictions. You couch in flowery language that conceals an agenda to make life miserable for land holders, and htat is shameful and dishonest   | Yes. Planning permits are often dependent on a range of impossible restrictions dictated by an ultra green agenda "Sorry we wont pass that application as the proposed residence may impact the flight path of a parrot" and other such insane restrictions While at the same time you the Ultra green lobby will allow invasive species like Bergan to completely take over at the expense of indigenous species creating a massive fire hazard<br>Meanwhile you have allocated vast sums of money to grossly over priced and ridiculous infrastructure spending   |
| 18752 | Sep 29, 2021, 06:54 PM | 1 | Need to make sure that the Green Wedge is not reduced as it is the important area to keep the rural area  | Expanding on existing areas / pockets of natural wildlife remnants.eg Eltham copper butterfly. Regenerate areas of degraded land.   |
| 18705 | Sep 27, 2021, 10:50 AM | 1 | Areas protected from development retaining a large green wedge. Main Road through Diamond Creek is suffering major congestion at peak hours and needs urgent attention.   | Develop covenant schemes to set aside Wildlife land areas in perpetuity.  |
| 18642 | Sep 26, 2021, 06:35 PM | 1 | Additional Comments to<br>Key Objective 1<br>Preservation of the Green Wedge land needs to be recognised as a top priority for Nillumbik. Any residential land use in the Green Wedge zones must not be detrimental to the stated purposes and requirements of the zones. Natural resource based activities, including agriculture, must actively work to enhance the health and biodiversity of the local environment.<br>Key Objective 4<br>Any residential land use and development in the Green Wedge zones must not be detrimental to the local environment and/or lead to further loss of existing agricultural land. | Current MPs ineffective. Perhaps with new eyes we may see real improvement in Diamond Creek for starters. Eltham community hospital proposed to be in an area where traffics is a nightmare during peak times.  |
| 18630 | Sep 26, 2021, 05:15 PM | 1 | Objectives 1, 3, 4, & 8 are not objectives but statements.<br>Objective 2 where is the protection of human life.<br>Objective 4 - I think this objective is built on a false premise. I do not believe there is a conflict between agriculture and the majority of residents in the Green Wedge.<br>Objective 5 - there are two objective 5's. It should be stated clearly what the perceived land use conflicts are. This is not clearly stated therefore the objective cannot be agreed or disagreed with.<br>Objective 7 - is their a priority here ?  | Preservation of the Green Wedge environment and diversity needs to be recognised as defining all related planning in Nillumbik.<br>The Urban Growth Boundary (UGB) must be locked down as a defined boundary to protect Green Wedge area from inappropriate development and uses.   |
| 18368 | Sep 19, 2021, 05:44 PM | 1 | I only agree with objective 3.<br>I disagree with all the others as the measures that are already in place are sufficient for our thriving green wedge  | Why is the requirement to put an email omitted from this submission?<br><br>How about allowing land owners to make their own property fire safe   |
| 18355 | Sep 19, 2021, 04:00 PM | 1 |   | Land holders require a greater say as to how the land can be used and developed. Many topics touch on further development causing the green wedge to be at Risk, however we do require some better utilization of existing lot sizes so that we can increase funding to provide the infrastructure and services.<br>example area in plenty 3090 west of Gorge, east of McClennans Road where lot sizes could be further reduced to 4000m2 to assist with greater land use while still maintaining the semi rural green wedge setting. This area is close to the current 40000m2 plenty strategic plan scheme zone so integrating the 2 areas would not be such a difficult objective. |
| 18329 | Sep 18, 2021, 02:22 PM | 1 |   |   |
| 18293 | Sep 17, 2021, 01:36 PM | 1 |   |   |



Attachment 2 - Redacted and Consolidated Survey Responses MPS Phase 2 Consultation

|       |                        |   |  |  |
|-------|------------------------|---|--|--|
|       |                        |   |  | Recognise human induced climate change as a real current and increasing threat to the existing biological systems within the Shire and on which humans ultimately depend.  |
|       |                        |   | Objective Use 6 should say 'Avoid insensitive use and development ...  | Review all planning issues with the long-term view that without climate considerations climatic events of increasingly impact will render short-term planning decisions obsolete.  |
| 18274 | Sep 16, 2021, 11:08 PM | 1 | The wording of the objectives is clearly biased and does not represent what rate payers want from the green wedge. The focus is conservation with little regard for the rights or desires of the people that live in the area and pay the rates that support it. The key objectives should be to support those living in the green wedge through the provision of services to ensure that their properties are fire safe. That erosion is limited by managing water runoff from roads before it enters private property. By enabling people to remove dead trees that are a risk to people and property without the need to pay for expensive reports and permits. | Do not confuse land clearing as being a fire mitigation measure in the long term. Excessive Clearing exacerbates climate instability. Carbon sequestration must be a suitable and measurable pursuit of all land owners through Carbon credits. Call for a National Framework for agricultural land use.   |
| 18272 | Sep 16, 2021, 10:55 PM | 1 |  |  |
| 18260 | Sep 16, 2021, 07:04 PM | 1 |  |  |
|       |                        |   | Objective 4 is outdated as modern techniques such as hydroponic gardening can be done on much smaller sites<br>Does not allow for solar or wind farms  | Review objective 4   |
| 18231 | Sep 16, 2021, 03:59 PM | 1 |  |  |
|       |                        |   | There seems to be an implicit, and indeed explicit, theme that the Green Wedge will impact on future development (= subdivision). However, it is my understanding that the boundaries of the Wedge have been established within legislation. In other words, there will not be any subdivision or development within that area. Thus there will not be further fragmentation or loss of areas of environmental or landscape importance, nor will there be any future conflict between opposing interests.  | It is clear that council are quite happy to promote platitudes which supposedly 'protect' the environment, its flora and fauna. However, in practice, council are quite happy to allow road development without attempting to reduce numbers of trees removed (Yan Yean Road, stage 1 redevelopment) or to 'sell' reserved parkland to the CFA for station development (the old site being an area which was to revert to parkland although council now appear to be wanting to commercialise it). Equally council are quite prepared to suggest that another government agency obtain listed parkland (presumably at a price) for building and associated areas for provision of carparks, also in the listed parkland area (VHBA proposal). Only after considerable public outcry have council now decided to further investigate the matter, even though the site selection itself was contrary to selection criteria and appropriate background information (e.g. regarding transport, traffic, parking) was unavailable (and indeed has not yet been obtained). The gap that is needed to be filled within this theme is a requirement for council to be accountable for its actions and lack of actions. Council must, having promoted parkland, make sure that development of such areas is not a random event. |
| 18227 | Sep 16, 2021, 02:48 PM | 1 | Yes, but for objective 7, I stand strongly for the upkeep of the remnant endemic bush land. It is a precious resource that is under threat from<br>Weeds which are spread by horse droppings from riders using 'significant roadside' verges and increasing numbers of residents in newly subdivided lands.<br>I must also say the newish system of walking tracks in the panton hill region is very well done. Thank-you  |  |
| 18223 | Sep 16, 2021, 01:40 PM | 1 |  |  |
|       |                        |   | Seems limited in scope to preserve rather than expand, noting the loss of green wedges far outstrips the preservation means we are not enhancing for the future.   | Ways to increase green wedge, have land limits so that a lot for agriculture must have a percentage of land with corridors preserved for green wedge purposes. Greater regulation or focus on organic agriculture  |
| 18222 | Sep 16, 2021, 11:25 AM | 1 |  |  |
|       |                        |   | Much of the 'rural' land is not suitable for agriculture so subdivision into smaller blocks would not have any effect.   | Considered subdivision has occurred in some parts of an area but not others. Yarrambat has mixed size blocks from 1 acre through to 30 acres. When Yan Yean Road Section 2 is completed Council must look at the delayed Yarrambat Township plan.  |
| 18219 | Sep 16, 2021, 11:02 AM | 1 |  |  |

|       |                        |   |   |  |   |
|-------|------------------------|---|---|--|---|
|       |                        |   |   |  | <p>Rural landowners look after their properties! We don't want to be told what we can and can't do on them! If I want to use round up then I ships be allowed to as it isn't a federally banned product! I think NSC is listening to city folk and greenies who want all land returned to bush! Time to sit up and listen to the people that live on the land to find out what we love about it and not look at us like we're at war!</p> <p>I spend a lot of money rejuvenating soil, weed control, preventing erosion, working on drainage, getting rid of rabbits and foxes, ensuring water for my animals as well as wildlife and caring for the area that we call home!</p> <p>Do I see council doing the same or even govt departments who contain reserves? No! They rely on us to do their work! I dig out thistles and blackberries all the time! We mow an area to keep the grass down for fire prevention on crown land, if we didn't then who would?</p> <p>There's more to us rural landowners than meets the eye! Stop wanting to control us and accept that I will have grass for my horses and chooks! But note I share the grass with the kangaroos and deer as well as rabbits! We care about our land and that's why we live here!</p> |
| 18143 | Sep 12, 2021, 05:09 AM | 1 |   |  |   |
| 18125 | Sep 11, 2021, 12:57 PM | 1 |   |  |   |
|       |                        |   |   |  | <p>Key object five and five. Seriously get it right, ambiguities in every statement made on this rubbish document. Stop trying to get a mandate through stealth. Give us real policy that is clear and honest in its intent.</p>  |
| 18121 | Sep 11, 2021, 06:46 AM | 1 |   |  |   |
|       |                        |   |   |  | <p>Because it is unclear in its intent and out come for land owners. No details just a bunch of slogans</p> <p>Land owners rights to exist interact and maintain a save living environment on THEIR land.</p>   |
| 18118 | Sep 11, 2021, 06:34 AM | 1 |   |  |   |
|       |                        |   |   |  | <p>The Green Wedge is but an area within the Shire and, while deserving of attention, is no different - people live, work and enjoy the space they occupy. There are environmental protection initiatives in other areas (road surfaces, kerbing, drainage, etc) that would be of benefit to protect the 'values' of the land within the wedge that can be done now if you want to protect the amenity of the area.</p>   |
| 18100 | Sep 10, 2021, 02:20 PM | 1 | <p>Key Objective 3<br/>Recognise that the rural areas often lack existing infrastructure. Including essential services, community facilities and internet coverage. Internet Coverage would seem a long stretch as most / all of the Shire would be either nbn Fixed Line or nbn Wireless (which means ADSL still available) with the exception of very small pockets that may be in black spots in which case there are other solutions available.</p> <p>Key Objective 4<br/>Acknowledgment of land use conflict between agricultural and rural residential land uses and a risk that further residential development will fragment rural land into unviable land parcels. Viable implies the current landowner sees benefit in continuing his/her current activity. If that is not the case, and there is no one willing to continue the current practice, then rather than becoming fallow/unmaintained then smaller residential plots (could still be significant size, e.g., greater than 2 ha) would see, a better solution for the community and the environment.</p> <p>Key Objective 5<br/>Manage the issues of land use conflict, resource use and environmental management arising from the diversity of uses through sustainable land use and natural resource management.</p> <p>Key Objective 5<br/>Ensure development in rural areas mitigates potential fire risk. The greater risk is posed by the Urban interface and management should be directed more to this given the limited budget the Council have for fire mitigation activities.</p> <p>Key Objective 6<br/>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. Advocate to State Government to undertake Shire Wide testing and analysis of contaminated land.<br/>Would seem to be an expense the Council wish to apply to residents/users that far exceed what is expected elsewhere and there is no guidance as to the cost benefit - "or may contain" is extraordinarily wide.</p> <p>Key Objective 7</p> |  |   |

|       |                        |   |  |  |
|-------|------------------------|---|--|--|
|       |                        |   | <p>Key Objective 7</p> <p>Protect and enhance agricultural land for both its productive potential and environmental value. Enhance is a vague and potentially expensive aspirational goal and open to misuse.</p> <p>Key Objective 8</p> <p>Our connection to the Green Wedge is celebrated by all who live, work or enjoy their time in it. Such a motherhood statement should apply to all areas of the Shire, not simply the Green Wedge, as there are publicly accessible areas everywhere for "enjoying their time"</p>   |  |
|       |                        |   | <p>No positive objectives exist for human inhabitants of the Green wedge</p> <p>I am talking about the long suffering humans that have been custodians of the Green Wedge since its inception</p> <p>We who have battled with vermin such as rabbits, deer, blackberry, NZ tea trees and cape weed which we did not introduce</p> <p>Due to restrictions on culling tea trees because they were wrongly assessed as being native we now face hectares of tea trees just waiting for an inferno. No help from the Nillumbik council yet our rates are astronomical.</p> | <p>Existing residents of over 30 years are faced with limitations that were not present when they purchased pre 1990</p> <p>It's all well and good to accept the new limitations if you are buying into the area. If you don't like it don't buy in.</p> <p>However what about existing owners who bought when restrictions were much laxer.</p> <p>Sure we can sell and move but at a deflated price. Our properties have been devalued by the restrictions imposed.</p> <p>These restrictions were largely imposed on us without regard for our financial welfare.</p> |
| 18080 | Sep 09, 2021, 09:44 PM | 1 |  | <p>Cap green wedge landowners rates. Acreage is expensive to maintain and rates have become exorbitant as land value increases. All residents enjoy the green wedge environment but the land owners pay for that attraction mostly without getting any financial income from their property.</p>   |
| 18078 | Sep 09, 2021, 07:04 PM | 1 |  |  |
|       |                        |   | <p>2, 4, 5 &amp; 7. Objective 5 is duplicated. Council should focus on existing residents and not make conditions more challenging to people that currently live in the green wedge.</p>   | <p>Quality of life and conditions for current residents without changes that are onerous and change the fundamentals of why people chose to live where they do.</p>  |
| 18073 | Sep 09, 2021, 04:48 PM | 1 |  |  |
|       |                        |   | <p>4 - we pay the highest rates in Victoria to live in Nillumbik yet objective 4 appears to enshrine those in the rural areas with 'what the Green Wedge is about'. The rest of us in Eltham and built up areas apparently can pull our heads in and live with development as I read the objective.</p>  | <p>There should be options for planned large lot residential development anywhere in the shire.</p>  |
| 18068 | Sep 09, 2021, 02:41 PM | 1 |  |  |

## Heritage, Arts And Culture

Title/Question: Heritage, Arts and Culture  
Tool Type: Form  
Activity ID: 315  
Report Date Range: 9 Sep 2021 - 21 Oct 2021  
Date Exported: 26 Oct 2021 10:09 am

| Contribution ID | Date Submitted         | Do you agree with the identified key objective? If not, which objective(s) and why? |    |        | With consideration of objectives in the other themes, can you identify any gaps in this theme that the MPS should consider?   |
|-----------------|------------------------|---|----|--------|---|
|                 |                        | Yes   | No | Unsure |   |
| 19310           | Oct 21, 2021, 11:14 PM |   | 1  |        | I dld like to see an inclusion of Aboriginal participants in arts programs giving opportunity for Aboriginal voices to be a significant part of arts and culture programs.<br>Recognition and protection of archaeological sites is important but the meeting of our community with Aboriginal people is essential to us belonging to the present and future engagement with First Nations.   |
| 19304           | Oct 21, 2021, 09:20 PM |   | 1  |        |   |
| 19276           | Oct 21, 2021, 01:13 PM |   |    | 1      | For far more than 50 years Nillumbik has 'free loaded' upon the efforts especially of one private arts endeavour - Montsalvat. Nillumbik already has a well located central site - the former Eltham shire offices which,being close the library is eminently suitable to form the key focus for our shires arts and cultural activities going forward into the next 50 years.<br>I call upon our Council to undertake a feasibility study to investigate how Nillumbik's own arsts centre might be achieved. |
| 19205           | Oct 19, 2021, 08:37 AM |   |    |        |   |

Key objective 4 needs to be our Key objective 1  
It is important that we pay respect to original aboriginal custodians of the Nillumbik region which we do.However looking to the future we need to be more inclusive and the overarching importance is for ALL our community members to share in our celebration of the arts in all its forms music,painting,sculpture and dance etc .  
Those identifying as aboriginal would no doubt be encouraged to participate and be celebrated.  
I fully support the PALS submission

|                              |   |   |   |
|------------------------------|---|---|---|
| 19172 Oct 14, 2021, 10:03 PM | 1 | <p>1 &amp; 2. Suggest rewording and use as overarching objective:<br/>Recognise<br/>the land, waterways and all life they sustain are central to<br/>the<br/>cultural values of First Nations Peoples. As such, their value<br/>must be recognised and protected throughout the Shire, not<br/>just in specific sites.<br/>3. Suggest this objective is listed first</p>  | <p>Suggested overarching objective that recognises the land,<br/>waterways and all life they sustain are central to the cultural<br/>values of First Nations Peoples. As such their value must be<br/>recognised and protected throughout the Shire. Consideration of<br/>heritage includes natural heritage. Succession<br/>tree planting must be a vital consideration. It makes visible the<br/>course of time, it sustains our cultural values and identity, the<br/>aesthetics of nature enriches quality of life and connection<br/>between people.<br/>All Council arts collections reflect the diversity of the<br/>community.<br/>Alternate building materials that are environmentally sensitive<br/>and reflect the character of Nillumbik, such as mud bricks,<br/>should be protected and encouraged.<br/>Buildings that reflect history and local values are maintained,<br/>celebrated, and heritage listed.</p> |
| 19072 Oct 07, 2021, 11:48 PM |   | <p>Although long overdue, do have concerns regarding the<br/>focus on Aboriginal heritage in objectives 1,2 &amp; 3. Believe<br/>that sites of significance need to be fully explored and<br/>acknowledged, whilst balancing the heritage significance to<br/>post-colonial communities in the Shire. ie. the promotion of<br/>one should not be at the detriment of another.<br/>1 Key objectives 4 &amp; 5 are more inclusive of our community.</p> |   |

|       |                        |   |   |   |
|-------|------------------------|---|---|---|
| 19071 | Oct 07, 2021, 11:25 PM |   | <p>Struggle with the first 3 objectives, as think this is a very personal journey for people and that State Planning and existing planning ensures sites of Aboriginal significance are identified and protected. Not sure how MPS can do more. Objective 2 is very broad and potentially has huge ramifications. Objective 3 is impossible for majority of people to understand and honestly take on board. Not sure how this fits in with MPS.</p> <p>Objective 4 - "shared heritage" difficult concept - none of us have identical heritage - does this strengthen our community? Think at best we can appreciate the heritage, history and artistic culture of Nillumbik - we might even enjoy it!!!</p> <p>Objective 5 - great - but where can we go? and how is planning going to help this? eg I would like to open a gallery in my shed on my rural property, I have parking and a toilet, is it a goer? or I want to make baskets in my shed and sell them to public, will planning help me?</p> |   |
|       |                        |   | <p>Suggest objective 3 is listed first and takes primacy over the others</p> <p>Suggest rewording of current Objective 1 and use as overarching objective:<br/>Recognise the land, waterways and all life they sustain are central to the cultural values of First Nations Peoples. As such, their value must be recognised and protected throughout the Shire, not just in specific sites.</p>   | <p>Other suggestions for consideration as objectives<br/>Consideration of heritage includes natural heritage. Succession tree planting must be a vital consideration. It makes visible the course of time, it sustains our cultural values and identity, the aesthetics of nature enriches quality of life and connection between people.</p> <p>All Council arts collections reflect the diversity of the community.</p> <p>Alternate building materials that are environmentally sensitive and reflect the character of Nillumbik, such as mud bricks, are be protected and encouraged.</p> |
| 19066 | Oct 07, 2021, 10:00 PM | 1 | <p>Obj 2<br/>Again not just limit to specific sites.</p> <p>Key Objective 1, 2 and 3 is already achieved through the application of aboriginal heritage overlays across much of the shire. It is not required.it should be mentioned<br/>Key Objective 4 – is nice but does not say anything much and has no place in the planning scheme.<br/>Key Objective 5 – agree – and again, it’s nice – but it has no place in the planning scheme</p>  | <p>Buildings that reflect history and local values are maintained, celebrated, and heritage listed.</p> <p>this statement is supposed to describe the area and it's priorities and heritage to inform planning permit applications</p>  |
| 18977 | Oct 06, 2021, 09:06 AM | 1 |   |   |

|       |                        |   |  |   |
|-------|------------------------|---|--|---|
| 18954 | Oct 05, 2021, 05:12 PM | 1 | <p>There need to be further inclusions. Aboriginal culture could be taught in our local schools. Performing Arts are important. There needs to be just as much money and emphasis put on performing arts....music, drama, as there currently is on sporting facilities in the Shire.</p> <p>More information is needed about all our artists, past and present , literary, visual, performing.</p> | <p>There needs to be readily available information about all our heritage ....First Nations and settlers. Natural environment and its inspirations for artists ....hence another reason to protect and preserve our native fauna and flora.</p> <p>Both Aboriginal and European local history needs to be promoted and celebrated through plaques in public places, information street signage, and local place names etc. Council's web site is another obvious place for this too including public access to historical photos and records.</p>   |
| 18942 | Oct 05, 2021, 02:34 PM | 1 |  |   |
| 18932 | Oct 05, 2021, 12:37 PM | 1 | The acronym OPOPOF should be spelt out   |   |
| 18911 | Oct 04, 2021, 10:28 PM | 1 |  |   |
| 18899 | Oct 04, 2021, 06:25 PM | 1 |  |   |
| 18894 | Oct 04, 2021, 05:18 PM | 1 |  |   |
|       |                        |   | Additional Comments to   |   |
|       |                        |   | Key Objective 2 to instead read:<br>Ensure new use and development do not impede on or detract from all sites of heritage significance, including sites and features of Aboriginal cultural heritage and archaeological significance.  |   |
|       |                        |   | Key Objective 4<br>Actively promote valuing of all of our local history, including the study of cultural and social past events in a local context.<br>1,2 and 3 are already being covered.<br>Now you've changed the recognition speech with such violent language I disagree to it being spoken everywhere like it is now.   |   |
| 18840 | Oct 01, 2021, 04:59 PM | 1 |  |   |
| 18364 | Sep 19, 2021, 04:29 PM | 1 |  | <p>There could be greater emphasis on supporting new art in developments and upgrades (e.g. murals in retaining walls at new footy facility).</p> <p>I firmly believe that architecture is art and the objectives could include an objective to encourage more architecture and landscape architecture in the shire. There are SOOOOO many very average housing developments going up (and a few better ones) and I think that with higher quality architecture the housing stock of the shire could be elevated which would have creative benefits for residents.</p> <p>Support the local arts, crafts and artisan industries wherever possible</p> |
| 18349 | Sep 18, 2021, 11:12 PM |   |  |   |
| 18241 | Sep 16, 2021, 04:24 PM | 1 |  |   |

