Planning and Consultation Committee Meeting

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 12 April 2022 commencing at 7:00pm.

Attachments

Carl Cowie
Chief Executive Officer

Thursday 7 April 2022

Distribution: Public

Civic Drive, Greensborough
PO Box 476, Greensborough 3088
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Nillumbik
The Green Wedge Shire

Attachments

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

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Council Meeting

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 22 March 2022 commenced at 7:00pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 25 March 2022

Distribution: Public

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PO Box 476, Greensborough 3088
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Nillumbik
The Green Wedge Shire

Nillumbik Shire Council

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Nillumbik Shire Council

Minutes of the Meeting of Nillumbik Shire Council held Tuesday 22 March 2022. The meeting commenced at 7.00pm.

Councillors present:

Cr Frances Eyre	Swipers Gully Ward (**Mayor**)
Cr Richard Stockman	Blue Lake Ward
Cr Karen Egan	Bunjil Ward
Cr Natalie Duffy	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Ben Ramcharan	Sugarloaf Ward (**Deputy Mayor**)
Cr Geoff Paine	Wingrove Ward

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
Corrienne Nichols	Executive Manager Community Services
Jeremy Livingston	Executive Manager Business Transformation and Performance
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Eddie Cheng	Manager Infrastructure and Technology
Emma Christensen	Senior Governance Advisor

---

1. Welcome by the Mayor

2. Acknowledgement of Country

Acknowledgement of Country was read by the Mayor, Cr Frances Eyre.

3. Good Governance Pledge

The Good Governance Pledge was read by Cr Geoff Paine.

4. Prayer

A prayer was read by Alison Footer from the Salvation Army.

5. Apologies

Nil

6. Presentations

Condolence – Ron Mendelson

The Mayor acknowledged one of Nillumbik's long standing volunteers Ron Mendelson, who sadly passed away over the recent long weekend.

Ron joined Community Support Services as a volunteer with Nillumbik Shire Council in 2012. Ron provided transport to older people in need, whether it be medical appointments, shopping or social activities. All Nillumbik staff and clients who knew him, loved him.

Community Support Services considered Ron to be the backbone of the community transport service. Ron was famous for taking on the "long-shift" and was always willing to help out at the last moment. Nothing was too much trouble for him.

Because of his amazing commitment and contribution to our community, Ron received the Volunteer of the Year Award in 2015. Ron continued to provide support to older people through the community transport service until his recent passing at 83 years of age.

Council are so appreciative of Ron's service and our thoughts are with his family at this time.

7. Confirmation of Minutes

Confirmation of the minutes of the Council Meeting held on Tuesday 22 February 2022.

Council Resolution

MOVED: Cr Peter Perkins
SECONDED: Cr Karen Egan

That Council confirms the minutes of the Council Meeting held on Tuesday 22 February 2022 (**Attachment 1**).

CARRIED UNANIMOUSLY

8. Disclosure of conflicts of interest

Carl Cowie declared a material conflict of interest in Item CM.028/22 CEO Employment Committee – 2021/2022 Mid-year Performance Review.

9. Petitions

Nil

10. Questions from the gallery

Nil

11. Reports of Advisory Committees

AC.002/22 Advisory Committee Report - 22 March 2022

Distribution: **Public**

Manager: **Blaga Naumoski, Executive Manager Governance, Communications and Engagement**

Author: **Emma Christensen, Acting Governance Lead**

Summary

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

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

1. Arts and Cultural Advisory Committee Meeting held 15 November 2021;
2. Youth Council Formal Advisory Committee Meeting held 7 February 2022;
3. Environment and Sustainability Advisory Committee Meeting held 16 February 2022; and
4. Panton Hill Bushland Reserve System User Group Advisory Committee held 17 February 2022.

Council Resolution

MOVED: **Cr Natalie Duffy**
SECONDED: **Cr Geoff Paine**

That the minutes of the Advisory Committee meetings (**Attachment 1**) reported be noted.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.017/22 Planning Scheme Amendment C138nill - Applying the Heritage Overlay on a Permanent Basis to 14-26 Browns Lane, Plenty

---

Distribution: **Public**

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

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

Summary

The purpose of this report is to update Council in regard to the outcomes of exhibition of Amendment C138nill (the Amendment) and to provide an officer recommendation based on the outcomes of such exhibition in meeting the requirements of consideration required by Council in accordance with Section 22 of the *Planning and Environment Act 1987* (the Act).