## Housing

Title/Question: Housing  
Tool Type: Form  
Activity ID: 309  
Report Date Range: 9 Sep 2021 - 21 Oct 2021  
Date Exported: 26 Oct 2021 09:44 am

| Contribution ID | Date Submitted         | Do you agree with the identified key objectives? |    |        | If not, which objective(s) and why?  | With consideration of objectives in the other themes, can you identify any gaps in this theme that the MPS should consider?  |
|-----------------|------------------------|--|----|--------|--|--|
|                 |                        | Yes  | No | Unsure |  |  |
| 19300           | Oct 21, 2021, 08:57 PM |  |    | 1      | <p>All of them. This is all worded towards sub divisions of existing properties. I don't agree with this. Higher density development is not an ideal way forward and does not get my approval.</p> <p>I have reservations about the words "medium density housing". If there is a need for more housing in the residential areas, not too far away from the shops etc, I would encourage in-fill, ie a second dwelling built in what could have been the back garden of the original house. This would need to be in keeping with the height &amp; style of the neighbourhood properties. I heard recently that there was a proposal to build many units on a block in Taylor Street Eltham, even up to 3 storeys. This was quite unacceptable as the houses in that street are either single or double storey, not 3 storeys.</p> <p>Key objective 3 is very important. The lovely Eltham character must be maintained - leafy, green, low rise. If there is a need for more housing, it should be a very modest increase. Liveability is very precious &amp; can be easily lost by inappropriate &amp; excessive development.</p>                                    | Where is the discussion about parks, gardens, wildlife corridors or schools. Bus routes, footpaths and all the other things the shore needs.   |
| 19292           | Oct 21, 2021, 05:34 PM |  |    | 1      | <p>Key Objective 3 states ensuring a 'considered approach'....etc.. What exactly does this really mean?.</p> <p>Council has often promoted that it encourages and supports mud brick home construction to blend with its natural environment. Does it really?</p> <p>In reality Council officers have for more than 20 years actively discouraged this practice from ratepayers first contact at the counter..</p> <p>Ratepayers attending Council have repeatedly been told that they would never receive a building permit using mud brick construction as it would never receive an adequate energy rating. This advice is incorrect as using such means as double glazing, high performance insulation, gap sealing etc. an acceptable energy rating can be achieved.</p> <p>Council has also pursued one of only two Nillumbik mud brick makers from site to site from Hurstbridge to Christmas hills insisting it was not a permitted 'industry'. He has ceased making bricks and very few mud brick houses have been built in Nillumbik over the past 20 years..</p> <p>Nillumbik mudbrick association can elaborate further.</p>                               | Council planners need to have both planning qualifications and practical experience (not just a knowledge of regulations and controls,) and are prepared to work with ratepayers to achieve their goals. More cooperation is needed.   |
| 19287           | Oct 21, 2021, 03:28 PM |  |    | 1      |  | Maybe look to attract younger people (say, 18-35) to Nillumbik so there's more diversity in our population. This isn't just housing per se, but it's good to keep demographics in mind.  |
| 19284           | Oct 21, 2021, 02:19 PM |  | 1  |        |  | Accessibility and disability also seem to be missing from these themes, or at least, aren't playing a big enough role as they should be. We should understand by now that disability and accessibility cannot be an afterthought.  |
| 19199           | Oct 19, 2021, 08:27 AM |  |    |        | i fully endorse the PALS submission  |  |
| 19166           | Oct 14, 2021, 09:37 PM |  |    | 1      | <p>2. If the intention is to retain vegetation which creates local character, housing growth must not only be directed to activity centres, but restricted to these.</p> <p>Note: As currently expressed, the objectives do not address:</p> <ul style="list-style-type: none"> <li>the need to protect and increase the urban tree canopy in urban areas to mitigate the impact of increasing temperature with global warming, and ongoing loss to date.</li> <li>There needs to be an urgent focus on residential areas where consolidation and subdivision of large lots and increasing density of dwellings is taking place and tree cover, mid storey vegetation and herbaceous ground cover is being lost. (see also Climate Change Theme)</li> <li>The need to avoid housing growth and sensitive land uses within and in proximity to bushfire prone areas.</li> </ul> <p>This is Strategy 87 in the draft Regional Northern Metro Land Use Plan and goes on to say: In order to prioritise the protection of human life from bushfire, population growth and development should be directed to low risk locations and areas that can be safely evacuated.</p> | <p>Planning for housing within ALL of Nillumbik, the Green Wedge Shire, requires retention and increase of indigenous tree canopies and understorey.</p> <p>(Reflecting the community priorities as defined in "Our People Our Place Our Future")</p> <p>Suggested additional objectives</p> <p>In urban areas, introduce 'Biodiversity Sensitive Urban Design. Development of an overall Nillumbik Urban Forestry Strategy that looks at residential, parks, streetscapes, industrial and commercial areas. Noting that urban in this context refers to the whole of the municipality not just the areas zoned urban in the planning scheme. This is consistent with Living Melbourne that was followed by an Urban Forest Strategy for the whole Greater Melbourne Metropolitan Area and is referenced in the draft Regional Northern Metro Land Use Plan.</p> <p>Any increases in building density around activity centres are not to the detriment of environmental values, require significant plantings of indigenous flora, and are 'offset' by a decrease in what is permissible in the suburban context around those centres, so as to be able to retain and maintain tree canopy for a sustainable future.</p> |



Attachment 2 - Redacted and Consolidated Survey Responses MPS Phase 2 Consultation

|       |                        |   |  |   |
|-------|------------------------|---|--|---|
| 19126 | Oct 11, 2021, 11:45 AM | 1 | <p>As currently expressed, the objectives do not address:</p> <ul style="list-style-type: none"> <li>•The need to protect and increase the urban tree canopy in urban areas to mitigate the impact of increasing temperature with global warming, and ongoing loss to date. There needs to be an urgent focus on residential areas where consolidation and subdivision of large lots and increasing density of dwellings is taking place and tree cover, mid storey vegetation and herbaceous ground cover is being lost. (see also Climate Change Theme)</li> <li>•The need to avoid housing growth and sensitive land uses within and in proximity to bushfire prone areas.</li> </ul> <p>This is Strategy 87 in the draft Regional Northern Metro Land Use Plan and goes on to say: In order to prioritise the protection of human life from bushfire, population growth and development should be directed to low risk locations and areas that can be safely evacuated.</p>   | <p>Planning for housing within ALL of Nillumbik, the Green Wedge Shire, requires retention and increase of indigenous tree canopies and understorey.<br/>(Reflecting the community priorities as defined in "Our People Our Place Our Future")</p> <p>Suggested additional objectives<br/>In urban areas, introduce 'Biodiversity Sensitive Urban Design'.<br/>Development of an overall Nillumbik Urban Forestry Strategy that looks at residential, parks, streetscapes, industrial and commercial areas. Noting that urban in this context refers to the whole of the municipality not just the areas zoned urban in the planning scheme. This is consistent with Living Melbourne that was followed by an Urban Forest Strategy for the whole Greater Melbourne Metropolitan Area and is referenced in the draft Regional Northern Metro Land Use Plan.<br/>Any increases in building density around activity centres are not to the detriment of environmental values, require significant plantings of indigenous flora, and are 'offset' by a decrease in what is permissible in the suburban context around those centres, so as to be able to retain and maintain tree canopy for a sustainable future.</p>  |
| 19110 | Oct 10, 2021, 01:30 PM | 1 | <p>Why reduce house sizes? Some people like to live on a bit of land to get away from all of the stressors in life. Reducing house sizes will only make the Nillumbik Shire just like every other estate. Boring houses with no freedom</p>  | <p>Leave the houses</p>   |
| 19075 | Oct 08, 2021, 07:36 AM | 1 |  | <p>Encourage minimum 2 bedrooms for accessible medium density accommodation.<br/>People with disability or who are frail often need a room for carers and family support</p> <p>Note: As currently expressed, the objectives do not address:</p> <ul style="list-style-type: none"> <li>•The need to protect and increase the urban tree canopy in urban areas to mitigate the impact of increasing temperature with global warming, and ongoing loss to date. There needs to be an urgent focus on residential areas where consolidation and subdivision of large lots and increasing density of dwellings is taking place and tree cover, mid storey vegetation and herbaceous ground cover is being lost. (see also Climate Change Theme)</li> <li>•The need to avoid housing growth and sensitive land uses within and in proximity to bushfire prone areas.</li> </ul> <p>This is Strategy 87 in the draft Regional Northern Metro Land Use Plan and goes on to say: In order to prioritise the protection of human life from bushfire, population growth and development should be directed to low risk locations and areas that can be safely evacuated.</p>   |
| 19055 | Oct 07, 2021, 07:05 PM | 1 | <p>Obj 2<br/>If the intention is to retain vegetation which creates local character, housing growth must not only be "directed" to activity centres, but restricted to these.</p>  | <p>Suggest an additional overarching objective<br/>Planning for housing within ALL of Nillumbik, the Green Wedge Shire, requires retention and increase of indigenous tree canopies and understorey.<br/>(Reflecting the community priorities as defined in "Our People Our Place Our Future")</p> <p>Suggested additional objectives<br/>In urban areas, introduce 'Biodiversity Sensitive Urban Design'.<br/>Development of an overall Nillumbik Urban Forestry Strategy that looks at residential, parks, streetscapes, industrial and commercial areas. Noting that urban in this context refers to the whole of the municipality not just the areas zoned urban in the planning scheme. This is consistent with Living Melbourne that was followed by an Urban Forest Strategy for the whole Greater Melbourne Metropolitan Area and is referenced in the draft Regional Northern Metro Land Use Plan.</p> <p>Any increases in building density around activity centres are not to the detriment of environmental values, require significant plantings of indigenous flora, and are 'offset' by a decrease in what is permissible in the suburban context around those centres, so as to be able to retain and maintain tree canopy for a sustainable future.</p> |
| 19044 | Oct 07, 2021, 06:31 PM | 1 | <p>Objectives 1 2 &amp; 3: medium density housing should be kept to a minimum where possible; development density should be controlled to preference small projects rather than larger 1 or multi-story developments</p>   | <p>Aging in place should be considered</p>  |
| 19033 | Oct 07, 2021, 05:12 PM | 1 | <p>Objective 1. Given the pandemic and the huge rise in house prices in Melbourne, I would query the assumptions behind the call in this section to allow for more medium density. Many households I am aware of are filled to the brim with adult children (and their partners at times) as the cost of housing is beyond the young. Building more apartments in Eltham and Diamond Creek will not alleviate this trend as they are always too costly. Social housing (government housing) is going to have to become a part of the mix. It is true that some older people want to move into smaller dwellings, but most want to remain where they are.</p> <p>O.2. Another weasel word "Direct" housing growth to Activity Centres, doesn't prevent rampant growth elsewhere and we must make sure in this MPS, that there really is a meaningful tradeoff that we were promised when we agreed to Activity Centre Zones with greater density/height than we'd ever seen, that we really will limit development outside those areas.</p> | <p>-The interpretation of the current scheme has allowed for a higher density within 500 metres of the Main Road through Eltham to the north of the Activity Centre.<br/>To the south of the Activity Centre the road and development along it, is somewhat protected by the Gateway provisions and I would like similar consideration to be given to Main Road to the north or we are going to bleed into Research and the treed nature of Eltham is under constant threat in this area.<br/>-Signage is but one aspect along this stretch of road that needs to be put under the same rules as the Gateway. It is such an unaesthetic look arriving back in Eltham from a drive up to Kangaroo Ground and does nothing to lure tourists.<br/>-Tree protection in the MPS for the large remaining trees along Main Road Eltham and other roads in the Shire.<br/>-Developments ought not be permitted to build on more than 50% of a block, rather than the current 60%, to enable some garden and tree space.<br/>-An 8 metre setback from the frontage ought to apply regardless of whether the existing house that may be pulled down, is closer than that to the front.<br/>-Activity Centre development frontages ought to be increased.</p>                      |
| 19024 | Oct 07, 2021, 03:00 AM | 1 |  | <p>Its great to build new houses in an area like wattle glen this area must change from looking old, poor, dark unsafe, bush like an old school town huge development required</p>  |

Attachment 2 - Redacted and Consolidated Survey Responses MPS Phase 2 Consultation

|       |                        |   |  |   |  |
|-------|------------------------|---|--|---|--|
|       |                        |   | Objective 2 - expressly add that housing growth to be directed AWAY from vegetated suburban and rural areas where loss of vegetation (for aesthetic and habitat reasons) would occur as a result of increase in housing density.   |   | New housing construction to be subject to ESD principles.  |
| 19009 | Oct 06, 2021, 08:34 PM | 1 |  |   | Limited housing with NO parking requirements should be permitted within the activity centres to allow for better building design on very small lots, thus catering for the future where automated motor vehicles might be shared/hired.  |
| 19008 | Oct 06, 2021, 08:32 PM | 1 |  |   | Emphasis needs to be on diversity - meeting the needs of the community (e.g. supply of 1-2 bedroom dwellings).   |
|       |                        |   |  |   | New housing to be integrated with indigenous vegetation and a program of succession planting.  |
|       |                        |   |  |   | Housing should be expressly directed away from rural areas and towards denser urban areas at the scale of medium density infill housing, to prevent urban sprawl, which is bad for the environment and will also worsen traffic. Biodiversity sensitive urban design is implemented and trees and flora are protected and proliferated - this is very important and not yet addressed in the objectives. ESD principles are always applied to housing (passive design, renewable energy, low-embodied energy materials, etc.) Parking is reduced and minimal.  |
|       |                        |   |  |   | <ul style="list-style-type: none"> <li>Need to protect the urban tree canopy in urban to mitigate the impact of increasing temperature in urban areas with global warming, with an urgent focus on residential areas where consolidation in existing urban areas where subdivision of large lots and increasing density of dwellings is taking place and treecover is being lost. .</li> <li>Development of an overall Nillumbik Urban Forestry Strategy that looks at residential, parks, streetscapes, industrial and commercial areas. Urban in this context refers to the whole of the municipality not just the areas zoned urban in the planning scheme. This is consistent with Living Melbourne that was following by an Urban Forest Strategy for the whole Greater Melbourne Metropolitan Area and is referenced in the draft Regional Northern Metro Land Use Plan (p123).</li> <li>Need to avoid housing growth and sensitive land uses within and in proximity to bushfire prone areas. This is Strategy 87 in the draft Regional Northern Metro Land Use Plan and goes on to say: In order to prioritise the protection of human life from bushfire, population growth and development should be directed to low risk locations and areas that can be safely evacuated. Development within areas of the highest bushfire risk must achieve acceptable levels of risk reduction. These areas should be avoided for development that will accommodate more vulnerable populations, such as elderly or very young, that may have difficulties evacuating in the event of bushfire.</li> </ul> |
| 18990 | Oct 06, 2021, 03:48 PM | 1 |  |   |  |
|       |                        |   | This is all urban and is irrelevant to rural areas and residents. Rural housing needs are not considered by Council in this, or any other council document. Note this reinforces the perception that council is unable to acknowledge and serve the needs of rural communities, and specifically rural lifestyle grazing and hobby farming communities and agricultural communities.<br>If council were to decide it had an interest in serving rural communities, consideration of existing and historic multi-generational land management and use would require council to acknowledge these communities, and their need to accommodate secondary dwellings to facilitate growing and ageing in place options, and ongoing needs for property management in bushfire prone areas and areas covered by bushfire management overlay. This would be welcomed by these communities. |   | There is a gap in the MPS which is providing housing security and sustainability of rural lifestyle grazing and hobby farming residents or demonstrating any ability to recognise or accommodate long term multi generational land occupancy here - council does not serve the needs of rural communities at all well  |
| 18971 | Oct 06, 2021, 08:53 AM | 1 |  |   |  |
|       |                        |   | Objectives seem ok but the devil is always in the detail and how Council goes on interprets an objective will be to their agenda. If you use the legal assumption as a reasonable person thinks then it should be balanced and not favouring any one lobby group i.e pro developer pro green.  |   | Why is there no mention of rural residential development in this theme?. It is in the MPS under "housing" and incorrectly states "Residential settlement in rural areas is usually based on an appreciation of the bush and often a willingness to revegetate previously cleared areas" where is the data to support this statement? it needs to be removed unless it can be proven. A simple phone call to local estate agents would disprove this statement. Truth being people are moving to rural Nillumbik for various reasons some want a bush blocks, other want pastured properties for rural lifestyle and hobby farms. The MPS should be a document of facts that can be backed with data not unfounded statements. "There is also ongoing land use conflict between agricultural and rural residential land uses and a risk that further residential development will fragment rural land into unviable land parcels" Again what are these conflicts name them, be specific. The GW is already protected with State laws land can only be subdivided as policy states. Nillumbik may want to retain larger blocks but if it is not viable to farm at that scale then just wishing it doesn't make it so. Grazing is near impossible in Nillumbik due to the large kangaroo population. and the soil types will tell you what can be grown.  |
| 18945 | Oct 05, 2021, 03:34 PM | 1 |  |   |  |
|       |                        |   | There is no mention of retention of tree canopy. This is important to consider and to allow for the planting of new canopy trees in any development, particularly in medium density and apartment style buildings.<br>As Nillumbik is a low growth area the opportunity to provide good design should be paramount. Also as it is a low growth area, housing growth should mainly be restricted to the activity centres where any current vegetation should be retained and new vegetation planted and its upkeep rigorously monitored.  |   | Any new housing has to have a meaningful landscape plan which is enforced and includes canopy trees and understorey. Neighbourhood character needs to be considered .<br>Subdivisions and subsequent loss of vegetation must be tightly controlled. Trees cannot be cleared to make way for subdivision, particularly in the more urban areas . This results in changing the neighbourhood character markedly and leads to loss of biodiversity of both flora and fauna.<br>Backyard -scape is just as important as streetscape and should be considered in planning application approvals.  |
| 18944 | Oct 05, 2021, 03:08 PM | 1 |  |   |  |
|       |                        |   | Objective 2<br><br>"Direct housing growth and diversity to activity centres....." .....maybe "Encourage increased residential capacity and diversity in activity centres...."  |   |  |
| 18925 | Oct 05, 2021, 11:57 AM | 1 |  | How does this sit with the identified growth corridors? |  |

|       |                        |   |   |  |
|-------|------------------------|---|---|--|
| 18889 | Oct 04, 2021, 05:05 PM | 1 |   | <p>Gaps:</p> <p>There's a need to protect and expand the urban tree canopy to retain character, provide wildlife habitat and mitigate the impact of increasing temperature from climate change. With increasing housing density and the consequent loss of traditional 'backyards', a program of street tree plantings using locally indigenous trees would compensate for trees unavoidably lost to development. This could be part of an Urban Forestry Strategy as referenced in the draft Regional Northern Metro Land Use Plan.</p> <p>•Need to protect the tree canopy in urban areas to mitigate the impact of increasing temperature in urban areas with global warming, with an urgent focus on residential areas where consolidation in existing urban areas where subdivision of large lots and increasing density of dwellings is taking place and tree cover is being lost. .</p> <p>•Development of an overall Nillumbik Urban Forestry Strategy that looks at residential, parks, streetscapes, industrial and commercial areas. Urban in this context refers to the whole of the municipality not just the areas zoned urban in the planning scheme. This is consistent with Living Melbourne that was following by an Urban Forest Strategy for the whole Greater Melbourne Metropolitan Area and is referenced in the draft Regional Northern Metro Land Use Plan (p123).</p> <p>•Need to avoid housing growth and sensitive land uses within and in proximity to bushfire prone areas. This is Strategy 87 in the draft Regional Northern Metro Land Use Plan and goes on to say: In order to prioritise the protection of human life from bushfire, population growth and development should be directed to low risk locations and areas that can be safely evacuated. Development within areas of the highest bushfire risk must achieve acceptable levels of risk reduction. These areas should be avoided for development that will accommodate more vulnerable populations, such as elderly or very young, that may have difficulties evacuating in the event of bushfire.</p> |
| 18883 | Oct 04, 2021, 04:07 PM | 1 |   |  |
| 18873 | Oct 04, 2021, 03:31 PM | 1 | The assumption made which I believe to be wrong is that the ageing population need to down size. What a load of rubbish. Many are content to remain in their homes that along with government services. It also assumes that all occupants will be of an older age again an erroneous assumption. I am opposed to medium density housing in this area   |  |
| 18846 | Oct 02, 2021, 10:15 AM | 1 | <p>Additional Comments to Key Objective 1</p> <p>The impetus to provide for some medium density housing as an alternative housing choice should not be at the expense of reducing urban tree canopy as is currently occurring, particularly in residential areas, where developers are clear felling housing blocks to maximise higher density development.</p> <p>Key Objective 2</p> <p>An effective, strong and responsive Neighbourhood Character Policy is required to control urban design outcomes in activity centres, residential areas and townships. This policy should not support the type of non Nillumbik styles of recent developments that do not comply with earlier neighbourhood character controls. Accessible housing should comply with universal design principles to maximise use by people of all abilities and ages.</p> <p>Key Objective 2</p> <p>Such a considered approach should maximise the retention of identified neighbourhood character and canopy tree cover.</p> <p>Objective 2 is another Pandora's box - very broad and open to Philadelphia lawyer interpretation, or VCAT, enlarging activity centres to fit the housing.</p> <p>I certainly don't want to live in a small housing development that then enlarges over time.</p> | <p>We must ensure we protect and increase the urban tree canopy in urban areas to mitigate the impact of increasing temperature with global warming.</p> <p>There needs to be an urgent focus on residential areas where consolidation and subdivision of large lots and increasing density of dwellings is taking place and tree cover, mid storey vegetation and herbaceous ground cover is being lost.</p> <p>We must prioritise the protection of human life from bushfire, population growth and development should be directed to low risk locations and areas that can be safely evacuated.</p>   |
| 18834 | Oct 01, 2021, 02:42 PM | 1 |   |  |
| 18830 | Oct 01, 2021, 12:33 PM | 1 | <p>Remember, we are NOT Banyule!</p> <p>Key objective 1. Sounds like it's written by a developer.</p>   |  |
| 18816 | Sep 30, 2021, 10:09 PM | 1 | <p>Medium density leads to high density. Medium density spreads block by block. Split blocks are an eyesore and detract from Eltham's look, feel and amenity. Medium density housing also leads to more traffic, congestion and fewer trees. We need to protect Eltham's livability.</p> <p>Need to stop the overdevelopment of the residential areas of Eltham, Eltham North,</p>  | <p>Focus on protecting the way Eltham is now. Keeping the tree lined streets, and protecting the suburb from developers and builders wanting to split blocks. Eltham has so far avoided what has happened in other eastern suburbs. The transport hub is not as necessary now that most people will be working more from home.</p>   |
| 18756 | Sep 29, 2021, 06:59 PM |   | 1 Research and the rural areas  |  |
| 18733 | Sep 29, 2021, 05:15 PM | 1 |   |  |