The Amendment seeks to apply a Heritage Overlay (HO) on a permanent basis to part of 14-26 Browns Lane, Plenty. The property is also subject to a current planning permit application (807/2021/14P), which is a subdivision application into 4 lots.

The property was programmed to be reviewed as part of Council's Stage B Heritage Review, however Council received a Section 29A demolition consent application pursuant the *Building Act* 1993 to demolish the dwelling located on the property in July 2021, which facilitated the need to bring review of this property forward.

Given threat of demolition, officers sought approval (under delegation) from the Minister for Planning for Amendment C137nill to introduce the HO to the property on an interim basis pursuant to Section 20(4) of the Act, providing protection and allowing this planning scheme amendment to introduce the HO permanently.

Amendment C138nill was placed on exhibition pursuant to the requirements of the Act, from 9 December 2021 to 27 January 2022 and notifications were sent out to relevant stakeholders as well as being advertised in local media. Council received one (1) submission in total (from the landowner) in total during the exhibition period objecting to the amendment.

The submitter was invited to attend the 8 March 2022 Planning and Consultation Committee Meeting (PCC) to speak to their submission. Council officers have engaged in negotiations with the submitter regarding an alternate curtilage for the HO mapping as proposed in the received submission (**Attachment 6** Plan 26648M2).

Council's heritage consultant has reviewed the proposed reduced curtilage (as identified above) and provided advice that they are satisfied with the curtilage as per the plan marked as 26648M2 on heritage grounds.

Where an objection to an amendment cannot be resolved, Council must refer the submission to Panel, however given that an effective outcome has been agreed to by the submitter (the submitter has withdrawn their objection subject to agreement by Council to the reduced curtilage), there is no requirement to convene a panel to consider the Amendment.

As such, this report recommends that Council resolve to adopt the amendment with the identified changes and seek approval from the Minister for Planning.

12. Officers' reports

CM.017/22 Planning Scheme Amendment C138nill - Applying the Heritage Overlay on a Permanent Basis to 14-26 Browns Lane, Plenty

---

Council Resolution

MOVED: **Cr Richard Stockman**
SECONDED: **Cr Ben Ramcharan**

That Council:

1. Adopts Amendment C138nill to the Nillumbik Planning Scheme subject to changes to the Amendment mapping to be made in accordance with the plan at **Attachment 6** and directs officers under Section 31(1) of the *Planning and Environment Act 1987* to submit the adopted planning scheme amendment to the Minister for Planning for approval and gazettal.
2. Notifies submitters to the planning scheme amendment of Council's resolution of 22 March 2022 regarding Amendment C138nill and updates Participate Nillumbik accordingly.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.018/22 Proposed Planning Scheme Amendments C143 (Eltham Major Activity Centre) and C144 (Diamond Creek Major Activity Centre)

Distribution: **Public**

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

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

Summary

This report considers the views expressed at the February 2022 meeting of Council's Planning and Consultation Committee (PCC) on proposed planning scheme amendments C143 (Eltham MAC) and C144 (Diamond Creek MAC), which have been drafted to implement and give statutory weight to the structure plans which Council adopted in 2020 for each Major Activity Centre (MAC).

The Council Meeting on 14 December 2021 considered an officer report that introduced the draft amendments and recommended Council take the formal steps to commence and exhibit the amendments. In response, Council deferred the items for consideration by the February 2022 meeting of the PCC.

Certain views expressed by the speakers to the February PCC are considered to present no issue for the amendments for the following reasons:

- It requests an appropriate minor change which can be made without issue.
- It supports an aspect of the amendments, such as increased front setbacks.
- It is already responded to by the amendments or elsewhere in the planning scheme.

There were also views that cannot be reasonably or easily addressed by the draft amendments. For example:

- An incorrect view that a new height limit range of 3-5 storeys is proposed.
- A request for a scale of development that would be too low to satisfy the binding requirements of State Planning Policy.
- A request that would require the structure plans to be reviewed with significant cost and delay and with likely little benefit, or chance of success.

The draft amendment documents have been revised, including to reflect views expressed to the PCC that can be appropriately accommodated without changing the strategic basis of the amendments, or to conflict with State Planning Policy. The revised amendments are attached as **Attachments 1-8** and it is the officers' view that Council proceed to commence the statutory process to consider the planning scheme amendments. This process will include full exhibition pursuant to the requirements of the *Planning and Environment Act 1987* before Council decides its final position on the amendments.

12. Officers' reports

CM.018/22 Proposed Planning Scheme Amendments C143 (Eltham Major Activity Centre) and C144 (Diamond Creek Major Activity Centre)

Recommendation

That Council:

1. Requests the Minister for Planning, under Section 8A of the *Planning and Environment Act 1987*, to authorise the preparation and exhibition of Amendments C143 and C144 to the Nillumbik Shire Planning Scheme, as detailed in **Attachments 1-8**.
2. On receipt of that authorisation, places Amendments C143 and C144 to the Nillumbik Planning Scheme on exhibition.

Motion

MOVED: Cr Geoff Paine
SECONDED: Cr Peter Perkins

That Council:

1. Directs Officers to modify the proposed Amendments C143 (Eltham Major Activity Centre) and C144 (Diamond Creek Major Activity Centre) as follows:
   a) Modify **Attachment 4** (Revised ACZ1 – Eltham MAC) and **Attachment 7** (Revised ACZ2 – Diamond Creek MAC) to remove any exemption from notice, in accordance with the provision that allows this to occur at Clause 37.08 (Exemption from notice and review) of the Nillumbik Planning Scheme.
   b) Modify **Attachment 5** (Proposed SLO1 Schedule – Eltham) and **Attachment 8** (Proposed SLO6 – Diamond Creek) to require a planning permit to construct a building or carry out works, in accordance with Clause 42.03-2 (SLO Permit Requirements).
   c) Modify **Attachment 3** (Explanatory Report for Amendment C143 - Eltham) and **Attachment 6** (Explanatory Report for Amendment C144 – Diamond Creek) to incorporate and reflect the modifications required by Points 1 a) and b) above.
2. Requests the Minister for Planning, under Section 8A of the *Planning and Environment Act 1987*, to authorise the preparation and exhibition of Amendments C143 and C144, as modified in accordance with Points 1a) to c) above, to the Nillumbik Planning Scheme.
3. On receipt of that authorisation, places Amendments C143 and C144 to the Nillumbik Planning Scheme on exhibition.

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

12. Officers' reports

CM.018/22 Proposed Planning Scheme Amendments C143 (Eltham Major Activity Centre) and C144 (Diamond Creek Major Activity Centre)

Council Resolution

MOVED: Cr Geoff Paine
SECONDED: Cr Peter Perkins

That Council:

1. Directs Officers to modify the proposed Amendments C143 (Eltham Major Activity Centre) and C144 (Diamond Creek Major Activity Centre) as follows:
   a) Modify **Attachment 4** (Revised ACZ1 – Eltham MAC) and **Attachment 7** (Revised ACZ2 – Diamond Creek MAC) to remove any exemption from notice, in accordance with the provision that allows this to occur at Clause 37.08 (Exemption from notice and review) of the Nillumbik Planning Scheme.
   b) Modify **Attachment 5** (Proposed SLO1 Schedule – Eltham) and **Attachment 8** (Proposed SLO6 – Diamond Creek) to require a planning permit to construct a building or carry out works, in accordance with Clause 42.03-2 (SLO Permit Requirements).
   c) Modify **Attachment 3** (Explanatory Report for Amendment C143 - Eltham) and **Attachment 6** (Explanatory Report for Amendment C144 – Diamond Creek) to incorporate and reflect the modifications required by Points 1 a) and b) above.
2. Requests the Minister for Planning, under Section 8A of the *Planning and Environment Act 1987*, to authorise the preparation and exhibition of Amendments C143 and C144, as modified in accordance with Points 1a) to c) above, to the Nillumbik Planning Scheme.
3. On receipt of that authorisation, places Amendments C143 and C144 to the Nillumbik Planning Scheme on exhibition.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.019/22 Nillumbik Neighbourhood Character Strategy and Guidelines - Project Inception and Programming

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Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Leigh Northwood, Strategic Planning Lead

Summary

This report introduces a project to implement a priority action in the Council Plan 2021-2025, which is to prepare a Neighbourhood Character Strategy (the Strategy) for the municipality.

Recognising the scale and importance of developing the Strategy, Council has provided a budget of $220,000 (exclusive of GST) for the project over the 2021-2022, 2022-2023 and 2023-2024 financial years.