|  |                  |   |   |
|--|------------------|---|---|
| 18708 Sep 27, 2021, 10:58 AM   | 1                | <p>You will turn Eltham into Greensborough through higher density housing near Eltham town centre.</p> <p>Acknowledge that there are higher density housing within 10kms and don't try to build it here.</p> <p>I would like to see how this will applied in the blue lake ward. It is clear that planning is disproportionate across the council with some areas catered to well and others not.</p> <p>For example, Brown's lane involves new, lar g e estates yet community facilities are lacking, including paths, sealed rds, a business precinct, public open spaces. The most dangerous part of Brown's lane is not sealed is irregularly graded and is currently a mess. I have be advised by council it will never be fixed because there are no residence to charge.</p> <p>Furthermore, if I did agree, there would need to be fourth object - community consultation. Currently the old CFA building is being kept after it is clear the people don't want it because we lost environment and want it replaced. This is key objective 3. You will never know how many people disagree because you conduct convenience sampling, which means it does not represent the whole community.</p> |   |
| 18471 Sep 23, 2021, 09:46 AM   | 1                | <p>As currently expressed, the objectives do not address:</p> <ul style="list-style-type: none"> <li>•The need to protect and increase the urban tree canopy in urban areas to mitigate the impact of increasing temperature with global warming, and ongoing loss to date. There needs to be an urgent focus on residential areas where consolidation and subdivision of large lots and increasing density of dwellings is taking place and tree cover, mid storey vegetation and herbaceous ground cover is being lost. (see also Climate Change Theme)</li> <li>•The need to avoid housing growth and sensitive land uses within and in proximity to bushfire prone areas. In order to prioritise the protection of human life from bushfire, population growth and development should be directed to low risk locations and areas that can be safely evacuated.</li> </ul>  | <p>Planning for housing within ALL of Nillumbik, the Green Wedge Shire, requires retention and increase of indigenous tree canopies and understorey. (Reflecting the community priorities as defined in "Our People Our Place Our Future"). In urban areas, introduce 'Biodiversity Sensitive Urban Design' as an overarching concept. Development of an overall Nillumbik Urban Forestry Strategy that looks at residential, parks, streetscapes, industrial and commercial areas. This is consistent with Living Melbourne that was followed by an Urban Forest Strategy for the whole Greater Melbourne Metropolitan Area and is referenced in the draft Regional Northern Metro Land Use Plan.</p> <p>Any increases in building density around activity centres are not to the detriment of environmental values, require significant plantings of indigenous flora, and are 'offset' by a decrease in what is permissible in the suburban context around those centres, so as to be able to retain and maintain tree canopy for a sustainable future.</p>  |
| 18439 Sep 22, 2021, 10:48 AM<br>18437 Sep 22, 2021, 07:19 AM   | 1                |   |   |
| 18436 Sep 22, 2021, 07:14 AM   | 1                |   |   |
| 18434 Sep 21, 2021, 09:58 PM   | 1                | <p>The Shire will not experience a reduction in household size due to an ageing population. The estimated state growth contradicts this key objective.</p> <p>One of the key characteristic of living in the shire is the large allotments and the feeling that were not living in top of each other despite holding a secure semce of community. I feel it would detract significantly from the feeling of the shire as well as cause a reduction in value of property to introduce more medium density housing.</p>   | <p>Look at covenants for new buildings being developed. How many developers. Minimise medium to high density, as it is not practical or safe for the small community streets.</p>   |
| 18433 Sep 21, 2021, 09:43 PM<br>18430 Sep 21, 2021, 08:38 PM<br>18429 Sep 21, 2021, 08:32 PM<br>18428 Sep 21, 2021, 08:06 PM | 1<br>1<br>1<br>1 |   |   |
| 18425 Sep 21, 2021, 06:45 PM   | 1                | <p>It is unclear on how these objectives will be met. What will be the benefits and costs to meeting these objectives.</p> <p>Objective #1. Whilst I agree with the expected reduction, I do not agree that this means that we need more medium level density housing! Some of our more rural suburbs need to remain that way. We do not need more houses on small lots. It is not in the character of the rural suburbs.</p>   |   |
| 18424 Sep 21, 2021, 06:41 PM   | 1                | <p>I understand the need for different styles of housing for different age groups and family sizes, but would not want the density to cause a sacrifice in the ability for every person to connect with nature. (I am not talking about going hiking) but to live in a home / environment which uses biophilic design (this just means love of nature) and the established principles of it, to ensure they are reaping the benefits of connection with nature that benefits them both physiological and emotional.</p>   | <p>Create community township precinct for the forgotten Yarrambat suburb.</p> <p>I am unsure because I feel the most important perspective with which to view this should be providing housing that is focused on the health and wellbeing of those who live in it. Nillumbik provides a lot of great green areas and open spaces which is great, but the increase in the density of housing creates the possibility that the actual living spaces will become unhealthy environments because they dont allow for connection with nature. Biophilic design is a proven evidence based practice that shows the increase in wellbeing when considering these principles is significant. For me, when considering future housing options the idea of biophilic design philosophy and understanding how nature can be integrated into the modern built environment is essential. It is becoming more and more prevalent in architecture and many certifications are now requiring it. ie the living building challenge and the WELL institute rating. Interaction with nature and natural elements and even simulated nature and organic shapes should be considered in approving housing design and density in the future or nillumbik will be soon fall behind in this innovative new approach to creating homes that build wellbeing through their design. Make the rural township zone larger to provide more housing</p> |
| 18385 Sep 19, 2021, 08:41 PM<br>18358 Sep 19, 2021, 04:11 PM   | 1<br>1           | <p>Disagree with ageing population. A lot of young families are moving here</p>   |   |

|                              |   |  |   |   |
|------------------------------|---|--|---|---|
|                              |   |  | The second object doesn't really make sense. Needs to be edited.<br>I also think there needs to be more included.   | Residential areas beyond but close to activity centres, and which are not too sloped, should be favoured for unit development that would be appropriate for aged and disabled occupants.<br>Housing affordability needs to be addressed.<br>There should be disincentives for overly large and inefficient housing development.<br>New developments should be compelled to have indigenous gardens.<br>There should be better protection for existing historic and interesting (e.g. mid century, artists residences) houses (FYI two miners cottages in Bible St have been demolished in recent years - there aren't many left!) |
| 18345 Sep 18, 2021, 10:43 PM | 1 |  |   |   |
| 18327 Sep 18, 2021, 02:13 PM | 1 |  | 2: Not all development needs to be close to activity centers. many people wish to live in quieter settings, yet smaller lot sizes.  | I believe we should allow smaller subdivision lots in areas around plenty 3090, that will provide opportunity for a balance of medium density housing as well as in a secluded semi rural setting. There are many property's east of the gorge and west of Mcleelans Rd, that could be allowed to subdivide into 4000sq2 lots or smaller that can accommodate such requirements.  |
| 18321 Sep 18, 2021, 08:11 AM | 1 |  | I agree with most of the key objectives , but I think that it is incorrect that there should be only housing growth in Diamond Creek and Eltham activity centres as there is only a limited amount of space whereas I think some of the other townships with good access to public transport , good roads , schools and shops should also be utilised .   | I think that there should be more housing diversity . I think that there should be an independent body set up, free of politics and shelf interest to proceed with future housing, as at the moment every 4 years the housing policy changes due to the newly appointed councillors pro development or extreme conservation bios .<br>I think there should some more supermarkets in particular , an Aldi in Plenty or Yarrambat , as this would help alleviate a lot of traffic concerns .   |
| 18296 Sep 17, 2021, 01:58 PM | 1 |  | Key Objective 1<br>Whilst the Shire's population may be ageing, it seems logical that at some stage older residents will move into aged care, downsize, or will pass. With the improvements in infrastructure currently underway, I can imagine this will attract younger families to the Shire.  |   |
| 18283 Sep 17, 2021, 10:27 AM | 1 |  | Key Objective 1 - don't assume that just because people get older that they want to sell the house they've lived in for years to move to a unit. People live in Nillumbik because of the open spaces and rural communities. It is not suburban and should remain not suburban.  | Ensure new housing is environmentally responsible and sympathetic to the land.  |
| 18261 Sep 16, 2021, 07:10 PM | 1 |  | Key objective 3 should be #1.<br>Also, I am unsure how ageing populations necessarily corroborate a need for developing medium density housing. Who and what does the research say? What ageing dwellers living in Nillumbik do? Do they downsize in the area? Do they relocate somewhere else for another family to move in their property? Do they sell and divide?   |   |
| 18234 Sep 16, 2021, 04:09 PM | 1 |  | In line with objective 1, diminishing household sizes should be supported by preference being given to new single level housing stock to allow empty nesters to downsize and remain in the area   | Review objective 1 as described above   |
| 18220 Sep 16, 2021, 11:08 AM | 1 |  | The jump from no new subdivisions to medium housing is enormous. While some many want medium housing most would like to stay in their homes on a smaller lot.<br>An intermediate step before medium is needed.  | Medium housing usually means units or some type of seniors multi accommodation. Council needs to consider 1 or 2 ha before that. Not everyone wants to move into a retirement home.   |
| 18204 Sep 15, 2021, 04:45 PM | 1 |  | As the shire identifies as a green wedge shire, I think allowing smaller subdivisions is a contradiction of this concept. Rather than developing any further in rural areas, or allowing existing larger properties to be subdivided, perhaps redevelopment in urban areas is the way to meet this perceived need.  | Urbanisation should be restricted to current urban areas. Inadequate public transport, combined with the hilly terrain of much of Nillumbik, means that areas which do not have good public transport should not be considered for further development.   |
| 18202 Sep 15, 2021, 03:55 PM | 1 |  | I disagree with the premise in KO1, I am surrounded by young couples with small children in the existing 3/4 acre approx block houses. Young couples will always want more space for their young children as we did. There is no need to degrade the quality of life and value of existing houses by allowing a reduction in block size and higher density housing. Why do we, as a shire, have to provide medium density housing? We are in the green wedge and under no circumstances should this be further eroded by allowing unscrupulous developers to build future slum housing in our shire.  |   |
| 18128 Sep 11, 2021, 01:01 PM | 1 |  | KO2 seems to assume that just because we currently live near a station or shopping area we should put up with unreasonable development of existing housing blocks. No, there are plenty of new suburbs and estates further north on un or underdeveloped land, the developers in those areas should also pay for the infrastructure required for those developments. Those of us that choose to live and buy houses in established areas, should not have to put up with our land being devalued by ugly medium to high density housing. In Diamond Creek we already have a number of unsightly, poorly planned and unnecessary estates, we do not need any more. | Overall there seems to be an acceptance of the need for higher density housing, this is wrong, in as much as it affects Nillumbik. It is not incumbent on the rate payers or their representatives; Nillumbik Shire Council, to facilitate this in our shire. This is the green wedge, the lungs of Melbourne, even in the largest cities in the world there is a recognition that there has to be undisturbed areas on the outskirts of a city to provide the psychological break in the urban landscape. We are it, do not wreck this.  |
| 18084 Sep 10, 2021, 08:42 AM | 1 |  | KO3 is paramount, should be the first priority. It seems KO1 and KO2 actively contradict KO3. A considered approach would be to ensure the council looks after it's existing rate payers, not use their position to seek more and more by allowing an increase in the density of housing.   |   |
|                              |   |  | #3... and protect the Green Wedge   |   |
|                              |   |  | Partially agree, though there is also an increasing trend towards multi generational housing. Considerations for larger houses, extensions, and granny flats should be included.  |   |

## Infrastructure

Title/Question: Infrastructure  
Tool Type: Form  
Activity ID: 312  
Report Date Range: 9 Sep 2021 - 21 Oct 2021  
Date Exported: 26 Oct 2021 09:59 am

| Contribution ID | Date Submitted         | with the identified If not, which objective(s) and why?<br>Yes No Unsure  | With consideration of objectives in the other themes, can you identify any gaps in this theme that the MPS should consider?   |
|-----------------|------------------------|---|---|
| 19308           | Oct 21, 2021, 10:36 PM | 1   |   |
| 19202           | Oct 19, 2021, 08:33 AM |   |   |
|                 |                        | <p>We are particularly concerned about Key Objective 5. What has triggered this statement that so clearly infers that rural lots are breaching the laws in the area of effluent management? Is this a not-so-subtle attempt to make rural living even more challenging in Nillumbik? We understand that some urban areas of Nillumbik remain without sewerage connection, and given the population density in such areas, surely this is a much greater concern?</p> <p>I fully support the PALS recommendation</p>   |   |
|                 |                        | <p>3. Strengthen this statement to become an objective where:<br/>Vigorously promoting significant reduction in consumption and waste throughout the Shire - in private, public and commercial spaces - will ease pressure on infrastructure services which are particularly limited in rural areas, and will yield positive outcomes for carbon emission reductions. (e.g. implement a trial of pay per kg for the red landfill bin; promote downsizing to the 80-litre mini-bin)</p> <p>Effective reductions of consumption and waste and implementation of recycling are vital throughout the Shire. (e.g. implement composting toilets and send humanure to local farms)</p> <p>4. Consideration of renewable energy systems and local waste recycling.</p> | <p>Greater emphasis must be placed on local renewable energy systems including community battery storage.</p> <p>Develop systems for innovative and eco-friendly use of waste from farms, local grocers, other businesses, council, community</p>   |
| 19169           | Oct 14, 2021, 09:53 PM | 1   |   |
|                 |                        |   | <p>I am a resident of Yarrambat. I regularly walk, run and cycle through different areas in Nillumbik and Whittlesea Council. There are great connecting pathways in most areas including Plenty but in Yarrambat there is a total lack of pathways for accessing bus stops, commuting on foot to the school, post office and sports precinct . It is not always safe running, walking or cycling along busy Roads such as Kurrak , Yan Yean and Iron Bark Roads in Yarrambat as there are very few pedestrian paths and as a result you often need to walk on the gravel edge of the road. I would prefer not to see concrete pathways in our beautiful rural setting but asphalt or compacted gravel paths would blend in and be fantastic for the community.</p> |
| 19132           | Oct 11, 2021, 05:56 PM | 1   |   |



|       |                        |   |   |   |
|-------|------------------------|---|---|---|
|       |                        |   | <p>I would like to include:</p> <p>Vigorously promoting significant reduction in consumption and waste throughout the Shire - in private, public and commercial spaces - will ease pressure on infrastructure services which are particularly limited in rural areas, and will yield positive outcomes for carbon emission reductions.</p> <p>Effective reductions of consumption and waste and implementation of recycling are vital throughout the Shire.</p> <p>Key objective 5 - This makes no sense. How does the size of the lot relate to containing effluent on site? These two things are unrelated. I have no objections to containing effluent on site (isn't this a requirement?). I have strong objections to consolidation of rural lots into larger lots, if the council wants to pursue this there needs to be consultation on this item alone, without confusing the matter with effluent</p>                                      | <p>Greater emphasis must be placed on local renewable energy systems.</p> <p>Develop systems for innovative and eco-friendly use of waste from farms, local grocers, other businesses, council, community</p> |
| 19129 | Oct 11, 2021, 12:05 PM | 1 |   |   |
| 19082 | Oct 08, 2021, 10:54 AM | 1 |   |   |
|       |                        |   | <p>Obj 3</p> <p>There is a significant and ongoing reduction in consumption and waste throughout the Shire - in private, public and commercial spaces - (This will ease pressure on infrastructure services which are particularly limited in rural areas, and will yield positive outcomes for carbon emission reductions. Effective reductions of consumption and waste and implementation of recycling are vital throughout the Shire.)</p> <p>Obj</p> <p>This objective needs to recognise that there are wider reasons for consolidation of rural lots to increase their size, not least of which is preservation of habitat. This is in keeping with the recommendation that all Themes and their objectives recognise that Nillumbik is first and foremost a conservation Shire - as described by the Local Government Board and supported by residents eg through Our People, Our Places, Our Future consultation process, to name one.</p> | <p>Greater emphasis must be placed on local renewable energy systems.</p> <p>Develop systems for innovative and eco-friendly use of waste from farms, local grocers, other businesses, council, community</p> |
| 19062 | Oct 07, 2021, 09:50 PM | 1 |   |   |
| 19048 | Oct 07, 2021, 06:44 PM | 1 | Aim 1: does not go far enough   | Work out a way of making Eltham township generally more inviting.   |

|       |                        |   |  |  |
|-------|------------------------|---|--|--|
| 18974 | Oct 06, 2021, 09:01 AM | 1 | <p>Key objectives 1, 2 and 4 are irrelevant to rural residents.</p> <p>Delete or rewrite Key objective 3 – amend see earlier comments about Victorian Government planning to improve communications infrastructure in rural areas.</p> <p>Delete Key objective 5 – it is factually incorrect - all lots are capable of containing effluent on site regardless of their size. This is a function of engineering design and execution. We know this because areas like St Andrews and many other rural areas in Victoria, New South Wales, South Australia, Northern Territory, Queensland, Western Australia and Tasmania have lots smaller than a quarter of an acre with on-site effluent containment. This stated purpose is therefore demonstrably false. Do not under any circumstances support the consolidation of rural lots. It is neither desirable, or practical, and is unfunded. If council proceeds with this proposed objective, be aware that the likely cost to council of consolidating rural lifestyle grazing and hobby farming lots can be expected to be more than \$2.4 billion. To publish this is to signal to the market the intention to engage in property speculation and devalue the local property market. This action by council appears to be in breach of several laws. Is council planning to fund this? Suggest seeking legal advice.</p> <p>All properties have a septic system to contain effluent.</p> <p>You cannot get a planning permit with out one.</p> | <p>Consolidating lot sizes to contain effluent????? Really????? 85 per cent of lots in rural areas are smaller than the zone imposed on them. How many do you plan to consolidate to contain effluent? How is this going to be funded? It is unlawful for council officers and council to act in ways that cause speculation in the property market and the alteration of the property risk profile - you are aware of that aren't you? rural lifestyle grazing and hobby farming residents economic loss under this type of rubbish will be in the vicinity of \$2.4 billion - where is council going to find the money to fund this?</p> |
| 18958 | Oct 05, 2021, 07:12 PM | 1 |  |  |
| 18928 | Oct 05, 2021, 12:19 PM | 1 |  |  |
| 18913 | Oct 04, 2021, 10:51 PM | 1 |  | <p>Local renewable energy systems should be supported consistent with habitat and biodiversity protection.</p> <p>Local waste composting/re-cycling systems should be supported where consistent with environment protection.</p>  |
| 18877 | Oct 04, 2021, 03:38 PM | 1 | <p>Rural areas by nature do not require a full range of infrastructure and should only have a limited physical infrastructure because they are rural.</p> <p>At what point do the rural areas cease to be rural and become metropolitan?</p> <p>Additional Comments to</p>   |  |
| 18837 | Oct 01, 2021, 03:33 PM | 1 | <p>Key Objective 5</p> <p>In doing so ensure there is consistent protection of waterways and tree canopies to provide preservation of habitat.</p>   |  |
| 18361 | Sep 19, 2021, 04:21 PM | 1 | <p>How do u achieve 5?😊</p> <p>Objective 3 and 4 seem to conflict. One says that dispersed low-density residential areas are difficult to provide infrastructure while the second says it will provide it efficiently. How can you you provide efficient infrastructure when it is inherently inefficient. I think this confusion should be rectified.</p>   | <p>Get infrastructure out to rural areas</p>   |
| 18346 | Sep 18, 2021, 10:57 PM | 1 |  |  |
| 18238 | Sep 16, 2021, 04:16 PM | 1 |  |  |



As a resident of Plenty, I cannot see any effort being expended in attempting to build Plenty as a community. It is just a blip on a motorist's radar as they speed along Yan Yean Road. Perhaps some effort could be expended into establishing groups in our sole community space (the Hall) to try to bring the community together.

18205 Sep 15, 2021, 04:47 PM      1

To me, "recognise" doesn't really seem very active/proactive. So you recognise something... so what?

18131 Sep 11, 2021, 01:10 PM

No mention of infrastructure to support safety for flooding, bushfire, or  
1 severe storms/wind/weather.

## Natural Environment

Title/Question: Natural Environment  
Tool Type: Form  
Activity ID: 307  
Report Date Range: 9 Sep 2021 - 21 Oct 2021  
Date Exported: 26 Oct 2021 09:47 am

| Contribution ID | Date Submitted         | with the identified I |    |        | If not, which objective(s) and why?   | With consideration of objectives in the other themes, can you identify any gaps in this theme that the MPS should consider?   |
|-----------------|------------------------|-----------------------|----|--------|---|---|
|                 |                        | Yes                   | No | Unsure |   |   |
| 19303           | Oct 21, 2021, 09:19 PM |                       | 1  |        | Key Objective 1 references the need to control pest plants and animals, and we support this strongly across all areas of the shire, both rural and urban. However, we question the reference to large numbers of threatened species and have not been provided with the evidence to support this statement.<br>Key Objective 4 refers to threatening processes and again we have not been provided with the evidence to support this statement. For our understanding, what is the definition of threatening processes?<br>In the absence of further information and genuine independent supporting data, we do not support these objectives and question their intent. |   |
| 19301           | Oct 21, 2021, 09:09 PM |                       | 1  |        |   | I would like to see the Wurundjeri Woiewurrung heritage of care of the land acknowledged with intention to use consultation with Narrap team when possible  |
| 19279           | Oct 21, 2021, 01:32 PM |                       | 1  |        |   | Important to create, improve and maintain access to public environment (i.e trails), as well as the environment around town centres (i.e. ensuring appropriate tree cover of streets and roads).  |
| 19197           | Oct 19, 2021, 08:15 AM |                       | 1  |        | I support the PALS decision on this   |   |
|                 |                        |                       |    |        | 1. This objective needs to recognise the habitat corridors identified in the NEROC and State of Environment reports and support extending and reinvigorating them. Noting the importance of establishing and connecting the potential corridors as identified in the State of Environment report.<br>Suggest an additional objective to acknowledge the essential value of waterways as wildlife corridors and the need for enforced planning controls to protect them.<br>2. Replace the Plenty River with "all waterways in Nillumbik."   | Note: As currently expressed, the objectives do not sufficiently:<br>• highlight the overall need to maintain and enhance the overall diversity of indigenous flora and fauna as identified in Plan Melbourne.<br>• Support the need to achieve net gain (rather than no net loss) in the quality and quantity of native vegetation as also identified in Plan Melbourne. |
| 19163           | Oct 14, 2021, 09:31 PM |                       | 1  |        |   |   |

| Attachment 2 - Redacted and Consolidated Survey Responses MPS Phase 2 Consultation  |                        |   |  |
|---|------------------------|---|--|
|   |                        |   | <p>Potential additional objectives:</p> <ul style="list-style-type: none"><li>- The rights of nature must be recognised in the application of all planning decisions as enacted by Blue Mountains City Council. This extends the principle demonstrated when the Yarra River was declared a living entity in 2017.</li><li>- Protect and enhance indigenous vegetation communities for fauna habitat of all indigenous species.</li><li>- Promote and protect indigenous vegetation and connectivity within and between urban areas and townships.</li><li>- Planning permit conditions to promote wildlife-friendlier fencing.</li><li>- The essential value of waterways as wildlife corridors is acknowledged and enforced planning controls protect them.</li><li>- Land management plans protecting indigenous vegetation are required where hard hoof grazing is proposed.</li><li>- "Biodiversity urban sensitive design" is a requirement in urban areas, in line with contemporary practice such as those described by RMIT and University of Melbourne.</li><li>- The weaknesses within the environmental enforcement system are identified, addressed and appropriately resourced.</li><li>- Council structures require environmental officer input to all planning decisions that have environmental impacts and in areas of biodiversity, prioritising areas where there is an Environmental Significance Overlay (ESO) &amp; Bushfire Management Overlay (BMO)</li></ul> <p>Suggest the following be considered in the preamble for this theme:</p> <ul style="list-style-type: none"><li>•Melbourne 2030 identifies the Nillumbik Green Wedge as being of social, economic and environmental value because of the following features: environmental and landscape quality (particularly the Yarra River and surrounds); river red gums and other habitat areas; national parks; metropolitan water storages.</li></ul> <p>Value of cleared grazing land and hobby farms for kangaroos and birds who prefer open habitats.<br/>Role of dams for amphibians and all wild-life during drought.</p> |
| 19124   | Oct 11, 2021, 11:38 AM | 1 |  |
| 19093   | Oct 09, 2021, 10:12 AM | 1 | <p>As currently expressed, the objectives do not sufficiently:</p> <ul style="list-style-type: none"><li>•Highlight the overall need to maintain and enhance the overall diversity of indigenous flora and fauna as identified in Plan Melbourne.</li><li>•Support the need to achieve net gain (rather than no net loss) in the quality and quantity of native vegetation as also identified in Plan Melbourne.</li></ul> <p>Objective 1 - remove 'occurring' in threats 'occurring' to those species.</p>  |
| 19061   | Oct 07, 2021, 09:44 PM | 1 |  |
| Key Objective 1   |                        |   |  |
| <p>Given the large number of threatened native species and threats occurring to those species in the Shire, Planning needs to protect and conserve biodiversity, provide habitats for native flora and fauna, and control pest plants and animals. Is this true? Evidence would suggest that most populations that survived the millennium drought are actually stable, relevant to their their own population and enviromental demands.</p> <p>Planning already requires numerous ecological and specific frog, owl and orchid reporting to be done. There is obviously conflict between Bal clearing requirements for developments and removal of vegetation, however, offsets are surely a State sanctioned way of mitigating any losses. Council should consider having more local offset sites, so that some development can occur, yet offsets be held in Nillumbik. Also where possible on-site offsets should be encouraged. Again these "threats" are not articulated, does it mean those who own land and pay rates, and our able to legitimately apply for a planning permit. Yes, we need to conserve biodiversity etc. but existing planning overlays are more than adequate. Controlling weed and pest species is not likely to be achieved through the planning scheme. Existing land management plans are not useful and have limited application. More likely local law and landcare groups can tackle this.</p> |                        |   |  |
| Key Objective 2   |                        |   |  |
| <p>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. Use and development have the potential to affect stormwater quality</p>  |                        |   |  |

and adversely affect downstream areas.  
Why the Plenty River? What about the Bend of Islands settlement so close to the Yarra River, or those in North Warrandyte, or South Eltham. Think this should be a general statement with regard to drainage and sewerage in all areas.

#### Key Objective 3

Discourage development, including vegetation removal that degrades stormwater quality and increases potential risk of soil erosion, expansion and landslip or other hazards. Agree that mass denudation of landscape degrades stormwater quality, but that not all development does so, if planting and landscaping is done appropriately.