The project is scheduled to be completed in late 2023 (around October subject to no programme changes) with Council adopting the final Strategy and supporting the commencement of a planning scheme amendment to implement the Strategy.

In accordance with State Planning Policy, the study area for the Neighbourhood Character Strategy will be restricted to land within residential zones only.

It is a requirement of State Planning Policy that each Council develop a Strategy as part of its policy framework to provide appropriate growth in housing supply in residential zones, noting in addition to providing a Neighbourhood Character Strategy, a Council is required to develop a Housing Strategy.

Development of a Housing Strategy is also a priority action in the Council Plan and work on a Housing Strategy is scheduled to commence later this year (subject to budget allocation).

The Neighbourhood Character Strategy and the Housing Strategy work together to set the direction for housing and development within a municipality's residential zones – where the objectives of protecting neighbourhood character, but also providing additional housing have to be suitably blended in accordance with State Government Planning Policy to provide sufficient housing growth within metropolitan Melbourne.

The future planning scheme amendment to implement the Neighbourhood Character Strategy, will also need to be informed by an updated Housing Strategy. This in accordance with the relevant framework required by the State Government, as discussed above, for a Council to articulate its housing policy and objectives.

This officer report explains in detail that:

- Council has engaged consultants to assist in preparing the Strategy.
- Key stages and milestones have been developed to complete the Strategy.
- There will be significant opportunities for community input into development of the Strategy, including three rounds of public engagement.

The first round of engagement is scheduled to occur from late March to early May 2022. The purpose of this first round, named "Championing the Strategy", is to inform the community about the scope of the project and to ascertain from the community what it sees as the key elements that contribute to neighbourhood character in the Shire's residential zones. As part of engagement the program includes engaging with Councillors through various workshops at strategic milestone points with the first such workshop undertaken on 15 March 2022.

12. Officers' reports

CM.019/22 Nillumbik Neighbourhood Character Strategy and Guidelines - Project Inception and Programming

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This report recommends Council endorses the first round of public engagement.

Council Resolution

MOVED: Cr Natalie Duffy
SECONDED: Cr Geoff Paine

That Council:

1. Notes the commencement of the project to develop a Nillumbik Neighbourhood Character Strategy.
2. Endorses a first round of engagement for the project, which is scheduled to be conducted from late March to early May 2022.
3. Notes a report will be presented to an upcoming meeting of Council's Planning and Consultation Committee which will consider the response to the first round of engagement.

CARRIED UNANIMOUSLY

Leigh Northwood left the meeting at the conclusion of the above item at 7:29pm

12. Officers' reports

CM.020/22 National General Assembly 2022 - Motions

File: **DOC/22/8072**

Distribution: **Public**

Manager: **Blaga Naumoski, Executive Manager Governance, Communications and Engagement**

Author: **Emma Christensen, Acting Governance Lead**

Licardo Prince, Communications and Advocacy Lead

Summary

The Australian Local Government Association (ALGA), National General Assembly (NGA) provides the opportunity for councils throughout Australia to contribute to the development of national local government policy and receive updates on the major policy issues facing local government. The 28th NGA is to be held in Canberra from 19-22 June 2022, will be a Hybrid event and this year's theme is 'Partners in Progress'. The ALGA Secretariat has prepared a short discussion paper (**Attachment 1**) to assist councils to identify motions that address the theme of the 2022 NGA. The Assembly is a major event and typically attracts more than 600 Mayors, Councillors and Senior Officers from councils across Australia.

The NGA is an opportunity for individual councils to identify matters of national relevance to the sector, influence the future direction of our Council and our community and to submit notices of motion to seek support at the NGA for these matters to be considered by NGA as national policy.

This report seeks endorsement of the Motion (**Attachment 2**) to be put forward to the ALGA, NGA in June 2022. The Motions submitted will be reviewed by a committee of the ALGA Board as well as by State and Territory Local Government Associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the committee considers the importance and relevance of the issue to local government.

Motions need to be submitted no later than 25 March 2022. Motions that are carried by the NGA become resolutions. These resolutions are then considered by the ALGA Board when setting national local government policy and will also feed into the Australian Council of Local Government processes.