#### Key Objective 4

Address threatening processes associated with the loss and degradation of the natural and built environment in order to maintain the landscape values in the Shire.  
Not sure how this would play out in the planning scheme, already have house colours and fence types, siting of houses and outbuildings, how does improve planning outcomes, or is it a romantic view of what the Shire should look like.

As I am going to say on all of my responses  
This is not completely a question of yes or no, but as there are suggestions for most of them I have selected no.

#### Obj 1

This objective needs to recognise the habitat corridors identified in the NEROC and State of Environment reports and support extending and reinvigorating them. Noting the importance of establishing and connecting the potential corridors as identified in the State of Environment report.

#### Obj 2

Replace the Plenty River with "all waterways in Nillumbik."

1. This objective needs to recognise the habitat corridors identified in the NEROC and State of Environment reports and support extending and reinvigorating them. Noting the importance of establishing and connecting the potential corridors as identified in the State of Environment report.

Suggest an additional objective to acknowledge the essential value of waterways as wildlife corridors and the need for enforced planning controls to protect them. See also in gaps, below

1 2. Replace the Plenty River with "all waterways in Nillumbik."

Key Objective 2 and 3) All Nillumbik's waterways are important, and the vegetation along their corridors provide vital habitat which need to be protected. Densification of development and reduction of open space for stormwater absorption result in an increase in stormwater flow and degradation of its quality.

Note: As currently expressed, the objectives do not sufficiently:

- Highlight the overall need to maintain and enhance the overall diversity of indigenous flora and fauna as identified in Plan Melbourne.
- Support the need to achieve net gain (rather than no net loss) in the quality and quantity of native vegetation as also identified in Plan Melbourne.

In their current form the aims objectives do not give enough emphasis on achieving NET GAINS in the quality and quantity of native vegetation.

Connectivity is important but respect for environment must guide and caution the development of new bicycle and horse trails in areas of significant landscape and cultural importance. Horses and bikes compact soil and destroy vegetation.

19049 Oct 07, 2021, 06:50 PM

1

19041 Oct 07, 2021, 06:17 PM

19034 Oct 07, 2021, 05:26 PM

1

|       |                        |   |   |  |
|-------|------------------------|---|---|--|
| 19015 | Oct 06, 2021, 09:37 PM | 1 | <p>All of them because it sounds like c81 and c101 all over again. There's a balancing act of keeping or removing vegetation to ensure bushfire safety or to have enjoyment of the land we own and leaving habitats and the green view that most of us live here for. I don't think council needs to change anything to be honest.</p>  |  |
| 19002 | Oct 06, 2021, 06:17 PM | 1 | <p>Objective 2 All rivers and tributaries, not just the Plenty River.<br/>O.3. Once you start saying "discourage development "including"..." the clause could be interpreted as allowing development in other areas of the Green Wedge as long as they don't effect water quality. It must be made clear that this is not the case, that the word development ought be used with caution really as this is not what the Green Wedge ought to be focusing on and the Objectives ought mainly be about how to preserve and enhance our last intact green wedge and its environmental/biodiversity health.<br/>The word "discourage" .is not a strong enough word to prevent inappropriate development i fear.<br/>It is time an MPS had teeth and says "prevent" development because the Green Wedge cannot take much more.</p>   | See above.   |
| 18991 | Oct 06, 2021, 03:53 PM | 1 | <p>Objective 1: Needs additional recognition of value of habitat corridors, both vegetation and waterways<br/>Objective 2: Should be all waterways in Nillumbik.</p>  | <p>Requires objectives which are more specific to the natural environment.<br/>Requirements for wildlife-friendly fencing.<br/>Include waterways as wildlife corridors with appropriate protection.<br/>Resourcing and enforcing the environmental enforcement system.</p>   |
| 18988 | Oct 06, 2021, 03:46 PM | 1 | <p>Key Objective 1<br/>In Line with Plan Melbourne, needs to be revised to highlight the need to maintain and enhance biodiversity of the indigenous flora and fauna for the whole of Nillumbik<br/>Also, as spelt out in Plan Melbourne, needs to support the need to achieve net gain (rather than no net loss in the quality and quantity of native vegetation.</p>  | <ul style="list-style-type: none"> <li>•In urban areas, promote 'Biodiversity Urban Sensitive Design' such as described by RMIT and Melbourne University.</li> <li>•Recognise the essential value of waterways as wildlife corridors.</li> <li>•Recognise the need to provide wildlife/biolink corridors for native flora and fauna to both increase habitat and enable species to move in response in response to climate change.</li> <li>•Promote the protection and enhancement of indigenous vegetation communities for fauna habitat of native species.</li> <li>•For planning permits and planning scheme amendments (particularly any proposes to review the ESOs) that have potential environmental impacts to be referred to the appropriate Council environmental officer(s) for the opportunity to review and advise the planning department of issues.</li> </ul> |
| 18969 | Oct 06, 2021, 08:49 AM | 1 | <p>Amend Key Objective 1 – Planning decisions should balance the need to protect and conserve biodiversity, provide habitats for native flora and fauna, control pest plants and animals, and manage bushfire risk. The biggest threats to the natural environment is fire, then weed and pest species, then drought, then erosion.<br/>Delete Key Objective 2 – Nillumbik does not have an urban growth area<br/>Delete Key Objective 3 or rewrite – encourage development and vegetation removal that plans for and accommodates stormwater quality, reduces soil erosion, expansion, and landslip, and manages hazards.<br/>Delete Key Objective 4 – write this in plain English or delete it. Refer earlier comments, the landscape values of the shire are unknown and much land use is not acknowledged by council – so any objective mentioning it is meaningless.<br/>.</p> | these objectives are nonsensical and not based on ground truth or reality  |
| 18957 | Oct 05, 2021, 07:09 PM | 1 | <p>Objective 4 this appears the try and restrict the use of rural under the guise of protecting habitat.</p>  |  |

|       |                        |   |   |
|-------|------------------------|---|---|
|       |                        |   | Plan identifies value of habitat for threatened species. This should be extended to wild life in general. However pest species should be discouraged.   |
| 18951 | Oct 05, 2021, 04:29 PM | 1 |   |
|       |                        |   | <p>The wording is not strong enough. Instead of discouraging , key objective 3 should state preventing development. There needs to be consideration given to preserving and creating not only habitat but corridors along which wildlife can traverse safely. Habitat could mean just small pockets of vegetation without any connection to other pockets. The biodiversity of flora is important for these reasons too.</p> <p>All waterways need to be included in the objectives. They are all under threat from stormwater, householders illegally disposing of effluent and rubbish into the waterways , and land degradation from works on properties.</p> <p>Planning permits need to place more emphasis and importance on providing, preserving and enhancing the landscape and vegetation. This needs to be enforced rigorously in order to preserve the environment, particularly the canopy tree cover. Part of providing corridors is to permit wildlife friendly fencing only, even in the more urban areas as more native wildlife is seeking food and shelter in the urban environment.</p> <p>Meaningful fines need to be introduced and enforced for those who are degrading the landscape in any way.....tree removal, discharge into waterways, clearing vegetation, land excavation etc.</p> |
| 18939 | Oct 05, 2021, 02:12 PM | 1 |   |
|       |                        |   | <p>Key objective 2 refers to proximity of urban growth areas to Plenty River....</p> <p>Facilitation of drainage and sewerage in existing (unsewered) residential areas is also relevant for downstream impacts on Plenty and Yarra rivers</p> <p>Management/ oversight of the adequacy and effectiveness of private water treatment installations (including septic tanks) in semi-rural and rural locations is</p>  |
| 18921 | Oct 05, 2021, 11:37 AM | 1 |   |
| 18908 | Oct 04, 2021, 10:15 PM | 1 | Written for a pre determined outcome.   |
| 18891 | Oct 04, 2021, 05:12 PM | 1 |   |
|       |                        |   | <p>Environment , needs pest control , weed control and support for land owners . Not the touchy feely rubbish you've written.</p>   |
|       |                        |   | <ul style="list-style-type: none"> <li>•In urban areas, promote 'Biodiversity Urban Sensitive Design' such as described by RMIT and Melbourne University.</li> <li>•Recognise the essential value of waterways as wildlife corridors.</li> <li>•Recognise the need to provide wildlife/biolink corridors for native flora and fauna to both increase habitat and enable species to move in response in response to climate change.</li> <li>•Promote the protection and enhancement of indigenous vegetation communities for fauna habitat of native species.</li> <li>•For planning permits and planning scheme amendments (particularly any proposes to review the ESOs) that have potential environmental impacts to be referred to the appropriate Council environmental officer(s) for the opportunity to review and advise the planning department of issues.</li> </ul>  |
| 18880 | Oct 04, 2021, 03:48 PM | 1 |   |
| 18869 | Oct 04, 2021, 03:07 PM | 1 | no  |
|       |                        |   | <p>Natural environment. I wish to emphasize the importance of connecting isolated pockets of natural vegetation to form wildlife corridors across the shire. This includes private and public land. And Yes compensation might have to be considered. Why does this keep coming up over many years and nothing happens?</p> <p>Another matter I did not hear voiced is the proven health benefits to community and visitors whether living or visiting the rural areas of our shire.</p>  |
| 18863 | Oct 04, 2021, 10:20 AM | 1 |   |

|       |                        |   |  |   |  |
|-------|------------------------|---|--|---|--|
|       |                        |   |  | <p>Objective 1: Should be amended to include the need to protect/enhance wildlife corridors which often link areas of habitat importance. Planning initiatives to conserve/enhance biodiversity must include both strategic (i.e. new ESOs) and statutory planning.</p> <p>Objective 2: Should be amended to include the need to protect/enhance all water courses in Nillumbik, including their vegetation, as wildlife corridors, not just the Plenty River..</p> <p>Objective 3: Should be amended to include the need for net gain in vegetation, not just protect against removal of vegetation.</p> <p>There must be recognition of the importance of rivers and streams and there vegetation, in both urban and rural areas, as habitat and wildlife corridors.</p> <p>There needs to be recognition of the need to control grazing by requiring land management plan so native flora is not destroyed.</p> <p>There needs to be an intention to address weaknesses in the environmental enforcement regime. Strategic planning provisions (including new overlays such as SLOs) must address landscape protection in rural areas.</p>   |  |
| 18860 | Oct 03, 2021, 11:56 PM | 1 |  | <p>The rights of nature must be recognised in the application of all planning decisions as enacted by Blue Mountains City Council. This extends the principle demonstrated when the Yarra River was declared a living entity in 2017.</p> <ul style="list-style-type: none"><li>- Protect and enhance indigenous vegetation communities for fauna habitat of all indigenous species.</li><li>- Promote and protect indigenous vegetation and connectivity within and between urban areas and townships.</li><li>- Planning permit conditions to promote wildlife-friendlier fencing.</li><li>- The essential value of waterways as wildlife corridors is acknowledged and enforced planning controls protect them.</li><li>- Land management plans protecting indigenous vegetation are required where hard hoof grazing is proposed.</li><li>- "Biodiversity urban sensitive design" is a requirement in urban areas, in line with contemporary practice such as those described by RMIT and University of Melbourne.</li><li>- The weaknesses within the environmental enforcement system are identified, addressed and appropriately resourced.</li><li>- Council structures require environmental officer input to all planning decisions that have environmental impacts and in areas of biodiversity, prioritising areas where there is an Environmental Significance Overlay (ESO) &amp; Bushfire Management Overlay (BMO)</li></ul> <p>Suggestion that the following be considered in the preamble for this theme:</p> <ul style="list-style-type: none"><li>• Melbourne 2030 identifies the Nillumbik Green Wedge as being of social, economic and environmental value because of the following features: environmental and landscape quality (particularly the Yarra River and surrounds); river red gums and other habitat areas; national parks; metropolitan water storages.</li></ul> |  |
| 18854 | Oct 02, 2021, 02:29 PM | 1 |  |   |  |
| 18850 | Oct 02, 2021, 02:02 PM | 1 |  |   |  |
| 18828 | Oct 01, 2021, 12:21 PM | 1 |  |   |  |
| 18753 | Sep 29, 2021, 06:55 PM | 1 |  |   |  |
|       |                        |   | <p>Additional Comments to</p> <p>Key Objective 1</p> <p>It is important to recognise and define the essential value of waterways as wildlife corridors and ensure appropriate controls are in place and can be enforced to protect these valuable natural assets.</p> <p>Key Objective 2</p> <p>Need to identify that drainage and sewerage in urban growth areas impacts on the water quality and health of all waterways in Nillumbik and downstream areas. Don't understand why only the Plenty River has been mentioned.</p> | <p>This addresses some concerns in the Green Wedge theme.</p>   |  |
| 18633 | Sep 26, 2021, 05:29 PM | 1 |  |   | <p>All planning decisions and conditions need to recognise the importance of protecting and encouraging the use of indigenous vegetation and protection of local wildlife.</p> |

|                              |   |  |   |  |
|------------------------------|---|--|---|--|
|                              |   |  | <p>As currently expressed, the objectives do not sufficiently:</p> <ul style="list-style-type: none"> <li>• Highlight the overall need to maintain and enhance the overall diversity of indigenous flora and fauna as identified in Plan Melbourne.</li> <li>• Support the need to achieve net gain (rather than no net loss) in the quality and quantity of native vegetation as also identified in Plan Melbourne.</li> </ul> | <ul style="list-style-type: none"> <li>- Protect and enhance indigenous vegetation communities for fauna habitat of all indigenous species.</li> <li>- Promote and protect indigenous vegetation and connectivity within and between urban areas and townships that is, 'corridors'</li> <li>- Planning permit conditions to promote wildlife-friendly fencing where practical</li> <li>- The essential value of waterways as wildlife corridors is acknowledged and enforced planning controls protect them.</li> <li>- Land management plans protecting indigenous vegetation are required on all agricultural landholdings</li> <li>- "Biodiversity urban sensitive design" is a requirement in urban areas</li> <li>- The weaknesses within the environmental enforcement system are identified, addressed and appropriately resourced moving forward</li> <li>- Council structures require environmental officer input to all planning decisions that have environmental impacts and in areas of biodiversity, prioritising areas where there is an Environmental Significance Overlay (ESO) &amp; Bushfire Management Overlay (BMO)</li> </ul> |
| 18438 Sep 22, 2021, 10:43 AM | 1 |  | <p>Objective 2 is a statement and not an objective.</p> <p>Objective 4 - what are the 'threatening processes' ? This should be clearly stated in order for the objective to be understood, as it stands it is too open ended.</p>   |  |
| 18369 Sep 19, 2021, 05:50 PM | 1 |  |   |  |
|                              |   |  | <p>How about drainage and sewer in rural parts of the shire!</p> <p>What in danger rd species?</p> <p>The planning process protect the environment already!</p>   | <p>Roadside cleanups of fire fuel is required to protect the community against devastating fires</p>   |
| 18356 Sep 19, 2021, 04:05 PM | 1 |  |   |  |
|                              |   |  |   | <p>Re Objective 2 I think that the impetus to use water sensitive urban design should be stronger. I think that all larger subdivisions and developments in the shire should ensure appropriate storm water run-off not just in the Plenty River catchment.</p> <p>Objective 1 and 3 are potentially in conflict if there are existing weed species for removal. Removal of weeds and replacement with indigenous species should always be preferred over retention of weeds (FYI we have a planning application and the council planner was reluctant to let us remove a weed tree - as two qualified forest scientists we were appalled by his ignorance!). I feel like this entire theme is a bit light-on regarding retaining and reestablishing indigenous canopy trees in the landscape. Large indigenous canopy trees are the backbone of native vegetation coverage and this should be acknowledged. The impetus to establish and enhance areas of indigenous vegetation should be strengthened.</p>   |
| 18343 Sep 18, 2021, 10:22 PM | 1 |  | <p>Key Objective 4: This needs to not only "address threatening processes" but needs to reduce the risk of loss and degradation of the natural environment, natural vegetation, and threatened native species in order to maintain the landscape values in the Shire.</p>   |  |
| 18317 Sep 17, 2021, 09:09 PM | 1 |  |   |  |
| 18294 Sep 17, 2021, 01:42 PM | 1 |  |   | <p>Unsure as to how you achieve all the stated objectives in regards to fire risk reduction, in conjunction with some of the objectives stated above.</p>  |



|       |                        |   |  |  |
|-------|------------------------|---|--|--|
| 18286 | Sep 17, 2021, 10:41 AM |   | Nillumbik needs to recognise that due to changes in the environment and climate, wildlife is moving closer to populated areas. Any tree removal should be discouraged even if not in a designated area with an overlay. Building into the side of hills should be discouraged as it destroys the land.   |  |
| 18232 | Sep 16, 2021, 04:03 PM | 1 |  | Thought should be given to preserving natural habitat such as nesting tree hollows and supplementing these with built nesting boxes for birds and possums  |
| 18228 | Sep 16, 2021, 03:21 PM | 1 |  | Pest control including weeds. Are you looking into non chemical use to eradicate weeds? Indian minor birds are one example of out of control breeding. What action is being taken in this area. Also educating our community to take responsible action within their own backyard. |
| 18126 | Sep 11, 2021, 12:59 PM | 1 | Would like more detail on the "threatened native species" and which ones are vital and which are not. This would also help prioritise how and where funding was spent and also if it was worth the expense compared to other initiatives.  |  |
| 18120 | Sep 11, 2021, 06:40 AM | 1 | This is not a water catchment area, you are pushing the boundaries of classifying what a green wedge is. it's not National Park. It's not water catchment. It's a low development area of diverse living apart from high destiny human sprawl. No more no less   | Acknowledge land owners and their rights.  |
| 18102 | Sep 10, 2021, 02:41 PM | 1 | <p>Key Objective 2</p> <p>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. Use and development have the potential to affect stormwater quality and adversely affect downstream areas.</p> <p>The focus largely on the Plenty River; ignoring the significant interaction Nillumbik Shire has with the Yarra River and the feeders to that is unbalanced and seems to ignore the significant body of work already in place as part of Parks Vic and its Plenty River Trail.</p> <p>Key Objective 3</p> <p>Discourage development, including vegetation removal that degrades stormwater quality and increases potential risk of soil erosion, expansion and landslip or other hazards.</p> <p>No indication of any balance in this - fire mitigation, access and protection of heritage values etc</p> <p>Key Objective 4</p> <p>Address threatening processes associated with the loss and degradation of the natural and built environment in order to maintain the landscape values in the Shire.</p> <p>Doing nothing also leads, by default, to degradation</p> |  |

| Contribution ID | Date Submitted | with the identified If not, which objective(s) and why?<br>Yes No Unsure |
|-----------------|----------------|--|
|-----------------|----------------|--|

I would like to see an intention to acknowledge Wurunjeri Woiwurrung heritage through signage, plaques, art works etc in parks, reserves and playgrounds.

1

19296 Oct 21, 2021, 06:26 PM  
19203 Oct 19, 2021, 08:34 AM

1

Suggested overarching objective that recognises the land, waterways and all life they sustain are central to the cultural values of First Nations Peoples. As such their value must be recognised and protected throughout the Shire.

Open space development prioritises protection of indigenous flora and fauna.

Support for community gardens and productive streetscapes

Nilumbik has an integrated open space network that includes supporting access to other types of public land such as waterways, school grounds and utility easements.

1

Could you recognise the land, waterways and all life they sustain are central to the cultural values of First Nations Peoples. As such their value must be recognised and protected throughout the Shire. Open space development prioritises protection of indigenous flora and fauna.

Support for community gardens and productive streetscapes

Nillumbik has an integrated open space network that includes supporting access to other types of public land such as waterways, school grounds and utility easements.

|       |                        |   |   |  |
|-------|------------------------|---|---|--|
| 19094 | Oct 09, 2021, 10:16 AM | 1 |   | Ensure that areas once zoned as PPRZ remain that way (e.g. Apollo Parkways). Increase parkland when opportunity arises (e.g. Old Plenty CFA site).   |
| 19070 | Oct 07, 2021, 11:07 PM | 1 |   |  |
|       |                        |   | Key Objective 1) Should include the words in capitals "Ensure the planning, maintenance and enhancement of public open spaces " USING INDIGENOUS PLANTS AND TREES TO INSPIRE, ENABLE AND ENCOURAGE "safe, healthy and active lifestyles."   |  |
|       |                        |   | Key Objective 4) Should include the words in capitals "In rural areas the emphasis is towards developing key regional and district recreational areas WHILE protecting native flora and fauna, and developing a comprehensive regional based trail network WHILE TAKING CULTURAL AND ENVIRONMENTAL SENSITIVITIES INTO CONSIDERATION." | None of the objectives include Nillumbik's bushland reserves and wetlands which need to be protected from any encroaching development and enhanced and conserved. They are important public open spaces needing ongoing maintenance.   |
| 19065 | Oct 07, 2021, 09:56 PM | 1 |   |  |
|       |                        |   | This is not completely a question of yes or no, nor am I unsure, but as there are suggestions for most of them I have selected no.  |  |
|       |                        |   | Obj 1<br>Note that enhancement needs to be consistent with the value of greatest priority as expressed by the community in Our People, Our Place, Our Future ie preservation of the green wedge, protection of biodiversity, & action on climate change.  | Suggested overarching objective for this Theme that recognises the land, waterways and all life they sustain are central to the cultural values of First Nations Peoples. As such their value must be recognised and protected throughout the Shire.   |
|       |                        |   | Obj 2<br>Any development of open space needs to prioritise reinvigoration of indigenous flora to support habitat and wildlife corridors.  | Addition of an objective to support community gardens and productive streetscapes  |
|       |                        |   | Obj 5<br>Suggest that this objective is expanded to include reference to development of accessible, high quality [environmentally sensitive] and local open space networks at the regional level with in partnership with adjoining municipalities.   | Nillumbik has an integrated open space network that includes supporting access to other types of public land such as waterways, school grounds and utility easements.  |
| 19053 | Oct 07, 2021, 06:56 PM | 1 |   |  |
|       |                        |   | Issue is access to open space. Note I should probably made this 1 comment elsewhere.  | Ensure that people of all abilities can access open space and undeveloped green wedge areas. Preserving the green wedge is one thing but people of all abilities should also be able to enjoy it. Primary objectives must clearly state that at all times the natural environment is protected and enhanced. |
| 19050 | Oct 07, 2021, 06:50 PM |   |   |  |
| 18994 | Oct 06, 2021, 04:21 PM | 1 |   |  |

|       |                        |   |   |   |
|-------|------------------------|---|---|---|
| 18975 | Oct 06, 2021, 09:02 AM | 1 | Objectives 1 – 4 and 5 are irrelevant to rural residents. Key Objective 4 needs to be reviewed and amended – the emphasis in rural areas is on local open space that serves the needs of local rural residents, open space that serves, supports, and compliments rural economic development, tourism and visitation to rural areas, and developing comprehensive multi use trail networks to link to those in Yarra Ranges, Murrindindi, Whittlesea, Manningham and Banyule. (note that regional cross over does not incorporate all surrounding local government areas) | open space in rural areas needs to fulfill rural local needs as well as other needs - this is ignored   |
| 18952 | Oct 05, 2021, 04:44 PM | 1 | The objectives do not state the importance of retaining the existing vegetation or enhancing it with appropriate indigenous species. The provision of accessible and equitable space should not be at the expense of the natural environment.   | Protection of the native flora and fauna is paramount when designing and planning open space use. This includes the waterways areas. Passive recreation such as walking through bushland should not be sacrificed for formal sporting and playground use.   |
| 18929 | Oct 05, 2021, 12:25 PM | 1 |   | Objective 5 would benefit by clarification of of the "network across the shire" (e.g. trails, shared bicycle/pedestrian paths ?)  |
| 18914 | Oct 04, 2021, 11:02 PM | 1 |   | Melbourne Water is currently working towards selling off large parcels of land in Christmas Hills. There is great potential here for adding to the shire's environmental and recreational reserves, particularly with regard to the future of the land known as "Wanaroo Farm" This could become a regional recreation park with parking, picnic facilities, walking/cycling/equestrian trails etc. This would make a good objective. |
|       |                        |   |   | Amend Key Objective 4 to read:<br>In rural areas the emphasis is towards developing key regional and district recreational areas, protecting native flora and fauna as well as developing a comprehensive off-road shared trail network.  |
| 18909 | Oct 04, 2021, 10:18 PM | 1 |   | Including the wording 'off-road shared' is an accurate description of the shire's existing regional trails.   |
| 18897 | Oct 04, 2021, 06:22 PM | 1 |   | Need more walking and bike paths.   |
| 18893 | Oct 04, 2021, 05:16 PM | 1 |   |   |
| 18878 | Oct 04, 2021, 03:39 PM | 1 |   |   |

|       |                        |   | Additional Comments to  |   |
|-------|------------------------|---|---|---|
|       |                        |   | Key Objective 2   |   |
|       |                        |   | Make it a priority to protect and retain public open space and don't allow public open space to be considered as an opportunity to undertake further development of these areas. Public Open Space is Public Open Space. Recognise there is a community benefit in retaining and valuing public open space for both general active and passive relaxation purposes. |   |
|       |                        |   | Key Objective 5   |   |
| 18838 | Oct 01, 2021, 04:23 PM | 1 | Add after Shire 'and connecting with trail networks in adjoining municipalities.'   |   |
|       |                        |   | Objective 2 needs qualification. For example, it is not "safe" for "All members of the community" to access Yarrambat Golf course, if they are not playing golf.  |   |
| 18823 | Oct 01, 2021, 09:37 AM | 1 | Objective 2 is not being met now, for example, Eltham Tennis Courts are locked and open only to Club members,   |   |
|       |                        |   | Disagree with 4   |   |
| 18362 | Sep 19, 2021, 04:24 PM | 1 | Why flies and fauna in rural only ☹   | Maintain rural areas  |
|       |                        |   |   | Native flora and fauna are very reliant on our open spaces, even in fairly urbanised areas (for example along the diamond creek corridor in Eltham). Retention and enhancement of habitat should also be an objective for open space. |
| 18347 | Sep 18, 2021, 11:01 PM | 1 |   |   |
| 18316 | Sep 17, 2021, 08:57 PM | 1 |   |   |
| 18299 | Sep 17, 2021, 02:06 PM | 1 |   |   |

|       |                        |   |  |
|-------|------------------------|---|--|
|       |                        |   | <p>In relation to Key Objective 2, I strongly believe that Nillumbik needs to consider opening up the parklands as shared use spaces. We have a very large community of dog owners, and the current handful of off lead dog parks are not enough. If you look at Banyule, the parks are all off lead (except where otherwise signed) and this results in the grounds being better maintained (as the foot traffic is spread) and there being almost no dog waste left on grounds (each ground has a bin and dog poo bags provided). The parks then become a wonderful meeting space for the wider community, as well as being used for sporting groups on weekends and during training times. A quick visit to Anthony Beale reserve will provide a good insight to how well this model works.</p> <p>Encouraging/supporting dog ownership in this way also encourages a more healthy and active lifestyle for the community. Too often people become cut off from their community as they age, but having a dog and walking the dog easily in nearby parks (that don't require one to drive to reach them as is currently the case) increases people's engagement and positive health outcomes, both physically and mentally.</p> <p>It would also be wonderful if there was a labyrinth in one of the green spaces along the trail between the Men's Shed and the Frog Reserve in Eltham North. There are a few green spaces that currently just have grass, and a labyrinth for people to walk around would be fantastic. (Eg: <a href="https://labyrinthsociety.org/about-labyrinths">https://labyrinthsociety.org/about-labyrinths</a>)</p> <p>Consideration should be given to the needs of an aging population<br/>Promotion of local areas for eco tourism should take place</p> |
| 18292 | Sep 17, 2021, 01:12 PM | 1 |  |
| 18239 | Sep 16, 2021, 04:19 PM | 1 |  |
| 18132 | Sep 11, 2021, 01:12 PM | 1 | #2... does "equitable and accessible" mean financially as well?  |

## Transport

Title/Question: Transport  
Tool Type: Form  
Activity ID: 311  
Report Date Range: 9 Sep 2021 - 21 Oct 2021  
Date Exported: 26 Oct 2021 09:58 am

| Contribution ID | Date Submitted         | with the identified If not, which objective(s) and why?  | Yes No Unsure | With consideration of objectives in the other themes, can you identify any gaps in this theme that the MPS should consider?  |
|-----------------|------------------------|--|---------------|--|
| 19306           | Oct 21, 2021, 10:12 PM |  | 1             |  |
| 19295           | Oct 21, 2021, 06:17 PM | I am suspicious of the word "vibrancy". It is often used to mask the reality of "crowded" or "congested". Objectives 2 & 3 are worthwhile however, in objective 4 I am wondering what would be the links between land use planning & transport. Together with objective 5, I would hate to see any more excessive development along the lines of the appalling road works at the entrance to Fitsimons Lane. Apart from having replaced a lovely treed gateway with acres of tar & cement, we will now have to put up with an extensive heat bank, visually arid. I understand that an alternative plan had been submitted, less extensive & less expensive, but was not considered. This imposition highlights my very firm opinion that decisions regarding any municipality, not just Nillumbik, should acknowledge & take into account, the wishes of that community. They are after all the | 1             |  |
| 19201           | Oct 19, 2021, 08:32 AM | ones who actually live there.  |               |  |
|                 |                        | i support the PALS recommendations   |               |  |
| 19168           | Oct 14, 2021, 09:43 PM | 1. This must include school communities<br>2. Add...key activity centres....and all schools throughout the Shire.<br>3. Add..... increased public ... and active transport<br>4. , but not to the detriment of the environment, and with the urgent need to achieve significant reductions in carbon emission as priority.<br>5. Note that road developments need to be consistent with the values of greatest priority as expressed by the community in Our People, Our Place, Our Future ie preservation of the green wedge, protection of biodiversity and action on climate change.  | 1             | Traffic calming methods are used at wildlife crossing points.<br>Nillumbik implements a trial of "on demand" public transport.<br>Support for electric vehicles – pubic, private, Council. |

|       |                        |   |   |   |
|-------|------------------------|---|---|---|
|       |                        |   |   | Traffic calming methods are used at wildlife crossing points.   |
|       |                        |   |   | Nillumbik implements a trial of "on demand" public transport.   |
|       |                        |   |   | Support for electric vehicles – pubic, private, Council.  |
| 19128 | Oct 11, 2021, 11:54 AM | 1 | In general terms, the objectives are good. But specifically, transport options need to be increased outside of 9 to 5 Mon to Fri. This is needed for young people, for those with disabilities and for other reasons where people are unable to drive. Extension of transport 1 beyond Hurstbridge is critical for these cohorts. | No  |
|       |                        |   | Obj 1<br>Should include reference to school communities   |   |
|       |                        |   | Obj 2<br>Add...key activity centres....and all schools throughout the Shire   |   |
|       |                        |   | Obj 3<br>Add..... increased public ... and active transport   |   |
|       |                        |   | Obj 4<br>Add<br>... but not to the detriment of the environment, and with the urgent need to achieve significant reductions in carbon emission as priority.   |   |
|       |                        |   | Obj 5<br>Note that road developments need to be consistent with the values of greatest priority as expressed by the community in Our People, Our Place, Our Future ie preservation of the green wedge, protection of biodiversity and action on climate change.   | Suggested additions<br>Traffic calming methods are used at wildlife crossing points.<br>Nillumbik implements a trial of "on demand" public transport.<br>Support for electric vehicles – pubic, private, Council. |
| 19057 | Oct 07, 2021, 07:17 PM | 1 | Do not overemphasise the cycling/walking thing in Nillumbik because 1 the terrain will make this difficult for many older people  | Maintain good road networks supported with adequate parking, perhaps rationed with parking fees.  |
| 19046 | Oct 07, 2021, 06:41 PM |   |   |   |
| 19012 | Oct 06, 2021, 09:12 PM | 1 |   | More advocacy for public transport in the rural areas of the shire, ie no public tranport past Hurstbridge or Kangaroo Ground   |
|       |                        |   | Key objectives 1 (or 2a) through 4 are irrelevant to rural residents except for the ability to travel to and from activity centres and park when we get there.  |   |
| 18973 | Oct 06, 2021, 08:57 AM | 1 | Key objective 5 – support the principle – noting that it is poorly written  |   |



18947 Oct 05, 2021, 03:52 PM 1

Key Objective 5 needs to respect the environment. The road network has to respect the environment and ambience of the area. Bigger roads is not the answer to every traffic problem. The opposition to the Fitzsimons rd roundabout is surely telling the authorities that other environmental things are more important. The physical aspects that make Nillumbik different should be respected and emphasised.

18935 Oct 05, 2021, 01:35 PM 1

There is one objective missing, and is to ensure safe access for an ageing and disabled population, in relation to foot public transport, car traffic . The City of Melbourne has already done this, including requiring level entry into shops and doors wide enough to enable wheel chair access etc. Further and eg. The crossing opposite the fire brigade on Main Rd in Eltham, is confusing. Most people think it is a pedestrian crossing which it is not. But being opposite a popular coffee shop and the hotel is is used as such and dangerously. I'm not sure if Eltham Railway station is being rebuilt to accommodate for better wheelchair, walker and disabled access including the toilets. Council should be lobbying the State Govt to achieve this, if not part of the current improvements. I note cycle trails are mentioned to reduce greenhouse gases. The trails may have to be shared with road use and not shared with pedestrians or walkers. Bike etiquette is appalling and dangerous, speeding is a problem. In Europe with huge cycle popularity people cycle on roads, and through towns etc. Speed and long distance appears to be on roads. I would also like to see an objective that could encompass bike parking access in the shopping precincts and within our parks . Why drive just for a coffee when you could cycle. Health benefits as well as reducing green house transmission. In short this 30 year objective could be broadened to achieve more. Ther ewould be so many more benefits and Europe has many good examples to study.

|       |                        |   |   |  |  |
|-------|------------------------|---|---|--|--|
| 18927 | Oct 05, 2021, 12:17 PM |   | Objective 1: (amend) Add schools.<br>Objective 2: (amend) Add schools.<br>Objective 3: (amend) Add, "and active transport".<br>Objective 4: (amend) Add, 'consistent with environment protection and reducing carbon emissions'.<br>Objective 5: (amend) Add, "road links are to be consistent with preserving the Green Wedge; protection of biodiversity and action on climate change".   |  | The (in)efficiency of transfer between transport modes is a key consideration in people's choice of (non) use of public transport options:<br>e.g. walk to bus stop (wait for late bus in rain, hail or sun) arrive at station and wait for next train<br>e.g. cycle to bus stop (where to leave bicycle securely?) or cycle to station (where to leave bicycle securely?)<br>e.g. drive to local station or bus stop (where to park vehicle securely for extended period?)<br>An additional objective could be:<br>Provide facilities which improve the efficiency, amenity and safety of multi modal trips (including secure bicycle parking, bus stop shelters, car parking) and liaise with public transport providers to align service timetables to minimise intermodal waiting times. (This is also applicable to Theme 8 Infrastructure) |
| 18912 | Oct 04, 2021, 10:32 PM | 1 |   |  | Nillumbik should work to make wildlife crossing points safe for wildlife wherever possible.<br>Nillumbik to implement a trial of 'on demand' public transport.<br>Support for electric vehicles.   |
| 18905 | Oct 04, 2021, 10:08 PM | 1 |   |  | Amend Key Objective 2:<br>Further development of off-road shared trails to link the key activity centres is a priority to encourage safe access for all residents.   |
| 18876 | Oct 04, 2021, 03:36 PM | 1 | Adding more roads does not help the environment it only encourages people to use cars which opposes objective 3 ie to increase public transport use. congested roads will lead to people using public transport   |  | This amended wording is more inclusive as it covers all users.   |
| 18836 | Oct 01, 2021, 03:26 PM | 1 | Additional Comments to<br><br>Key Objective 2<br>This development objective also should include effective way finding and information provision to enable pedestrians and cyclists to know where they are, and where they can go. Provide support facilities within key activity centres to encourage walkers and cyclists to spend time and money with local traders.<br>Need to stop the overdevelopment of the train lines and parking |  |  |
| 18758 | Sep 29, 2021, 07:00 PM |   | 1 localities  |  |  |
| 18377 | Sep 19, 2021, 06:28 PM | 1 |   |  |  |
| 18360 | Sep 19, 2021, 04:19 PM |   | Disagree with 4<br>Rural residence need some public transport   |  | Get some public transport to research, panton hill, bottles bridge, St. Andrews, kangaroo ground   |

|                              |   |   |  |
|------------------------------|---|---|--|
| 18298 Sep 17, 2021, 02:05 PM | 1 |   |  |
| 18237 Sep 16, 2021, 04:14 PM | 1 |   |  |
| 18206 Sep 15, 2021, 04:49 PM | 1 | <p>There is no consideration to the loss of amenity suffered by residents who face daily rat runs by non-residents. A lack of planning or retrospective action means that we live on short cut roads that have become dangerous. Why encourage pedestrians or cyclists when the roads are so unsafe?</p>  | Some effort being put into trying to solve some of the issues around rat running. Painting a white line down the centre of a road on a crest of a hill does not count. |
| 18201 Sep 15, 2021, 03:27 PM | 1 | <p>Key Objective 5<br/>The St Andrews and Smiths Gully areas have not had road upgrades for years. Some dirt roads have become connector roads or short cuts to the ever growing residents who use them. Some are not safe with over hanging trees and trucks having to drive in the middle of roads to miss their limbs. A survey of the area needs to be done and not just talked about but action.</p> | No   |
| 18130 Sep 11, 2021, 01:06 PM | 1 | <p>There is no mention about unsealed roads, which there are many in the more rural parts of the Shire.<br/>The reality is that many/most people will need a car to get around the Shire and beyond, and yet there is very little attention paid to this in the objectives.</p>   |  |
|                              |   | <p>Key Objective 2<br/>Further development of pedestrian and cycle trails to link the key activity centres is a priority to encourage safe pedestrian access for residents.<br/>Council need to manage / invest in the current trails they have provided - we continually see people using trails for purposes for which they were not intended - e.g., trail bikes</p>                                   |  |
|                              |   | <p>Key Objective 3<br/>Facilitate increased public transport usage to aid in issues such as increased greenhouse gas emissions and traffic congestion.<br/>Not sure this is effective use of \$ in COVID times as we see considerable attention to social distancing - this is unlikely to significantly change.</p>  |  |
| 18105 Sep 10, 2021, 02:48 PM | 1 | <p>Key Objective 5<br/>Facilitate safe and efficient roads and road links within the municipality and to the wider region that cater for all users given that the majority of residents travel to employment outside the Shire.<br/>Agree but there seems to be remarkable reluctance to do this - hence the limited crossings of the Yarra and the resultant risk in times of evacuation</p>             |  |



## Activity Centres

### Key Sentiments

#### Community and Advisory Committees

Support for MACs as main hub for services and growth

Better connectivity within the ACs specifically Eltham and Diamond Creek

Provide opportunities for connection to the outdoors and the arts

#### Congestion and access challenges

More diversity in housing

Built environment shouldn't impede on the natural environment

Decentralisation of existing activities

Define medium density housing.

No more than 3 storeys of development

More toilet facilities in Diamond Creek MAC

More reference to Hurstbridge and Research (Neighbourhood Activity Centres)

Panton Hill and St Andrews are important to rural people and provide schools, eating places, fuel and post offices, so they need to be included.

More parking

Maintain and increase tree canopy - specifically indigenous vegetation

Focus on walkability and accessibility for all mobility abilities

Active transport should be a priority

All themes should prioritise Nillumbik as a Green Wedge Shire

Yarrambat needs more commercial uses - lack facilities

Neighbourhood character should be considered when assessing developments

Activity Centres have limited relevance to grazing and hobby farming residents.

Community hospital should be in Eltham MAC

MACs and NACs should be defined

Restrict development

#### Internal Teams

Congestion can cause bottle necks and becomes unsafe during emergencies

Lack of affordable and social housing

Define affordable housing

Parking issues need to be addressed

Public transport into MACs not always accessible – esp some rural areas

Community transport need further support/encouragement

Information gaps between Council and Communities – MACs potential education hub

#### Youth Council

Support for MACs as main hub for services and growth

Housing affordability is an issue especially for the youth trying to get into the housing market.

Reference to Hurstbridge as an important AC

#### Councillors

We can build up in Activity Centres but there is no market or appetite for it

MACs should remain as main hub for activities and growth

More sustainable design

Protect and enhance tree canopy

Enhancing neighbourhood character

Hurstbridge and Research Neighbourhood Activity Centres: should include consideration of active transport e.g. walkability & cyclability

## Green Wedge

### Key Sentiments

#### Community and Advisory Committees

Retaining and encouraging sustainable and regenerative agricultural land

Better connectivity between townships

Better accessibility to MACs

Gap in knowledge sharing

More tools and information for landowners on maintaining and managing their land

Rural living and development should be allowed

Rural development should be discouraged

Conservation should be priority in the GW

Protection of the environment and biodiversity

Priority should be given to reducing/preventing climate change

development in rural areas minimises potential fire risk in a way which is acceptable to, and compatible with First Nations people

Rural land owners are over regulated by restrictive planning overlays

It's ok that rural areas lack existing infrastructure

Review the application of Environmental Significance Overlays and Significant Landscape Overlays across the Green Wedge zones in line with Government policy, ensuring enforcement of protections and adequate resourcing

Wattle Glen needs major development as it has large blocks and can benefit the community

With north east link to be built consideration needs to be given to greater housing diversity in appropriate areas.

Need to address the issue of housing affordability in the shire and look to create appropriate rezoning of land close to infrastructure to support greater number of residents.

Treat Urban Growth Boundary as a hard boundary

State and Regional Planning do not identify Nillumbik as having environmental and landscape significance

Consider adding an objective about recognising and celebrating the multigenerational rural residents.

Consider allowing further subdivision into smaller lots

Infrastructure should be a further priority - safer roads, better maintained, more sealed roads (to reduce water turbidity in runoff) and clearing of vegetation along road reserves to enable safe exits for people in the event of wildfire

Upkeep of the remnant endemic bush land. It is a precious resource that is under threat from

Recognition that rural landowners do a lot to maintain their land which levels of government heavily rely on - they should not be restricted in doing what they want with their land

#### Internal Teams

Land clearing, Council responsibility and we do it poorly

Need more enforcement for illegal clearing – budget issues

Conflict between environment and engaged open spaces (BMX tracks)

Nillumbik is 4<sup>th</sup> most biodiverse area in Australia, we need to protect and enhance

Better collaboration with private land owners that have an interface to public land/reserves.

Horse grazing an issue

Need better roads

Need better accessibility (in all aspects)

#### Youth Council

Interface of urban and rural areas – missing

Agricultural information gap

Roads in some rural areas are unsafe – road safety is a huge issue

Improving access to ACs via trails, links, transport – rural residents can feel isolated

#### Councillors

Not just about protecting what is endangered, it's all flora and fauna

Residence is not an as of right use

Accessibility in how it reads - definition

|   |
|---|
| Objective about development mitigate fire risk – other way around? Should be assessing area before putting a house in it rather than putting a house in the trees and then cutting down all the trees.  |
| When managing conflicts, land management plans should address to ensure the land use doesn't affect the environment   |
| Rural areas don't want more infrastructure  |
| Danger in focusing on environmental and landscape significance is that it leads to a narrow focus on significance under EPBC act rather than recognising all areas are significant - could show significance via maps   |
| Needs to state that in managing the conflict, this is done through land management plans that address environmental protection strategies   |
| Ensure development in rural areas mitigates potential fire risk - other way around - "Development should only proceed where fire risk can be minimised while meeting the first principle of avoiding and minimising loss of native vegetation and preserving biodiversity." |
| Protect the current UGB and oppose any proposal to move it  |
| Protection of environment and biodiversity should guide all planning in GW and RCZ  |
| Trust for nature covenants should be extended where possible  |



## Natural Environment

### Key Sentiments

#### Community and Advisory Committees

Prioritise conservation of biodiversity

Strengthen enforcement

Minimise adverse impacts of development especially on tree canopy

Conservation of all flora and fauna, not just endangered species - prioritising indigenous species

Infrastructure projects should consider and prioritise environmental impacts – roads, trails, amenities, car parking etc

Monitor habitat links

Waterways are important and should be emphasised

Needs to recognise the habitat corridors identified in the NEROC and State of Environment reports and support extending and reinvigorating them. Noting the importance of establishing and connecting the potential corridors as identified in the State of Environment report.

Would like to see the Wurundjeri Woiwurrung heritage of care of the land acknowledged with intention to use consultation with Narrap team when possible

Important to create, improve and maintain access to public environment (i.e trails), as well as the environment around town centres (i.e. ensuring appropriate tree cover of streets and roads).

Not just focusing on net loss of natural environment but also net gain

"Biodiversity urban sensitive design" is a requirement in urban areas

Connecting isolated pockets of vegetation to form wildlife corridors

Removal of weeds as a priority as they threaten flora, fauna and biodiversities

#### Internal Teams

Refer to State Listed Species to strengthen objectives to protect flora and fauna

Threatened 'indigenous species to Nillumbik' instead of 'native'

Consideration of environmental values and the facilitation of drainage and sewerage in all areas that affect all rivers and creeks.

Waterways play an important role in climate change – so we need to protect them

Maintain landscape values in the Shire

Focus on enhancement, not just protection

Prioritise biodiversity

#### Youth Council

N/A

#### Councillors

'Placing conservation of biodiversity above all else' – not good for policy

A map could be used here to identify existing and potential habitat links - NEROC, State of Environment and Abzeco reports have info on this

References the Plenty River but there's no reference to our other waterways. Perhaps an additional objective could recognise this too



## Built Environment

### Key Sentiments

#### Community and Advisory Committees

Future developments must maintain character

#### Protection of natural environment

More innovative, sustainable, biodiverse urban design

Design to consider social integration and inclusion

More way finding signs

Improve accessibility

Maintain indigenous vegetation

Protect heritage buildings

Indigenous tree canopy and understorey are protected throughout Nillumbik, including areas of built environment and all new developments within the Shire. Council actively pursues net increase of indigenous vegetation in both urban and rural areas.

In rural areas, planning requirements need to ensure that the built environment and associated infrastructure (e.g. access roads, car parking etc) is a secondary use and must be sub-ordinate to primary rural land uses/conservation.

Apartment developments outside of the areas they are currently in

Futher develop Wattle Glen for more housing growth

Ecologically Sustainability Development (ESD) consultants/principles should be applied to all developments

Built form should not damage natural environment

Eltham is overdeveloped and further groth should not occur

Cyclists should be constrained to areas of low risk

Protecting habitat links and minimising fire and flood risk and erosion are important considerations in siting buildings and works, particularly in rural areas.

#### Internal teams

Accessibility – not good enough in Nillumbik

Improve mobility

Cater of changing access needs

More seats in MACs

Not a lot of choices for older people of housing in rural areas

\*A topic that many teams chose not to discuss as it significantly overlaps with several other themes.

#### Youth Council

N/A

#### Councillors

Community concern: bulk and height

Maintain green spaces

Making clear what inclusion is

Sustainable design could be linked to climate change objectives

Education for sustainable requirements – it's not a bad thing – applies for other requirements

Can we require a canopy tree with each development – a higher level statement that can support this – education the difference about canopy trees

Trails and footpaths – accessibility – but it should fit into the natural environment – trails shouldn't remove vegetation

Good that this references historical characteristics but needs to also reference environment, biodiversity, climate, urban tree canopy etc, as these are some of the key characteristics that we want to promote

St Andrews Township Plan 7.2.3 "Introduce a local planning policy or update MSS provisions which highlight the importance of design excellence and respectful character for developments within St Andrews"

Tree canopy and understorey to be protected, including in the built environment and all new developments

## Housing

### Key Sentiments

#### Community and Advisory Committees

More housing diversity and options

Connect communities and provide them with open spaces

Preserve character with better control of developments

Protect and enhance natural environment

Better planning and support of housing within BMOs

More bushfire and other climate change related risks considered in housing developments

Understanding of the change in housing needs in the Shire

Higher density developments in MACs discouraged

New residential developments should be consistent with neighbourhood character

Eltham to be kept leafy, green and low rise.