Council Resolution

MOVED: **Cr Ben Ramcharan**
SECONDED: **Cr Geoff Paine**

That Council resolves to adopt and lodge the following motion to the Australian Local Government Association, National General Assembly to be held in Canberra on 19-22 June 2022:

'*This National General Assembly calls on the Australian Government to support the zero-emissions targets of local government Climate Emergency acknowledgements and declarations by:*

12. Officers' reports

CM.020/22 National General Assembly 2022 - Motions

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a) legislating a federal government target of zero emissions by 2035

b) supporting a renewable energy led Covid economic recovery in preference to the nationally proposed gas-led recovery (by providing funding support on a national scale for increased renewable energy infrastructure)

c) preparing the national grid to support electric vehicles and increased battery storage integration.'

CARRIED UNANIMOUSLY

12. Officers' reports

CM.021/22 Draft Budget 2022-2023

Distribution: **Public**

Manager: **Vince Lombardi, Chief Financial Officer**

Author: **Melika Sukunda, Finance Manager**

Summary

This report presents the draft Budget 2022-2023 for Council approval prior to exhibition for public consultation. The Budget provides resources for the ongoing delivery of Council services to the community, delivery of Council Plan actions and for the development and maintenance of infrastructure throughout the Shire.

Rates and charges

- The draft Budget proposes a 1.75 per cent increase to rates levied and an increase of 21.98 per cent to the waste management standard charge.

Capital Works

- A range of major capital works projects have been identified through planning and community consultation. The draft Budget also provides significant resources to maintain and develop existing infrastructure.

Strategic Resource Plan

- In conjunction with the Council Plan, the Strategic Resource Plan has also been prepared for the next ten financial years.

Council Resolution

MOVED: **Cr Geoff Paine**
SECONDED: **Cr Ben Ramcharan**

That Council:

1. Adopts the draft Budget 2022-2023 (**Attachment 1**) for the purposes of section 94 of the *Local Government Act 2020*.
2. Authorises the Chief Executive Officer to give public notice in accordance section 96 of the *Local Government Act 2020* of Council's intention to adopt, at a Council Meeting proposed to be held at 7:00 pm on 24 May 2022, the Budget 2022-2023 presented to this meeting.
3. Notes that any person who makes a written submission in relation to the draft Budget 2022-2023 and requests to be heard in support of the written submission, be heard at the Planning and Consultation Committee meeting to be held in the Council Chamber, Civic Centre, at 7:00 pm on 10 May 2022.
4. Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under sections 94 and 96 of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.022/22 Quarterly Risk and Safety Report - December 2021

Distribution: **Public**

Manager: **Jeremy Livingston, Executive Manager Business Transformation and Performance**

Author: **Craig Commane, Risk and Safety Lead**

Summary

This report provides a summary of Council's Risk and Safety Report for the quarter ending December 2021.

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

Risk and Safety reporting to Council is tabled each quarter following consideration by Council's Audit and Risk Committee, which in this quarter occurred on 14 February 2022.

The full confidential Risk and Safety Report for December 2021 is attached to this report (**Attachment 1**) and provides detailed information for Council's consideration.

Council Resolution

MOVED: **Cr Peter Perkins**
SECONDED: **Cr Natalie Duffy**

That Council:

1. Notes the summary of the confidential Risk and Safety Report (**Attachment 1**) for the quarter ending December 2021.
2. Resolves that the attached Risk and Safety Report (**Attachment 1**) remains confidential in accordance with section 3(1)(a) and (f) of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.023/22 Audit and Risk Committee Meeting February 2022

Distribution: **Public**

Manager: **Vince Lombardi, Chief Financial Officer**

Author: **Melika Sukunda, Finance Manager**

Summary

In accordance with section 53 of the *Local Government Act 2020* and good governance principles, councils must have an Audit and Risk Committee.

As resolved at the 23 June 2020 Ordinary Council Meeting, the minutes of an Audit and Risk Committee meeting are to be reported and presented to a subsequent Council Meeting.

The Audit and Risk Committee met on 14 February 2022. The minutes for the meeting are shown in **Attachment 1**.

Motion

MOVED: **Cr Ben Ramcharan**
SECONDED: **Cr Richard Stockman**

That Council notes the minutes of the Audit and Risk Committee meeting held on 14 February 2022 (**Attachment 1**).

CARRIED UNANIMOUSLY

12. Officers' reports

CM.024/22 Draft Access Equity and Inclusion Policy

Distribution: **Public**

Manager: **Nichole Johnson, Acting Executive Manager Communities**

Author: **Lauren Treby, Coordinator Social Planning and Equity**
Yasmin Green, Strategy and Policy Advisor

Summary

The purpose of this report is to seek endorsement of the Draft Access Equity and Inclusion Policy (the Policy) (**Attachment 1**) for public consultation from 23 March to 24 April 2022.

The Draft Policy outlines Council's commitment to accessible, equitable and inclusive practice across all Council activities. The Policy is a high level commitment that sets the foundation for culture change within the organisation and builds on work already being undertaken across Council.

Council Resolution

MOVED: **Cr Peter Perkins**
SECONDED: **Cr Ben Ramcharan**

That Council:

1. Endorses the Draft Access Equity and Inclusion Policy (**Attachment 1**) for the purposes of public exhibition.
2. Invites written submissions on the Draft Access Equity and Inclusion Policy to Council by 24 April 2022.
3. Considers public submissions at the Planning and Consultation Committee meeting to be held on 14 June 2022.
4. Notes that any person who makes a written submission in relation to the Draft Access Equity and Inclusion Policy and requests to be heard in support of the written submission, be heard at the June 2022 Planning and Consultation Committee meeting.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.025/22 Youth Council Advisory Committee Recruitment

Distribution: **Public**

Manager: **Nichole Johnson, Acting Executive Manager Communities**

Author: **Katie Camilleri, Coordinator Youth, Community and Place**

Summary

The endorsed Terms of Reference (**Attachment 1**) for the Youth Council outlines that membership will consist of up to fifteen young people aged 15-25 years of age who are passionate for their community and represent the views, ideas and needs of young people in the municipality. There are currently four vacant positions on the Youth Council to complete their current two year term until March 2023.

Recruitment for the Youth Council opened Thursday 17 February 2022 and closed Sunday 6 March 2022. A total of six applications were received and assessed against the selection criteria by an internal assessment panel.

This report seeks Council endorsement for four elected Youth Councillor members to the Nillumbik Youth Council.

Recommendation

That Council:

1. Endorses the four recommended applicants listed onto the Nillumbik Youth Council Advisory Committee (see **Attachment 2**):
   (a) Applicant 2 _____ for their role as a Youth Council Advisory Committee Member
   (b) Applicant 3 _____ for their role as a Youth Council Advisory Committee Member
   (c) Applicant 4 _____ for their role as a Youth Council Advisory Committee Member
   (d) Applicant 5 _____ for their role as a Youth Council Advisory Committee Member
2. Authorises the Executive Manager Community Services to appoint Applicant 1 (**Attachment 2**) if one of the above applicants decline the position or additional Youth Council members resign before the end of their term.
3. Acknowledges and thanks all community members who submitted applications to the Youth Council Advisory Committee.
4. Resolves that the Applications and Interviews and Panel Assessment (**Attachment 2** and **Attachment 3**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

12. Officers' reports

CM.025/22 Youth Council Advisory Committee Recruitment

Motion

MOVED: Cr Natalie Duffy
SECONDED: Cr Richard Stockman

That Council:

1. Endorses the four recommended applicants listed onto the Nillumbik Youth Council Advisory Committee (see **Attachment 2**):
   (a) Applicant 2 _____ for their role as a Youth Council Advisory Committee Member
   (b) Applicant 3 _____ for their role as a Youth Council Advisory Committee Member
   (c) Applicant 4 _____ for their role as a Youth Council Advisory Committee Member
   (d) Applicant 5 _____ for their role as a Youth Council Advisory Committee Member
2. Authorises the Executive Manager Community Services to appoint Applicant 1 (**Attachment 2**) if one of the above applicants decline the position or additional Youth Council members resign before the end of their term.
3. Acknowledges and thanks all community members who submitted applications to the Youth Council Advisory Committee.
4. Resolves that the Applications and Interviews and Panel Assessment (**Attachment 2** and **Attachment 3**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
5. **Resolves that the successful applicants be named.**

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

Council Resolution

MOVED: Cr Natalie Duffy
SECONDED: Cr Richard Stockman

That Council:

1. Endorses the four recommended applicants listed onto the Nillumbik Youth Council Advisory Committee (see **Attachment 2**):
   (a) Applicant 2 Niamh Coffey for their role as a Youth Council Advisory Committee Member
   (b) Applicant 3 Martina Charalambous for their role as a Youth Council Advisory Committee Member

12. Officers' reports

CM.025/22 Youth Council Advisory Committee Recruitment

(c) Applicant 4 Ava Crzechnik for their role as a Youth Council Advisory Committee Member

(d) Applicant 5 Rhys Warrillow for their role as a Youth Council Advisory Committee Member

2. Authorises the Executive Manager Community Services to appoint Applicant 1 (**Attachment 2**) if one of the above applicants decline the position or additional Youth Council members resign before the end of their term.