Mudbrick method for housing should be supported

Housing growth to only occur in ACs

More innovative, sustainable, biodiverse urban design

Indigenous tree canopy and understorey are protected throughout Nillumbik, including areas of built environment and all new developments within the Shire.

Council actively pursues net increase of indigenous vegetation in both urban and rural areas.

Development of a Nillumbik Urban Forest Strategy

Major developments in Wattle Glen required

Ecologically Sustainability Development (ESD) consultants/principles should be applied to all developments

Protection and enhancing of tree canopy

There is a gap in the MPS which is providing housing security and sustainability of rural lifestyle grazing and hobby farming residents or demonstrating any ability to recognise or accommodate long term multi generational land occupancy

More housing diversity in rural areas - to cater for ageing in place

Create a township precinct for Yarrambat

Nillumbik doesn't need medium density housing

Enlarge Rural Township Zone

Medium density housing appropriate for older residents - in areas not too slopped, elevators, accessible for all mobility needs

Growth and medium density housing to be allowed outside UGB

Considerations for larger houses, extensions, and granny flats should be included.

#### Internal teams

More housing diversity and options – affordable medium density

Better connecting ageing residents

Encouragement of accessible and adaptable housing through our planning processes

Eltham has smaller housing but not cheaper

Medium density need to be more accessible – multi storey dwellings not accessible – single storey units and apartments are better – flat driveways!

Encourage sustainable housing

Statutory planning – opportunity for education on adaptable housing and integrational living – encourage developers in pre app meetings – other councils use fact sheets

#### Youth Council

N/A

#### Councillors

Nillumbik is expensive, we need more affordable housing

People, particularly young people, cannot afford to buy back into Nillumbik

Define diversity in housing

Allow for housing diversity outside of ACs

Housing growth to occur in ACs

- St Andrews Township Plan 7.1.4 Introduce a local planning policy or update MSS provisions to:
- ☐ encourage the development of smaller, more affordable dwellings;
  - ☐ discourage subdivision and boundary realignments that create substandard lots in areas beyond the Urban Growth Boundary; and
  - ☐ discourage the development of dwellings on substandard lots in areas beyond the existing Urban Growth Boundary.

- Develop an ESD policy and encourage ESD through the planning scheme
- ☐ Encourage renewables on houses
  - ☐ Encourage water tanks
  - ☐ Recycled, clean materials such as mudbrick

## Economic Development

### Key Sentiments

#### Community

Support small scale and/or remote businesses

Creating better connectivity – better economy

Support innovative, sustainable and encourage regenerative agriculture - not just soil based

Adjusting to and supporting the changing nature of businesses

Tourism should be a recognised priority in the green wedge with easy approval processes.

It is essential that innovative sustainable agriculture and related or down-stream enterprise is encouraged

Agriculture is significant for economic development

Don't restrict commercial uses in the green wedge but support them

Encourage redevelopment and improvement of Eltham's commercial centre behind Bridge Rd and Susan St

In light of pandemic - home based businesses and home extensions to support this should be addressed in planning

Industrial precincts should not impact the amenity of adjoining residential areas

Strong and responsive Neighbourhood Character Policy is needed.

Support micro and service-based businesses

#### Internal teams and Advisory Committees

Enhance Eco Tourism in Nillumbik

Don't want to see soil based agriculture over modern ways of farming – reduce animal footprint

Encourage local food production

We don't really have industrial areas

Economic Development Strategy – potential heat map of what business can go where

Encourage modern businesses in industrial zones

Future of Agriculture – 700 responses we can take into

GW is too restricted – room for flexibility without destroying GW purpose?

#### Youth Council

N/A

#### Councillors

Can this be rephrased? Economic Sustainability? Not just about the business community – not the biggest economy driver

Sustainable agricultural uses

We can't allow people selling in from of their property – produce, food, drinks, café – when does it stop? Many aren't even locally grown – used for tourism – in conjunction use

Advocacy work based on the state government GW work

☐ Add in that "in conjunction uses" or other modifications to existing land use should be done through approved land management plans which detail how the environment, habitat links and biodiversity will be protected

St Andrews Township Plan 7.3.2 Introduce a local planning policy or update MSS provisions which:

☐ Define the role of St Andrews as a local convenience centre.

☐ Provide greater guidance as to the type, scale and intensity of commercial activities encouraged within the township.

☐ Provide direction as to the preferred location for different types of commercial uses.

☐ Encourage the establishment of over-night accommodation and eco-tourism developments.



## Transport

### Key Sentiments

#### Community and Advisory Committees

Reducing reliance on cars by increasing alternative options, improving transport infrastructure

Insufficient community transport for older people

Insufficient bus and train stops and frequency of services, and poor access to the stations

Greater focus needed on cycling and walking infrastructure

Rural areas will likely to remain car dependant

How do we encourage sustainable vehicle private use

Need safer roads, paths, tracks for all users and modes

Ensuring upgrades don't clash with the township character

Better planning for sustainable transport

Ensure that transport infrastructure does not negatively impact the natural environment

More considerations to schools in the shire

More support for electric vehicles of all types

Traffic calming methods used at wildlife crossings

Extending public transport access times and routes specially to rural areas

More consideration to older people and people with disability when transport planning

More roads lead to more car usage - congestion leads to more public transport use

Rural area roads are unsafe and need improvements

#### Internal teams

We have 5 free charging stations but the community don't know about them – just for electric cars or also other electric vehicles?

Mobility scooters, wheelchairs – need to be considered for paths, ramps and turns - more consideration of inclusion

More shade, lighting and seats along transport infrastructure

Rural areas lack good paths – why are roads being improved but not the paths along them?

Should not just be car focused – there should be a minimum gap between road and fence for pedestrians

Better facilities for bike storage

Encourage sustainable private use

#### Youth Council

Rural roads are unsafe

Improve connectivity of rural areas and activity centres

Diamond Creek – McDonald Road not needed – reduction of roads increase walkability

Safety is a barrier for using PT – accessibility, trails

Diamond Creek Station – unsafe

Incorporate Arts and Culture in transport infrastructure like stations and bus shelters

More bus shelters – make them welcoming

#### Councillors

Maps should show all trails

Sustainable private use needs a focus

Add in active transport, which we'll have a lot more control of through planning than we do on public transport

Maps could be good here to show strategic public and active transport routes

Protect the amenity of local roads and oppose unreasonable expansions of roads which are inconsistent with neighbourhood character and GW/RCZ protections

Improve safety of local roads for cyclists

Recognise that rural areas don't require large arterial roads and expansions to roads in rural areas would be out of character. Restricting density in these areas is key to avoiding pressure on their roads

Infrastructure

| Key Sentiments   |
|--|
| Community and Advisory Committees  |
| Ensure infrastructure upgrades are sensitive to and have minimal impacts on natural environment                    |
| Clear, meaningful conversations with individuals and groups affected   |
| Prioritise natural environment when considering all infrastructure projects  |
| Don't make rural living more challenging with restricting planning policies  |
| More education on reduction of waste and consumption and its positive impacts on infrastructure and sustainability |
| Consideration of renewable energy systems and local waste recycling.   |
| More clarity as to why consolidation of lots in rural areas is beneficial  |
| Make activity centres more inviting  |
| Rural areas don't need excessive infrastructure - it is what makes them rural                                      |
| More development of smaller townships such as Plenty   |
| Infrastructure to support safety for flooding, bushfire, or severe storms/wind/weather.                            |
| Internal teams   |
| More charging stations – Catering for modern/changing needs  |
| Outdoor spaces that can be activated – universal design approach, power access, water access, signage              |
| Many businesses are not accessible   |
| Disability parking not endorsed by businesses – Council position should be strengthened                            |
| Missing amenities – seats, water fountains, toilets along trails   |
| Better and more signage  |
| More sustainable infrastructure  |
| Youth Council  |
| Need improved lighting throughout specially around stations – specified Wattle Glen                                |
| Councillors  |
| Needs to recognise the much broader reasons to consolidate including preservation of habitat                       |
| Create an emphasis on renewable energy infrastructure  |

## Open Space

### Key Sentiments

#### Community and Advisory Committees

Provide open spaces for the community while minimising impacts on the natural environment

Viewing the land through the lenses of the heritage of First Nations people and showing acknowledgement through signage, plaques, art works in parks, reserves and playgrounds

Balancing access for the community with health of the natural environment

Conservation and regeneration of native flora and fauna

Reconsider and review Open Space Strategy

Need of overarching statement on the land, life on it and the role they play to First Nations people.

Priorities should be preservation of the green wedge, protection of biodiversity and action on climate change

Overarching objective that recognises the land, waterways and all life they sustain are central to the cultural values of First Nations Peoples.

Increase parkland (PPRZ) when opportunity arises

Prioritise indigenous species when protecting and enhancing vegetation

Develop a comprehensive off-road shared trail network

Retention and enhancement of habitats as a priority

More dog friendly spaces

More consideration to older people in open space planning

#### Internal teams

Open space availability to all communities and residents not necessarily possible or needed

Decrease council carbon footprint by having more sustainable open spaces

#### Formalised sports facing issues

Tennis clubs and some sport facilities are dying – better use for those spaces?

#### Co-design spaces with community

More nature play

Informal sports pop up quickly and Council is liable for any injuries – BMX, archery

Ensuring our open spaces are 'safe' can be risky statement

#### Youth Council

Better accessibility and linkages between open spaces

Drink taps along trails

Rubbish bins along trails

More off leash dog areas

#### Councillors

Open spaces are important for livability – free accessibility

Our open spaces make Nillumbik unique



## Climate Change

### Key Sentiments

#### Community and Advisory Committees

Ensure Council and community are well-informed and prepared to respond to climate change issues

Encourage sustainable housing design and other buildings

Encourage sustainable transport

Climate change should be integrated into all themes

Reduce emissions and produce clean energy

Protect and enhance existing vegetation, tree canopy and natural environments to help minimise climate change impacts

Minimising development minimises climate change impacts

Education opportunity

Greater focus on clean energy and role of Council

Recognise and support the contribution made by rural land owners to mitigate bushfire risk

Promote ESD and Plan Melbourne objectives around sustainability

Avoid only focusing on bushfires as this is just one risk from climate change

Objectives should not only be about preparing and adapting to climate change but also addressing and preventing it.

First Nations people should be consulted on land management

Review of ESO

Council should take an active leadership role in this space - paperless office, carbon neutral

Minimise development in fire risk areas

#### Internal teams

Address preparedness for impact of climate change on biodiversity

Focus on reduction of Climate Change

Climate change is also – floods, storms – widen definition – not just fire

Explore Climate change impacts on food production

Climate change objectives should be priority over bushfires

Balance climate change vs BMO

Collaborate with Emergency Management

Encourage more sustainable practices at home and private vehicle use

Emergency management information has not been accessible – easy English, reaching older people

Encourage PT use and improve accessibility

Improve and increase charging stations

Climate change should be integrated into all themes

#### Youth Council

Better climate resilience

Implement ESD principles

Encourage commercial buildings to place solar panels - incentives?

Protect and enhance canopy cover

Our electric car charging stations, are they powered sustainably?

More incentives for sustainable development

#### Councillors

Better communication to show what Council is doing

Not all about bushfire

The objectives need to be more about planning

Acknowledge that climate will increase bushfire risk

But these objectives do not address climate and are not appropriate here

Identify provisions to enable new renewable projects (e.g. solar, wind, batteries) on existing cleared land in GW and RCZ without compromising biodiversity and conservation values

Provisions to restrict the cutting down of trees for the purpose of solar

Protect tree canopy, understory and plant



## Heritage, Arts and Culture

### Key Sentiments

#### Community and Advisory Committees

Change how we perceive heritage – understanding and sharing First Nations culture

Applying a First Nations lens to other themes

Many parts of Nillumbik is significant to First Nations People

Strengthen existing sites of importance by improving wayfinding and signage

Invest in more historical research to strengthen community understanding and participation

Recognise potential heritage sites within Diamonds Creek – police station and churches

Better connectivity to public art in ACs

Encouragement and facilitation of public art

Planning policy to allow creative communities to thrive in rural areas such as allowing for gallery spaces on rural properties and selling of handmade products

Recognise the land, waterways and all life they sustain are central to the cultural values of First Nations Peoples

Encourage mudbrick structures as this is a sustainable method and historically significant to the Shire

Protect historical buildings

More education on First Nations People and their history

Greater emphasis on supporting new art in developments and upgrades (e.g. murals in retaining walls at new footy facility).

Development should not impede on or detract from all sights of heritage significance

#### Internal teams

Public Art Policy – trigger for public art to be included in developments of \$2 million + - other councils

Encourage public art in residential development and built environment in general

New Arts and Culture Plan – adoption 2022

Prioritising of creative industry activity – infrastructure including: art buildings, open spaces and reducing barriers to domestic developments such as home studios.

Applying a First Nations lens to other themes

Using the word 'proud' is insensitive when referring to First Nations history – a lot of the history is horrible and brings up bad memories

Youth Council

\*Didn't go through

Councillors

We need more education

We can't be clumsy with representing a culture

Rich history of mudbrick

Aboriginal issues not the biggest issue in history

THIS PAGE WAS LEFT INTENTIONALLY BLANK



# Municipal Planning Strategy

## Virtual Community Workshop Series Engagement Report

Nillumbik Shire Council

12 November 2021

→ The Power of Commitment




**GHD Pty Ltd | ABN 39 008 488 373**

180 Lonsdale Street, Level 9

Melbourne, Victoria 3000, Australia

**T** +61 3 8687 8000 | **F** +61 3 8732 7046 | **E** melmail@ghd.com | **ghd.com**

**Document status**

| Status Code | Revision | Author                  | Reviewer |  | Approved for issue |   |          |
|-------------|----------|-------------------------|----------|--|--------------------|---|----------|
|             |          |                         | Name     | Signature  | Name               | Signature   | Date     |
| S4          | 0        | N. Jones,<br>C. Bärrels | N. Jones |  | M. Campbell        |  | 12/11/21 |
|             |          |                         |          |  |                    |   |          |
|             |          |                         |          |  |                    |   |          |
|             |          |                         |          |  |                    |   |          |
|             |          |                         |          |  |                    |   |          |

© GHD 2021

This document is and shall remain the property of GHD. The document may only be used for the purpose for which it was commissioned and in accordance with the Terms of Engagement for the commission. Unauthorised use of this document in any form whatsoever is prohibited.

# Executive summary

## Introduction

Four online workshops were hosted in September and October 2021 to inform Nillumbik Shire Council's (Council) Municipal Planning Strategy (MPS). The MPS, due to be updated, provides an overview of important local planning issues and sets out the vision and strategic directions for future land use and development for the municipality.

The workshops hosted in autumn of this year sought to ensure the themes selected for the new MPS consider community views and sentiments, as they will set the vision for land use and planning in Nillumbik for the next 10-20 years. In addition to the virtual workshops, Council also opened an online survey on Participate Nillumbik, accepted written submissions via post and e-mail, and presented and conducted workshops with Advisory Committees and internal teams. The feedback gathered in the virtual workshops is one of several valuable components in understanding community views and therefore doesn't reflect all perspectives.

Many of the insights presented in this report are also outside the scope of matters the MPS can consider and implement. For example, this report makes clear there is work Council can invest in engaging and representing First Nations People. The Victorian Government has a long-standing commitment to closing the gap and working in partnership with the Aboriginal community<sup>1</sup>, but the MPS has limited opportunities to do so.

However, the feedback captured and presented in this report can inform Council in the preparation of other strategies that have clear linkages to some of the matters raised, such as the Health and Wellbeing Plan.

## Methodology

Four virtual community consultation sessions were held in September and October 2021 and welcomed 50 participants who shared feedback on a total of eleven themes across the four workshops. The first session explored community views on *Activity centres*, *Transport*, and *Housing*. Participants in the second workshop discussed the *Built environment*, *Heritage*, *arts and culture*, and *Infrastructure*. The third workshop explored the *Natural environment*, *Open space* and *Climate change*, while participants in the last session discussed *Economic development* and the *Green Wedge*.

## Key community sentiments

- **Conservation and the protection of the natural environment:** Participants were overwhelmingly strong advocates for the preservation of the natural environment. The local flora and fauna, particularly indigenous, was found to be invaluable for a range of reasons: biodiversity itself, its contribution to the character of local townships and rural areas, and the multitude of health and wellbeing benefits it offers residents and visitors. Much more needed to be done, participants agreed, to protect land from being cleared, infrastructure destroying natural environments, and to mitigate climate change impacts threatening Nillumbik.
- **Connectivity and access:** The importance of being able to access places, and do so safely, was often referred to in relation to social activity, highlighting the necessary upgrade and investment in a network of trails and roads that enable people to access destinations and services, and have places in the activity centres that enable them to connect socially.
- **Preservation of local heritage and culture:** It was felt the whole of Nillumbik Shire is of significance – not just individual sites – and that original parts of townships, buildings from the early 1900s, the 50s and 70s, including the mudbrick houses, were all important to retain along with the surrounding vegetation.
- **Living more sustainably:** The multitude of suggestions that were brought up for how Council, communities and individuals could live more sustainable lives that are less detrimental for the natural environment was a testament for the acute awareness of climate change, its consequences, and direct threats it poses to the community.
- **Traditional Owners:** Across the workshops, the perceived lack of communication and collaboration between Council, the community and the Wurrundjeri-Woi People of Nillumbik was discussed.

<sup>1</sup> The overarching policy framework is the Victorian Aboriginal Affairs Framework 2018-2023 (VAAF). It reflects Victoria's bipartisan commitment to achieving long-term generational change to close the gap in education, health and wellbeing, economic and justice outcomes. The VAAF provides specific indicators, targets and measures under six strategic action areas: maternal health and early childhood health and development; education and training; economic participation; health, housing and wellbeing; safe families and communities and equitable justice outcomes; and engaged people and confident communities. The Aboriginal Heritage Act 2008 - acts primarily to provide for the protection of Aboriginal cultural heritage in Victoria.

## Contents

|           |   |           |
|-----------|---|-----------|
| <b>1.</b> | <b>Background – Municipal Planning Strategy (MPS)</b> | <b>1</b>  |
| <b>2.</b> | <b>Purpose of Engagement</b>                          | <b>3</b>  |
| 2.1       | Workshop structure and attendance                     | 3         |
| <b>3.</b> | <b>Key sentiments</b>                                 | <b>5</b>  |
| 3.1       | Activity centres                                      | 5         |
| 3.2       | Transport   | 7         |
| 3.3       | Housing   | 9         |
| 3.4       | Built environment                                     | 11        |
| 3.5       | Heritage, arts and culture                            | 13        |
| 3.6       | Infrastructure  | 15        |
| 3.7       | Natural environment                                   | 17        |
| 3.8       | Open space  | 18        |
| 3.9       | Climate change  | 20        |
| 3.10      | Economic development                                  | 22        |
| 3.11      | Green Wedge   | 24        |
| 3.12      | Other themes  | 26        |
| <b>4.</b> | <b>Conclusion</b>                                     | <b>27</b> |

## Attachments

Attachment 1      MPS – Key objectives

# 1. Background – Municipal Planning Strategy (MPS)

## Why do planning schemes now have an MPS?

Amendment VC148, gazetted on 31 July 2018, introduced a new structure to the Victorian Planning Provisions (VPP) within all Victorian Planning Schemes including Nillumbik. This included introduction of a new Planning Policy Framework (PPF) and the introduction of the Municipal Planning Strategy (MPS) (to replace the Municipal Strategic Statement). The intent of these reforms by the State government was to:

- Strengthen planning policy
- Better align and integrate state and local planning policy
- Make policy easier to navigate and use
- Ensure that policy is consistent and concise
- Simplify the review and update of policy

Amendment C135 has replaced the Local Planning Policy Framework of the Nillumbik Planning Scheme with a new Municipal Planning Strategy at Clause 02, local policies within the Planning Policy Framework at Clauses 11-19 and a selected number of local schedules to overlays and operational provisions consistent with changes to the Victoria Planning Provisions introduced by Amendments VC148.

The Minister is undertaking a policy neutral amendment of the Nillumbik Planning Scheme to translate the current LPP and the MSS into the new format. The MPS that will sit in the scheme and currently has the same content as the current MSS. Since the newly formatted Planning Schemes were introduced in 2000, some amendments have been made but a comprehensive review has not yet been undertaken. For Nillumbik Shire Council (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 local planning policy.

## What is the MPS?

The MPS is a succinct 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 PPF. The PPF and MPS work together to form the strategic basis of a planning scheme.

## What does the MPS do?

The MPS provides an overview of important local planning issues and sets out the vision and strategic directions for future land use and development for the municipality. It provides:

- a link to the Council corporate plan and the planning framework
- the strategic basis for the local content of the planning scheme, such as local policies and the choice of zones and overlays; and
- the strategic basis for decision making by the responsible authority

## What does the MPS look like?

The form and content of the MPS is set out in the Ministerial Direction - *The Form and Content of Planning Schemes*.

- The MPS is inserted at Clause 2 of all planning schemes
- There are specific requirements and format that the MPS must follow. The MPS must succinctly explain the context for a municipality and provide the overarching strategic directions for the major land use and development matters that affect it

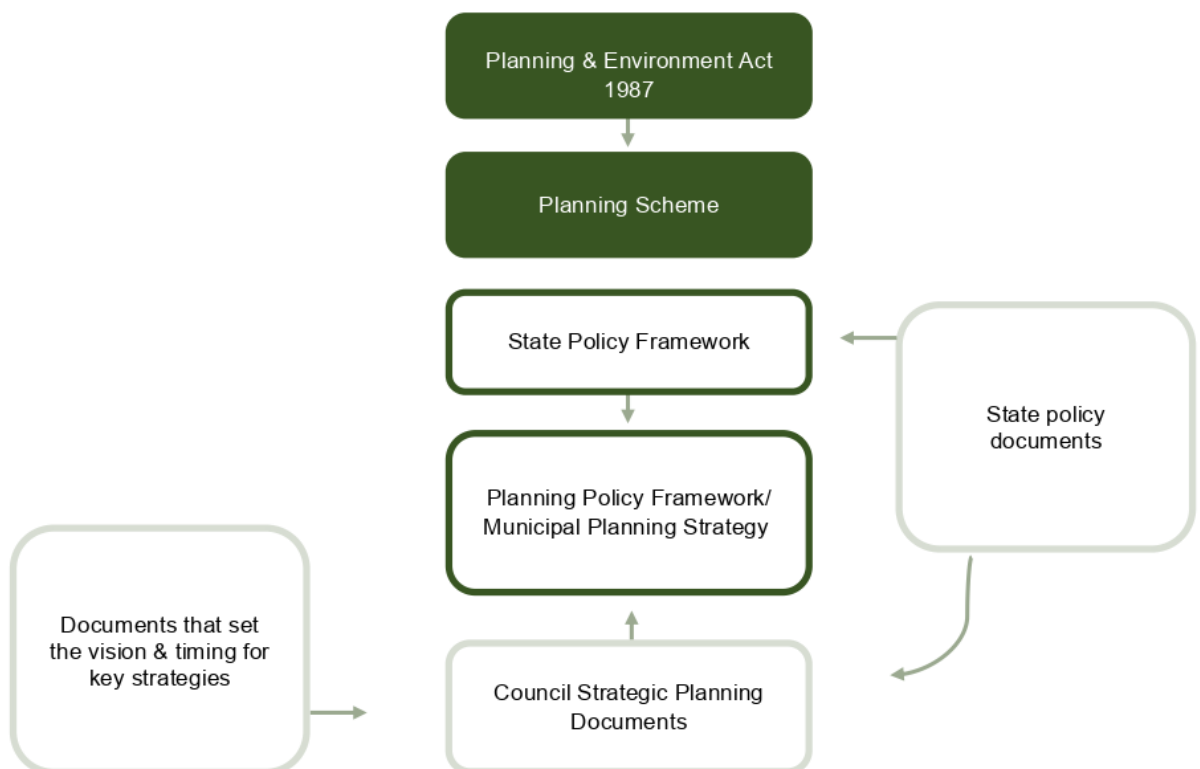


- The content of the MPS should be easily read, expressed in a logical sequence and grouped by related land use and development themes. The preferred approach is to follow the PPF themes
- To ensure the MPS focuses on priorities and provides clear and direct messages, a limit of 5000 words applies (excluding plans/maps). Therefore, use of maps/plans is considered an optimal way where appropriate to present information in the MPS. The structure includes:
  - Context
  - Vision
  - Strategic directions
  - Strategic framework plans

### Context to other Council Plans and Strategies

As noted above the *Our People, Our Place, Our Future* (OPOPOF) community engagement program and *Climate Action Plan* (CAP) survey have informed preparation of the Draft Council Plan, Draft Health and Wellbeing Plan Draft Climate Action Plan and Draft Community Vision which will be subject to their own consultation programs in the second half of 2021. The preparation of the MPS will have regard to the key objectives of these strategies/plans.

The diagram below provides an overview of the context of the MPS to other Council Plans and Strategies.



**Figure 1      Council Plans and Strategies.**



## 2. Purpose of Engagement

The MPS needs to be updated to reflect a modern vision for Nillumbik. The preparation of the updated strategy provides an opportunity to consult community members to capture their views and, where relevant and appropriate, set the vision for the Nillumbik Planning Scheme and future local planning policy.

Four workshops were hosted with the aim to capture feedback on the current MPS and its themes. Discussions explored whether these themes may still be relevant, of importance, or out-of-date. Further, the aim was to identify whether certain themes that do not feature in the current MPS should be added to the updated strategy.

The key sentiments, matters, and issues captured in the workshops are presented in this report. These findings will inform the draft MPS, which is expected to be put to community for further consultation in early 2022.

### 2.1 Workshop structure and attendance

Four online workshops were held in September and October 2021 to consult the Nillumbik Shire community on the direction and contents of the new Municipal Planning Strategy (MPS). The aim of the workshops was to create confidence that the themes chosen reflect the desires of the community and, importantly, identify any gaps in the MPS.

#### Participants

The workshops were promoted by Council on Participate Nillumbik, inviting stakeholders such as residents, property owners and tenants, local business owners and managers, community groups, sporting organisations, relevant government authorities, societies, and more.

To enable meaningful discussion, each session was limited to 25 participants, and a total of 88 signed up to the four workshops. The four 90-minute workshops were attended by a total of 50 participants. A minimum of three Council officers were present at each workshop. GHD was also represented by a team of three (two facilitators and one tech support). The full details of the workshop date, themes, and attendance are presented in the table below.

Table 1 Workshop details

| Time and date of workshop | Themes  | Number of participants | Number of Council Officers and Councillors |
|---------------------------|---|------------------------|--|
| 20 September 2021<br>7pm  | Activity centres<br>Transport<br>Housing                          | 12                     | 4 Officers<br>3 Councillors                |
| 22 September 2021<br>7pm  | Built environment<br>Heritage, arts and culture<br>Infrastructure | 11                     | 4 Officers<br>2 Councillors                |
| 30 September 2021<br>7pm  | Natural environment<br>Open space<br>Climate Change               | 14                     | 3 Officers<br>2 Councillors                |
| 2 October 2021<br>3pm     | Economic Development<br>Green Wedge                               | 13                     | 3 Officers<br>3 Councillors                |

#### Location

The sessions took place on the online platform Microsoft Teams. Engagement for the MPS had initially set out to host three in-person workshops (at the Eltham Major Activity Centre, Diamond Creek Major Activity Centre, and in Hurstbridge) and one virtual session. However, restrictions on group gatherings in response to the ongoing COVID-19 pandemic prevented in-person engagement.

## Format

The themes discussed in each workshop were chosen by Council to reflect the objectives of the MPS and to complement questions asked in the online survey. These were communicated with workshop participants ahead of the session.

The workshops commenced by providing context for the MPS and outlining the purpose of the session. Participants then automatically joined a Breakout Room, splitting the large group of participants into two. One moderator (from GHD) and at least one Council officer were present in each room.

Each theme was explored for approximately 15 minutes, during which the moderator took notes of the feedback shared and asked guiding questions to extract insights. Following this, participants returned to the main workshop room, where a summary was provided and the groups reshuffled, before participants returned into another Breakout Room to discuss the following theme. This was repeated until all set themes had been discussed.

Once returned to the main workshop room, participants were invited to share final comments, in particular any thoughts related to preserving Indigenous heritage and culture. Council and GHD then provided an overview of further opportunities for engagement, next steps in the MPS timeline, and closed the session.

## 3. Key sentiments

### 3.1 Activity centres

#### Overview

To gather community sentiment on Nillumbik's activity centres, workshop participants were asked whether the MPS should focus services and events in the major activity centres, what opportunities there are for diversity of housing and commercial premises, and what issues they may see occurring in the development of major activity centres.

Participants were supportive of some decentralisation to smaller centres in the Shire, but appreciated existing activity centres and hoped they would be strengthened as social gathering places and creative hubs. There was also support for greater diversity and flexibility in housing, with some participants expressing it was currently restricted to a few particular types.

#### Connectivity

##### **Providing opportunities for connection to the outdoors and the arts.**

Participants discussed the purpose of the activity centres in the Shire and recognised them as meeting places for the community. However, one participant mentioned they would like to see activities held in outdoor places, rather than shopping centres, where events are traditionally held. This participant also noted that more places for 'activity and engagement rather than passive recreation' were needed.

Some participants discussed connectivity through art, saying the centres could be unique if they provided an outlet for locals to create and share their artworks, crafts, pottery, etc. The importance of the activity centres as meeting places was also underlined when one participant suggested a greater focus on hospitality businesses over retail, to create more places for people to come together.

Key sentiments:

- Moving away from the traditional focus of shopping centres, provide opportunities for outdoor community engagement (rather than just recreation)
- Outlets for creative residents (arts and crafts), making the centres unique
- Balance between hospitality versus retail – focus on people meeting, gathering, and specialised businesses accordingly

#### Access

##### **Congestion and access challenges that result in deterrence of visitors and difficulty connecting.**

Some workshop participants pointed out that traffic congestion when trying to access the major activity centres was a deterrent for visitors. One way of addressing this would be the decentralisation to smaller centres (for example, Panton Hill and Hurstbridge).

*"The loss of mature vegetation will render Major Activity Centres less attractive."*

*"Don't forget the smaller centres."*

*"This needs to be a bit more nuanced, e.g. "most" services and events in major activity centre."*

*"[The activity centres could be] meeting places for community, outlets for creative people of Nillumbik, crafts, pottery, artwork. They could be unique in that respect"*

*"Mini public transport for getting up hills, etc."*

Key sentiments:

- Congestion deters people from visiting, and Main Road through the shopping centre and typography of Eltham was not easy for pedestrian access
- Consider some decentralisation to smaller centres, e.g. Panton Hill and Hurstbridge, which is the centre of the Shire geographically
- Concern Diamond Creek will have too much congestion when the dual rail line is completed

## Housing diversity

### **Providing more flexibility.**

It was acknowledged that housing location was restricted geographically, but some participants pointed out they would like the type of housing to become more diverse, offering, for example, options that aren't just 4-bedroom houses. Any buildings should also ensure they do not impede on the natural environment, maintain tree canopy and other existing vegetation, as the loss of vegetation was said to be a key issue occurring as a result of development in the activity centres.

The Yan Yean Road along the train line was suggested by a Councillor as a suitable corridor for housing developments, and it was noted consideration should be given to State Government developments. However, there were concerns among participants that developments rarely align with the local character or threaten local flora and fauna.

Key sentiments:

- Geographical restrictions
- Flexibility of housing in Diamond Creek for example, more variety, not just 4-bedroom houses
- Not at the expense of vegetation and tree canopy
- Consider housing along the train line and Yan Yean Road corridors (Councillor input)

## Natural environment

### **Ensuring development doesn't threaten natural features.**

Most participants acknowledged and appreciated the abundance of vegetation in the activity centres as a key characteristic that makes them unique and attractive to locals and visitors. As such, several participants said that the loss of vegetation would be one of the key issues resulting from development – it is crucial nature and wildlife are protected to both maintain the local character, as well as the health of the natural environment.

Participants noted that commercial activities should stay within the Urban Growth Boundaries, which would maintain the rural character of certain areas.

Key sentiments:

- Maintaining natural environments to preserve the character of the Shire
- Protecting flora and fauna to maintain healthy ecosystems
- Commercial activities should stay within the Urban Growth Boundaries

## Gaps

Participants were asked if there were any gaps in the stated MPS objectives relating to activity centres. Suggestions included:

- Protection of the natural environment to maintain the appeal and character of the activity centres
- De-centralisation of existing activity centres
- Flexibility and diversity in housing

## 3.2 Transport

### Overview

The transport theme was explored through a series of questions that probed whether the MPS should focus on improving public transport for enhanced accessibility, what would encourage participants to use public transport options more, and how land and public transport access could be better integrated in Nillumbik's activity centres.

Feedback highlighted that more was needed to address active transport infrastructure, enabling cyclists and pedestrians to access destinations safely.

Participants also said they wanted to plan for the future of electric vehicles and see alternate options such as mini buses and dial-up services.

*"Death road" – no ability to walk safely!"*

*"Residents have to drive – there is no choice, it would be beneficial to change that mindset."*

*"Don't dismiss private transport, particularly from the Green Wedge."*

### Connectivity and access

#### **Reducing reliance on cars by increasing alternative options and improving transport infrastructure.**

Participants discussed the high reliance of cars to access destinations within the Shire. While one said it 'would be beneficial to change that mindset', it was pointed out that the poor network into townships, and the need for more community transport options for Nillumbik's ageing population (e.g., to connect isolated members of the community to major activity centres on market days) made that challenging. Lack of parking at train stations making it difficult to access destinations, buses going too fast, and insufficient bus and train stops and frequency of services particularly from rural areas were all cited as concerns. A participant said active transport should be specifically integrated into the statement to better connect people to public transport options.

Key sentiments:

- Insufficient community transport for an ageing population
- Insufficient bus and train stops and frequency of services, and poor access to the stations leading to high reliance on cars
- Greater focus needed on cycling and walking infrastructure
- Private transport still likely to be preferable in rural areas

### Safety

#### **Safer roads, paths and tracks for all users and modes.**

Safety was a recurring concern throughout this discussion, with most participants noting a lack of safe walking and cycling paths, as well as roads. With the 'pleasant environment' to walk in, many said they would walk more if the conditions were better.

Key sentiments:

- Safer roads, paths and connections are needed to encourage all types of transport
- Accessing destinations on foot or by bike should be encouraged and facilitated more

### Integration

#### **Ensuring upgrades don't clash with the township character.**

Most participants were supportive of transport infrastructure upgrades and of increasing the network throughout the Shire to better connect those living rurally. However, participants said that high volume transport may threaten the character of local townships. Any development would need to be sensitive and limit, to some extent, the capacity of the roads.



Key sentiments:

- High volume transport poses threat to township character

## Sustainable transport

### Planning for the future.

Here, participants stressed that more was needed to plan for the future of transport. By installing charging stations, Council could promote electric vehicle options such as bikes, scooters and cars, one participant said. Carpooling schemes, mini public transport options to access hilltops, or dial-up buses alternate to major bus routes were suggested as more sustainable transport options. Some participants said if students could walk to school, traffic congestion would also be reduced.

Key sentiments:

- Travelling sustainably
- Modes that meet the travel and transport needs of the local demographic

## Gaps

Participants were asked if there were any gaps in the stated MPS objectives relating to transport. Suggestions included:

- Electric vehicle infrastructure to plan for the future
- Greater focus on active transport
- Upgraded transport infrastructure and transport modes that suit the needs of the demographic



## 3.3 Housing

### Overview

In this discussion, participants were asked whether they support the current MPS position on providing diversity of housing choice, how the unique environment and character of Nillumbik can be maintained, and what opportunities, or risks, they foresee as a result of changing demographics and housing trends.

Participants particularly noted that there was a lack of understanding of housing needs and pointing out the incorrect assumption that large houses were suitable to all demographics across the Nillumbik.

### Diversity of Housing

#### Greater variety in housing options.

Several participants argued that the range of options was insufficient, with too many 4-bedroom houses that don't cater for young adults, singles or older people, for example.

Assumptions, such as one-bedroom housing suiting older people, were noted to be incorrect as well. With many older people wanting to 'age in place', it was suggested retirement villages should be allowed in rural areas, and that smaller houses should exist in town centres.

One participant pointed to medium-density housing with lifts, and another said they would like to see fewer restrictions on 'granny flats'. Overall, participants said the culture around housing needed to change, and that people should be educated on what was really needed, such as independent living arrangements for as long as possible.

Key sentiments:

- Changing the culture and expectations of housing needs and wants
- Adapting housing offer to changing demographics

*"We're at the mercy of developers."*

*"Not just four-bedroom housing."*

*"Follow up on permit conditions, big issue."*

*"More dense housing but with lifts."*

*"Have a 'soft edge' around activity centres. Variety in land sizes."*

*"Older people from rural areas want more open place. Ageing in place."*

### Connectivity

#### Connecting communities and providing them with open spaces.

Some participants said open spaces should be retained for community to gather. Others picked up on the benefits of the proximity between schools and areas that house older people, by suggesting multi-generational activities be promoted to connect demographics.

Key sentiments:

- Connecting demographics for multi-generational activities

### Identity and character

#### Preserving the character of the Shire and controlling development.

A key sentiment in the discussion was the preservation of the local character and ensuring future development doesn't significantly change its nature. As such, most participants said they wanted to limit development to keep the Shire 'unique'.



Several participants highlighted that maintaining tree canopy, and succession planting was pointed to by some, underlining the importance of vegetation and their significant contribution to sense of place (with a particular focus on indigenous vegetation). It was felt by some participants that developers 'win', resulting in inappropriate development that doesn't suit the neighbourhood character.

Key sentiments:

- Limiting development and overcrowding to keep the Shire and its townships unique
- Maintaining tree canopy, which contributes to the local character

## Natural environment

**Ensuring there is space for wildlife, maintaining mature trees and spaces for community.**

Many participants stressed the need to limit development in order to maintain open spaces that are largely untouched to allow biodiversity to thrive. Some expressed frustration with previous schemes and a 'culture of agreeing' before doing something different, indicating insufficient efforts were currently being dedicated to looking after the natural environment.

Key sentiments:

- Retaining open spaces for plants and wildlife
- Protecting the environment from development

## Safety

**Planning for bushfire risk.**

Particularly in regard to bushfires, safety of the community played a key role in ensuring the unique character is maintained, as participants noted that they pose a threat to the townships and rural areas. Sustainable design needed to consider such risks and better education could assist in keeping the community safe.

Key sentiments:

- Bushfire threat to safety of community
- Sustainable design and community education to mitigate risk

## Gaps

Participants were asked if there were any gaps in the stated MPS objectives relating to housing. Suggestions included:

- Greater focus on the protection of the natural environment in housing development to maintain the local character
- Bushfire and other climate change related threats included in design considerations
- Shifting understanding of housing needs for the population of Nillumbik





## 3.4 Built environment

### Overview

On this theme, participants discussed how issues of accessibility and inclusion can be better addressed through the built environment, whether they agree that outcomes should be promoted which detail the historical and individual characteristics of each area, and considerations for Nillumbik's built environment to minimise environmental risks and protect native flora and fauna.

The majority of participants were deeply concerned about the loss of vegetation, and the subsequent degradation of the local character. Urban design that was sustainable and sensitive to the surrounding environment was therefore of key importance.

### Identity and character

#### **Future developments must maintain the local character.**

Some participants said it was important to retain buildings from the distinct areas of development (from the late 1800s to the early 1900s, as well as the 1950s and 1970s) for future generations, particularly since there are few left. For new developments, one person felt the definition of "neighbourhood character" was too open to interpretation.

The conservation of natural features was emphasized here, too, as it was widely acknowledged to play a key role in the character of Nillumbik. As such, one participant pointed to mature eucalypts and birdsong, which give Nillumbik the atmosphere many people moved to the Shire for: "it's the very reason many live in Eltham".

Key sentiments:

- Crucial to maintain indigenous vegetation and old buildings, as well as new ones that complement them and contribute to the local character
- Consider footprint on the land and regulation to minimise destruction.

### Integration

#### **Sustainable and inclusive design.**

Similar to infrastructure upgrades and other developments in Nillumbik, participants said design should be sensitive and match the local character of the area, as well as consider its impact on the natural environment. Design and nature shouldn't be treated as separate, one participant said, but rather be combined to consider how design can be integrated into natural systems.

Some participants said Council should 'promote ongoing innovative sustainable design' and use renewable materials in construction. Further, it was noted that design should reach beyond the physical and make people 'feel welcome and embraced' in the local environment.

Key sentiments:

- Promote and demonstrate exemplary sustainable design
- Consult with community more frequently on proposed built forms
- Way finding signs into commercial office buildings in activity centres

*"It's crucial to protect indigenous vegetation – it's the very reason many live in Eltham. Maintaining tree canopy is important to maintain the character of local areas."*

*"Neighbourhood character" definition is too narrow. May not help resolve disputes"*

*"Think about what surrounds buildings and how to integrate with natural systems."*

*"Feel we're fighting not to become another suburb of the Melbourne mass."*

## Conservation

### **Protection of the natural environment.**

Throughout the discussion on this theme, the need to respect the integrity of the natural environment was emphasized by the majority of participants. The loss of trees, shrubs and other vegetation was pointed to as a consequence of subdivision from consolidation of housing – while it was acknowledged consolidation was necessary, the loss of vegetation and garden space was of great concern for most participants.

Key sentiments:

- Maintain indigenous vegetation to preserve quality of life and sense of place
- Abundance of vegetation is the very reason many people live in Eltham

## Gaps

Participants were asked if there were any gaps in the stated MPS objectives relating to the built environment. Suggestions included:

- Greater considerations for innovative, sustainable, biodiverse urban design
- Design to consider social integration and inclusion
- Crucial to maintain the unique character of the area



## 3.5 Heritage, arts and culture

### Overview

In the discussion around heritage, arts and culture, participants were asked whether they agree that the MPS should ensure that new uses and development should not impede on or detract from sites and features of cultural heritage and archaeological significance, particularly Aboriginal heritage.

The questions also examined how the shared heritage, history and artistic culture could be better promoted to strengthen the community, and in what ways it can be ensured all members of the community have access to and are able to participate in recreational and cultural activities.

The key sentiment that came out of this discussion was the need for a complete framework shift regarding the concept of culture itself: the current lens through which it is viewed does not consider Aboriginal heritage, and Council and communities must work closely with Traditional Owners to ensure this is understood and shared appropriately.

*“The tendency to ignore what really matters needs to be addressed.”*

*“The whole area is of significance.”*

*“(At Diamond Creek) It feels like it’s lost its identity and is being replaced by the new area east of the railway line.”*

### Framework shift – Traditional Owners

#### **Changing how we perceive heritage – understanding and sharing the living Aboriginal culture.**

Some participants were very vocal about the ‘narrow idea of culture’ and that it was time to ‘move on from this’ as it was creating an uninhabitable place: working with Aboriginal People would help communities take better care of the land, value it, and treat it respectfully.

Council, one participant said, should have a thorough understanding and knowledge of biodiversity and natural systems in Nillumbik, as well as work closely with Traditional Owners. Giving them a voice, which several participants said currently did not seem to be the case, would enable Nillumbik to share the heritage of its living culture.

Key sentiments:

- Working collaboratively with Traditional Owners
- Culture has so far been ‘white’ history
- Council should be well-informed, understand Nillumbik, have strong knowledge of Aboriginal Peoples in the Shire, local biodiversity, and natural systems
- Necessary framework shift through which we address culture and inclusion in all processes

### Promotion and inclusion

“Uniting the Shire under cultural matters”, such as its Aboriginal heritage, and the natural environment, should include events and programs for children and adults, and challenge problematic attitudes. One participant said they would like to lead the way with active, community-led approaches, while another said redefining this perspective would help create a ‘sustainable culture’.

Participants also said that more needed to be done to strengthen existing sites of importance by improving wayfinding and signage. This would provide an opportunity for education and share the significance of the place or building. Some participants also agreed that it was important to recognise all of Nillumbik as a significant area, rather than limit this to specific sites.



Key sentiments:

- Offering incoming residents and businesses information about the area's culture and history via rates notices etc
- Investing in historical research to strengthen community understanding and participation, similar to what was done for the war memorial
- Providing community groups with education material to share with participants
- Including a heritage trail in Eltham like the one in Hurstbridge

## Gaps

Participants were asked if there were any gaps in the stated MPS objectives relating to heritage, arts, and culture. Suggestions included:

- Acknowledgement of Traditional Owners as part of Nillumbik's community – this has been completely omitted
- Collaboration between Council and the community and Traditional Owners
- Showcasing Aboriginal heritage, past and present
- Recognising the older part of Diamond Creek which includes its churches and police station
- Recognising the entirety of Nillumbik as a place of significance – not simply individual sites



## 3.6 Infrastructure

### Overview

The theme of infrastructure explored key challenges to creating accessible and connected places in the Shire, particularly in relation to active and public transport options. Participants were also asked how infrastructure in rural or lower density areas could be improved while still maintaining their open space character and landscapes, before exploring how future infrastructure upgrades can meet mobility and accessibility issues of all members of the community.

Key feedback included the necessity to involve the relevant groups in the decision-making process, and that minimising impacts on the natural environment should remain a priority.

### Access

**Ensuring infrastructure upgrades and improvements are sensitive and have minimal environmental impact.**

Most participants were supportive of retaining the rural character of certain areas in Nillumbik. One participant noted that improving access to lower density areas could be done in a sensitive manner by upgrading existing infrastructure, and another agreed that the characteristics of infrastructure could be examined to provide the best outcome for the community and the environment (e.g. the characteristics of sealed and unsealed roads). One participant said there should be more dialogue between Councils to improve movement between regional and urban areas. Another participant agreed, stating that the state of existing active transport infrastructure between townships also needed to be upgraded.

*“Inclusively workshop with the right audience and the groups affected – ensure communication is happening and clear. This also applies to cultural significance – the Indigenous population should be involved in discussions and decision-making processes.”*

*“We need a dual network, electric vehicles will become prevalent, more electric scooters, needs to be network of trails people can commute on.”*

*“More people visiting the area and enjoying green wedge, so need more amenity to support that.”*

Key sentiments:

- More collaboration between Councils to improve movement between Shires
- Need for infrastructure upgrades (and possibly removing some, like the flag poles in Main Road Eltham)
- Focus on environmentally-friendly options – impact on the natural environment should always be considered
- Public transport is too infrequent, so it doesn't encourage more usage
- In rural areas initiatives to increase public transport have not been supported

### Inclusion

**Clear, meaningful conversations with the individuals and groups affected.**

Several participants pointed out their reluctance to comment on how to improve accessibility, stating instead that this discussion had to take place with the groups and individuals affected by any constraints. Clear discussions and decision-making processes had to involve and empower those facing these issues.

Key sentiments:

- Issues and solutions should be discussed and workshopped with members of the community affected by mobility constraints and access issues – clear communication should occur with the relevant groups
- Lots of focus on sporting recreation infrastructure in recent years but not in other areas

## Gaps

Participants were asked if there were any gaps in the stated MPS objectives relating to infrastructure. Suggestions included:

- Prioritising the natural environment when considering infrastructure projects





## 3.7 Natural environment

### Overview

Participants discussed what Council should consider in supporting the protection of endangered species in the Shire, and how it can better address drainage and sewerage in urban growth areas to reduce impacts on stormwater quality and downstream areas. The guiding questions also explored how threatening processes could be addressed that lead to the loss and degradation of the natural and built environment, and any general gaps in the key objectives.

Virtually all participants were very vocal about the need to better protect the natural environment, minimise loss of natural habitats, and strengthen enforcement powers.

*“Waterway corridors are extremely important.”*

*“Small areas of natural vegetation need to be connected to enable wildlife movement – this needs to be included in Planning Schemes.”*

*“People should be encouraged to plant local native trees.”*

### Conservation

**Placing the conservation of biodiversity above all else, strengthening enforcement capacity, and minimising adverse impacts of development.**

The majority of participants strongly supported measures and policies that enhance the protection of flora and fauna, stressing the focus on indigenous species and the conservation of all, rather than merely endangered species.

Some participants said that any development, for example road sealing programs, needed to look at the environmental impact, while others underlined that land management plans seemed to be inefficient in protecting the environment. Others expressed exasperation and said little was being done to prevent the loss of natural environments through land clearing.

Participants agreed that the integrity of the natural environment needed to be maintained, biodiversity looked after, and the intent of the Green Wedge and Conservation Shire prioritised.

Key sentiments:

- The conservation of all flora and fauna, not just endangered species
- Achieve net gain – increase quality and quantity and maintain the integrity of biodiversity
- Road programs and other infrastructure projects - consider and prioritise their environmental impact
- Strengthen Council's enforcement capacity to prevent further loss of environment and clearing of areas

### Gaps

Participants were asked if there were any gaps in the stated MPS objectives relating to the natural environment. Suggestions included:

- Habitat links monitored and set out in the Planning Scheme, connection of small habitats for wildlife movement
- Importance of waterway corridors, and the position of Melbourne Water on waterway corridors
- Roadside Management Program – needs to maintain the integrity of the natural environment
- More focus on conservation of run-off from private dwellings, and monitoring of private dams and how that affects water flow

## 3.8 Open space

### Overview

This theme explored opportunities participants can foresee in ensuring public open spaces enable safe, healthy and active lifestyles. It also asked whether participants would support the provision and linking of open spaces and trails across the Shire so it forms one network, how spaces can be created that are accessible to all members of the community, and whether participants can identify any gaps in the theme.

Responses largely expressed the value of open spaces for social connection and recreation, but many participants noted the importance of prioritising the natural environment and expressed concern over its loss and degradation.

### Connectivity and recreation

#### **Providing open spaces for the community to connect while minimising impacts on the natural environment.**

The majority of participants strongly supported the provision and maintenance of open spaces in which the community can connect and socialise. Some noted that any infrastructure required should not be considered if it would harm the natural environment and ecosystems, and that a balance was needed between recreation needs and conservation. By restricting tourist activities to townships, one participant was supported by a few in saying this would further minimise adverse impacts on the environment.

There were also views expressed about how open spaces can be managed to cater for multi-generations, and a balance between the needs of cyclists and other users.

Key sentiments:

- Places to connect and gather outdoors, and live socially connected lives
- Open Space Strategy has not yet been implemented – this would benefit from updating
- Prioritising the health of the natural environment over recreational considerations
- Tourist activities should be restricted to townships so as not to destroy the amenity of the Green Wedge
- More “pocket parks” which are considered safer for the elderly
- Consider more water stations, bike repair stations and paths for horse riding

### Conservation

#### **Viewing the land through the lens of the heritage of Traditional Owners, preserving and protecting it.**

The health of Nillumbik’s ecosystems was of utmost priority to most participants in the workshop. They stressed that maintaining a healthy natural environment was the very purpose of the Green Wedge. As such, Council should ensure certain areas remain protected from development and are retained as open spaces. While one participant mentioned that the MPS should be written from an environment, rather than human perspective, some others stated that Aboriginal Peoples’ perspectives should be included in the valuation of the land, as it would result in greater respect for it.

*“The natural environment and indigenous habitats should still be prioritised – access needs to be balanced.”*

*“It should include the conservation and regeneration of native fauna – wording in the MPS should be from an environmental perspective, rather than always human.”*

*“The MPS needs an overarching statement about the land, the life on it, and the central role it plays to First Nations people – its value has to be respected and protected throughout the Shire.”*



Key sentiments:

- Prioritising the protection of *indigenous* flora and fauna
- Conservation Shire – growth corridor concept, and the idea that the Green Wedge would provide recreational areas
- Pressure needs to be put on Council to ensure certain areas remain open spaces and protected from development
- Include the heritage of Indigenous Peoples in the protection of the land to value and respect it

## Accessibility

### **Balancing access for the community with the health of the natural environment.**

There was clear acknowledgement among workshop participants of Nillumbik's ageing demographic and consequent mobility needs. Feedback did largely support improving accessibility to destinations and spaces, but also highlighted that this should not dominate, or harm the environment. A balance is to be struck between inaccessible natural environments, and spaces for recreation and socialisation.

Key sentiments:

- Support for some all-abilities access, but not everything needs to be accessible to everyone all the time
- Natural environments should be prioritised over infrastructure

## Gaps

Participants were asked if there were any gaps in the stated MPS objectives relating to open space. Suggestions included:

- Conservation and regeneration of *native* flora and fauna
- Reconsider and review an Open Space Strategy that is fit for this time
- Overarching statement on the land, the life on it, and the role they play to Aboriginal People



## 3.9 Climate change

### Overview

To gather community feedback on climate change, participants were asked how Council could mitigate fire and climate-related risks (in addition to paying particular attention to fire issues in the design of subdivisions, the siting and design of buildings, and land use and management. Participants also discussed how Council's direct contribution to climate change could be reduced, and how Council can support the community to reduce their contributions to climate change, as well as to adapt to climate change risks and impacts. Lastly, participants were asked whether they could identify any gaps in the theme.

Feedback showed acute awareness of climate change impacts and risks, and participants pointed to the dangerous lack of knowledge on mitigation of these risks within the community.

*"We need to protect tree canopies to reduce the impact of increasing temperatures."*

*"Even in activity centres, we need to ensure we're not developing all of the lot size."*

### Education

**Ensuring Council and community are well-informed and prepared, and can confidently and actively respond to climate change issues.**

Many participants stressed that residents of Nillumbik are insufficiently aware of or understand bushfire mitigation strategies, and that opportunities to learn these should be more widely available. To achieve this, a well-informed and well-educated Council team is needed, as was strongly expressed by some participants. An exchange in land management knowledge could also be achieved by breaking down cultural barriers and improving communication between communities, including Traditional Owners. Council support for landholders in burns (in the right season), with the help of Traditional Owner knowledge, was also advocated for by one participant.

Key sentiments:

- Lack of understanding around mitigation strategies for bushfire risk
- Well-informed and educated Council officers and councillors on climate change
- Knowledge sharing with Traditional Owners to improve land management practices
- Consider water infrastructure and pressures and flows to protect against fire danger

### Sustainable transport and design

**Sustainable housing design and modes of transport.**

Electric vehicles, charging stations, and a connected network through the Shire was advocated for by some participants, noting that environmentally-friendly and sustainable options needed to be planned for now. One participant highlighted the urgent need to reduce consumption and waste in Nillumbik. Another pointed out there were hardly any solar panels used on commercial premises.

Key sentiments:

- Sustainable building design, e.g. solar panels, smaller buildings
- Requiring new sub-divisions to meet higher sustainability standards
- A network of electric vehicle charging stations
- A reduction in consumption and waste

## Renewable energy

### **Reducing emissions and producing clean energy**

Some participants pointed out that there was great focus on mitigating climate change risks, such as bushfires, but insufficient discussion and effort directed towards the production and use of clean energy. Council, some participants said, needed to be held accountable for its own emissions, as should new developments.

Key sentiments:

- Renewable energy to fight climate change, rather than mitigate its consequences
- Reduce Council owned asset emissions in excess of state targets
- More promotion and incentives for clean energy use

## Conservation

### **Protecting and maintaining existing vegetation, tree canopy, and natural environments to minimise climate change impacts.**

At the forefront of this discussion, the natural environment and the preservation of its health was the highest priority for all participants. They noted its significant contribution to the community and the Shire, and the importance of looking after the environment for the conservation of biodiversity.

Key sentiments:

- Protection of tree canopies to reduce the impact of increasing temperatures
- Great contribution to planting of native vegetation in private suburban areas

## Development

### **Minimising development throughout the Shire.**

Those participants who said development should be limited and appropriate, noted it would otherwise threaten precisely the reasons for which they valued living in Nillumbik, e.g. the character of the area, the dispersed nature of some places, and the abundance of green and open spaces.

Key sentiments:

- Limiting development across the Shire

## Gaps

Participants were asked if there were any gaps in the stated MPS objectives relating to climate change. Suggestions included:

- Education of the community to respond to bushfire risk, understanding of global warming and risks
- Maintaining the current level of vegetation
- Sustainability of buildings
- Council needs to be more ambitious, do more, and finance this appropriately
- Greater focus on clean energy and role Council can play in contributing to the use of it





## 3.10 Economic development

### Overview

This discussion focused on how the main local and new business opportunities can be maintained in the major activity centres and industrial area at Research, and whether participants agree that tourism and commercial activities should continue to be restricted to activity centres or purposes used in conjunction with agriculture, rural industry or wineries. Participants were asked whether they envisage any issues to arise as a consequence of retaining land for soil-based agricultural production and the protection and enhancement of agricultural land, before identifying any gaps in this theme.

The need for regenerative farming to become a key component of the local economy was strongly supported by many participants. Most also called for more communication and collaboration with Traditional Owners to develop the economy sustainable and tap into the opportunity the living culture has for Nillumbik.

*"We can't have farming on any scale if we don't protect and value our existing agricultural land – but Council hasn't been very supportive."*

### Sustainability of local economy

**Supporting small scale and/or remote businesses and working with Traditional Owners to revive a strong heritage.**

Many participants said Council should support local businesses, for example by adapting to changing structures: some participants noted Council needed to recognise that many businesses were now home-based and no longer traditionally working out of activity centres. Many also agreed that all activity should prioritise the natural environment, noting that agricultural enterprises should only be allowed and supported if they were regenerative: the environmental sustainability of the Shire's economy was seen by some as a key factor in ensuring its overall sustainability. As such, it is crucial 'regenerative farming' is clearly defined. Participants said they would like to see small-scale accommodation, arts & heritage, restaurants, and wineries in the region, as these would encourage local employment as well as respect the environment. One participant also commented that rural activity, such as vets on small properties, is an important economic driver in rural areas. Another said that longstanding farms in the Shire were part of the cultural heritage and that they needed to be maintained.

Collaboration with Aboriginal People in the Shire was also discussed, with some participants arguing it was necessary to address Aboriginal heritage and learn from Traditional Owners. This would enable Nillumbik to showcase its Aboriginal heritage to locals and visitors, as well as empower Aboriginal People.

Key sentiments:

- Support local businesses, adapt to new business formats
- Support businesses that are environmentally sustainable (e.g. regenerative farming)

### Access

**Creating better connectivity between key destinations.**

Some said connecting destinations throughout Nillumbik was key, with one participant saying a better network of shared trails would provide an opportunity to access places and support businesses while reduce the high reliance on cars. Some participants discussed that any infrastructure would need to have minimal to no impact on the environment, and it was stated that the preservation of the natural spaces and the development of a trail network were not mutually exclusive.

## Gaps

Participants were asked if there were any gaps in the stated MPS objectives relating to economic development. Suggestions included:

- Environmental sustainability of businesses as a determining factor for support and success
- Adjusting to and supporting the changing nature of businesses
- Working with Traditional Owners to create a more sustainable economy



## 3.11 Green Wedge

### Overview

The guiding questions on the Green Wedge explored whether participants are supportive of the protection of agricultural land in Nillumbik, and how access to services and facilities can be ensured for community members in rural areas while retaining the rural character of these areas. Participants discussed how land use conflicts can be managed to ensure the community can use the land while preventing harm to local ecosystems, and any gaps they could identify in the theme.

At the forefront of this conversation was the virtually unanimous agreement that environmentally sustainable farming land should be retained. In order to achieve this, most participants said better understanding was required on land management, and that Council needed to share knowledge or promote collaboration between communities to share and workshop best-practice methods.

*“Enhancing capability of land’ needs to be clearly defined by Council as it may support damaging processes – set clear and ambitious protocols to protect the natural environment and indigenous systems.”*

*“We need to focus on maintaining the integrity of the Green Wedge.”*

### Agricultural land

#### **Retaining sustainable, regenerative agricultural land.**

The majority of participants were strongly supportive of the retention of agricultural land, under the condition it meets sustainable, regenerative farming practice standards and has a minimal impact on the environment. As such, participants said Council needed to clearly define what “enhancement of the capability of the land” should entail, as well as set clear ambitious and protocols to protect the natural environment and indigenous systems.

Many participants also agreed that better communication was needed to ensure landowners and residents understand how to manage the land, with the idea that there are no conditions on the land referred to as ‘outdated’. A lack of understanding, one participant said, results in self-resourcing, and landowners that don’t advocate for the land. Further, some participants supported the idea of providing incentives for effective land management which preserves local biodiversity.

#### **Key sentiments:**

- The protection of regenerative agricultural land and enhancement of its capability, as well as enforcement of land management plans on future developments
- The protection of the natural environment above all else
- Local food production for Melbourne
- Delivery of information on land management
- Incentives for effective land use/management
- Mixed views in allowing some subdivision of large land holdings into still reasonable size lots (5+ acres)

### Connectivity and collaboration

#### **Better connectivity and improved collaboration between townships.**

Some participants advocated for improved communication between townships to promote collaboration and increase connectivity. Most also said Council should share knowledge with landowners and residents, clearly communicating how to manage land, protect the environment and maintain the local character. This feedback was strongly echoed on the topic of climate change, as participants said more education was needed to understand climate change impacts, increasing awareness and improving preparedness.



Key sentiments:

- Better connections and collaboration between townships supported by Council
- Making more information available for landowners and farmers on caring for the land, managing climate change impacts, mitigating fire risk

## Gaps

Participants were asked if there were any gaps in the stated MPS objectives relating to the Green Wedge.

Suggestions included:

- Knowledge sharing between Council, communities, groups to promote, encourage and help understand best-practice land use and management techniques
- More effective controls for feral animals (deer, foxes, kangaroos) and invasive vegetation to protect indigenous flora and fauna
- Lack of Biolinks, and a review of ESOs and SLOs



## 3.12 Other themes

Following the themed discussion in each workshop, participants were asked to share thoughts on any theme that had not been addressed at all and was therefore not represented in Council's key objectives.

*"We are learning as a nation."*

Virtually all comments shared underlined the importance of connecting with the Wurrundjeri-Woi people and creating an empowered community of Traditional Owners that is able to decide, in collaboration with the remainder of the Nillumbik community, the preferred strategic direction of the Shire.

Workshops and decision-making processes with Traditional Owners were, as outlined in this report, of significance across a broad range of issues, challenges and opportunities. Land use and management, conservation of flora and fauna, and the local heritage were some of the key areas participants said would greatly benefit from the involvement of the Aboriginal People from Nillumbik.

Importantly, participants shared this insight with humility: they had no right to comment on *how* this was to be done and were primarily advocating *that* communication had to take place.

Additional comments included the need to factor in the true cost of environmental loss of any development or strategic decision made. Participants also highlighted the role of physical activity and its importance to the community, advocating for activities near the hubs to keep with the environment and enable community activity.



## 4. Conclusion

The fifty members of the Nillumbik community that participated in the four online workshops shared invaluable insight into how Nillumbik is perceived, the issues and challenges it faces, and the opportunities they envisaged for the Shire.

Participants discussed the need to protect all species to be able to maintain thriving biodiversity, green open areas, and spaces for community to connect in nature.

They pointed to infrastructure projects that would significantly improve access and safety, and connect townships, strengthening individual and community connections and improving access to services.

A more sustainable lifestyle was explored at great length, with participants keen for Council to encourage and enable environmentally-friendly transport options, reduce emissions, and support regenerative farming practices.

The lack of collaboration with Traditional Owners became very apparent, with many participants stating that this needed to occur to a significantly greater extent. Participants said Traditional Owners needed to be involved in conversations around the environment and its protection and management, as well as the preservation and showcasing of the cultural heritage of the area.

Perhaps most importantly, the discussions highlighted the interconnectedness of all the themes: flora and fauna was not only important for biodiversity itself, but the immense contribution it makes to the identity and character of the Shire, the health, wellbeing, and social benefits it provides to people, and the role it plays in mitigating impacts of climate change.

In summary, participants pointed to a necessary framework shift: reconsidering the way culture is perceived and defined, as is the sustainability of farming. The prioritisation of the health of the natural environment, participants said, was the first step to creating a holistically sustainable future for Nillumbik. It should be noted that many of the issues, opportunities and gaps identified are not within the scope of the MPS, and cannot be considered and implemented by the Strategy. The insights gathered are important nonetheless and will contribute to Council in relevant work and in the preparation of strategies that have clear linkages to the matters discussed.



Attachment 4 Community Engagemetrn Report Virtual Sessions MPS Phase 2 Consultation

# Attachment 1

## MPS – Key objectives

## **Theme 1: Activity centres**

### **Key Objective 1**

The Eltham and Diamond Creek Major Activity Centres will continue to provide inclusive and accessible commercial activities, community services, recreational facilities and housing opportunities, as well as containing a substantial public transport hub.

### **Key Objective 2**

The Major Activity Centres will continue to accommodate most of the Shire's growth and will have an increased role in providing for a diversity of housing and in particular, medium density housing (including mid-rise commercial development and apartments).

### **Key Objective 3**

The Hurstbridge and Research Neighbourhood Activity Centres will continue to 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.

## **Theme 2: Transport**

### **Key Objective 1**

Enhance the accessibility and vibrancy of local townships, neighbourhoods and activity centres through connectivity with a focus on improving active and public transport options.

### **Key Objective 2**

Further development of pedestrian and cycle trails to link the key activity centres is a priority to encourage safe pedestrian access for residents.

### **Key Objective 3**

Facilitate increased public transport usage to aid in issues such as increased greenhouse gas emissions and traffic congestion.

### **Key Objective 4**

Incorporate greater links between land use planning and transport, especially in relation to activity centres and the public transport network.

### **Key Objective 5**

Facilitate safe and efficient roads and road links within the municipality and to the wider region that cater for all users given that the majority of residents travel to employment outside the Shire.

## **Theme 3: Housing**

### **Key Objective 1**

Recognise that the Shire will experience a reduction in household size due to an ageing of the population. The trend of decreasing average household size provides the impetus to provide for some medium density housing as an alternative housing choice.

### **Key Objective 2**

Direct housing growth and diversity to activity centres in which are accessible, close to infrastructure, public transport, commercial areas, public open space and other community facilities.

### **Key Objective 3**

Ensure a considered approach to planning and development will retain and enhance Nillumbik's unique environment and neighbourhood character.

## **Theme 4: Built environment**

### **Key Objective 1**

Apply design principles which will create a built environment that strengthens the inclusiveness and accessibility of our neighbourhoods, activity centres, facilities and services, while respecting our natural environment.

### **Key Objective 2**

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.

### **Key Objective 3**

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.

### **Key Objective 4**

Protecting habitat links and minimising fire and flood risk and erosion are important considerations in siting buildings and works, particularly in rural areas.

## **Theme 5: Heritage, arts and culture**

### **Key Objective 1**

Protect and enhance places of heritage significance, including sites of Aboriginal heritage significance.

### **Key Objective 2**

Ensure new use and development do not impede on or detract from sites and features of Aboriginal cultural heritage and archaeological significance.

### **Key Objective 3**

The culture and heritage of the Wurundjeri Woi Wurrung people is understood and recognised as a proud part of our shared identity.

### **Key Objective 4**

Promote our shared heritage, history, arts and artistic culture to strengthen our community – Aspiration from OPOPOF engagement: "Residents enjoy a wide variety of recreational and cultural pursuits and have a strong sense of feeling part of their local community and townships."

## **Theme 6: Infrastructure**

### **Key Objective 1**

Enhance the accessibility and vibrancy of local townships, neighbourhoods and activity centres through connectivity with a focus on improving active and public transport options.

### **Key Objective 2**

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.

### **Key Objective 3**

Recognise the difficulties created through the dispersed nature of low-density residential areas in providing a full range of infrastructure services, and that rural areas have only limited physical infrastructure.

### **Key Objective 4**

Facilitate efficient provision of infrastructure to areas designated for residential and low-density residential development.

## **Theme 7: Natural environment**

### **Key Objective 1**

Given the large number of threatened native species and *threatening processes occurring in the Shire*, Planning needs to protect and conserve biodiversity, provide habitats for native flora and fauna, and control pest plants and animals.

### **Key Objective 2**

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. Use and development have the potential to affect stormwater quality and adversely affect downstream areas.

### **Key Objective 3**

Discourage development, including vegetation removal that degrades stormwater quality and increases potential risk of soil erosion, expansion and landslip or other hazards.

### **Key Objective 4**

Address threatening processes associated with the loss and degradation of the natural and built environment in order to maintain the landscape values in the Shire.

## **Theme 8: Open space**

### **Key Objective 1**

Ensure the planning, maintenance and enhancement of public open spaces enables and encourages safe, healthy and active lifestyles.

### **Key Objective 2**

Ensure open space and recreational facilities are equitable and accessible to all community members.

### **Key Objective 3**

Facilitate the provision of active and passive recreational facilities as an integral part of each township.

### **Key Objective 4**

In rural areas the emphasis is towards developing key regional and district recreational areas, protecting native flora and fauna as well as developing a comprehensive regional based trail network.

### **Key Objective 5**

Facilitate the provision and linking of open space and local recreational facilities to form a network across the Shire.

## **Theme 9: Climate change**

### **Key Objective 1**

Recognise that planning and preparedness for bushfire and other emergencies protects life, critical infrastructure, property and the environment.

### **Key Objective 2**

Ensure emergency management information and capabilities are shared in the pursuit of preparedness, prevention, response and recovery.

### **Key Objective 3**

Avoid intensifying bushfire risk to people and property through poorly located, designed or managed use or development.

### **Key Objective 4**

Apply particular attention to fire issues in the design of subdivisions, the siting and design of buildings, and use and management of land in bushfire prone areas.

### **Key Objective 5**

Reduce Council's direct contribution to climate change

### **Key Objective 6**

Prepare for, respond and adapt to the risks and impacts of a changing climate on our community, environment, infrastructure and services.

### **Key Objective 7**

Support our community to reduce their contributions to climate change and to adapt to climate change risks and impacts

## **Theme 10: Economic development**

### **Key Objective 1**

Focus on strengthening existing enterprises and facilitating new business initiatives that respect the Shire's environmental, social and economic development priorities.

### **Key Objective 2**

Maintain the main employment locations, the Eltham and Diamond Creek Major Activity Centres, Hurstbridge Neighbourhood Activity Centre and the industrial land at Research, to continue to provide opportunities for local employment.

### **Key Objective 3**

Protect industrial precincts from non-industrial use and development unless otherwise identified.

### **Key Objective 4**

Agriculture is an important area of economic development:

- Promote land use in rural areas in accordance with the capability and productive potential of the land
- Retain existing agricultural land for soil based agricultural production

- Promote sustainable agricultural activities and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment
- Protect and enhance agricultural land for both its productive potential and environmental value

### **Key Objective 5**

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.

## **Theme 11: Green Wedge**

### **Key Objective 1**

Recognise the rural areas contain sites of environmental and landscape significance, natural resource based activities and residences.

### **Key Objective 2**

Protect our Green Wedge and its environmental integrity to ensure a safe haven for native wildlife, thriving biodiversity and native vegetation

### **Key Objective 3**

Recognise that the rural areas often lack existing infrastructure. Including essential services, community facilities and internet coverage.

### **Key Objective 4**

Acknowledgment of land use conflict between agricultural and rural residential land uses and a risk that further residential development will fragment rural land into unviable land parcels.

### **Key Objective 5**

Ensure development in rural areas mitigates potential fire risk.

### **Key Objective 6**

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. Advocate to State Government to undertake Shire Wide testing and analysis of contaminated land.

### **Key Objective 7**

Protect and enhance agricultural land for both its productive potential and environmental value.

### **Key Objective 8**

Our connection to the Green Wedge is celebrated by all who live, work or enjoy their time in it.



[ghd.com](https://ghd.com)

→ The Power of Commitment