3. Acknowledges and thanks all community members who submitted applications to the Youth Council Advisory Committee.

4. Resolves that the Applications and Interviews and Panel Assessment (**Attachment 2** and **Attachment 3**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

5. Resolves that the successful applicants be named.

CARRIED

12. Officers' reports

CM.026/22 Tender Report Evaluation - Contract 2122-029 - Provision for Haulage and Processing of Scrap Metal & E-waste

---

Distribution: **Public**

Manager: **Hjalmar Philipp, Director Operations and Infrastructure**

Author: **Lisa Pittle, Manager Environment**

Lance Clark, Senior Procurement Specialist

Summary

This report recommends the awarding of contract 2122-029 for Provision for Haulage and Processing of Scrap Metal & E-waste.

The contract term is for an initial period of five years, with two x one year options to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed seven years.

The Tender Evaluation Panel has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2122-029 for Provision for Haulage and Processing of Scrap Metal & E-waste.

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

Recommendation

That Council:

1. Accepts the tender submitted by the **preferred tenderer** for the schedule of rates disclosed in (**Attachment 1**) and enter into the following contract:

Number:	2122-029
Title:	Provision for Haulage and Processing of Scrap Metal & E-waste
Term:	1 July 2022 to 30 June 2027
Options:	2 x 1 Year extension options

2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions.
4. Authorises the Director Operations and Infrastructure to approve changes to operational requirements throughout the term of the contract.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
7. Resolves that the preferred tenderer be named.

12. Officers' reports

CM.026/22 Tender Report Evaluation - Contract 2122-029 - Provision for Haulage and Processing of Scrap Metal & E-waste

---

Council Resolution

MOVED: Cr Karen Egan
SECONDED: Cr Peter Perkins

That Council:

1. Accepts the tender submitted by the **preferred tenderer Ecocycle Pty Ltd** for the schedule of rates disclosed in (**Attachment 1**) and enter into the following contract:

Number:	2122-029
Title:	Provision for Haulage and Processing of Scrap Metal & E-waste
Term:	1 July 2022 to 30 June 2027
Options:	2 x 1 Year extension options

2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions.
4. Authorises the Director Operations and Infrastructure to approve changes to operational requirements throughout the term of the contract.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
7. Resolves that the preferred tenderer be named.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.027/22 Informal Meetings of Councillors Records - 22 March 2022

Distribution: **Public**

Manager: **Blaga Naumoski, Executive Manager Governance, Communications and Engagement**

Author: **Emma Christensen, Acting Governance Lead**

Summary

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

This report lists Informal Meetings of Councillors Records submitted since the matter was last reported to Council on 22 February 2022.

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

1. Councillor Workshop held 10 & 11 February 2022;
2. Eltham Train Station Carpark Meeting held 14 February 2022;
3. Councillor Briefing held 15 February 2022;
4. Recreation Trails Advisory Committee Meeting held 16 February 2022;
5. Environment and Sustainability Advisory Committee Meeting held 16 February 2022;
6. Panton Hill Bushland Reserve System User Group Advisory Committee Meeting held 17 February 2022;
7. Arts and Cultural Advisory Committee Meeting held 21 February 2022;
8. Council Meeting Pre-Meeting held 22 February 2022;
9. Melbourne Water Christmas Hills Divestment Community Meeting held 23 February 2022;
10. CEO Employment Matters Advisory Committee Meeting held 28 February 2022;
11. Councillor Briefing held 1 March 2022; and
12. Planning and Consultation Committee Pre-Meeting held 8 March 2022.

Council Resolution

MOVED: **Cr Karen Egan**
SECONDED: **Cr Natalie Duffy**

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

CARRIED UNANIMOUSLY

14. Notices of Motion

Nil

15. Delegates' Reports

Nil

16. Supplementary and urgent business

Nil

17. Confidential reports

Carl Cowie declared a material conflict of interest in the following confidential item as it was in relation to his Employment Contract. Carl Cowie left the meeting prior to this item being heard at 8:00pm.

Pursuant to section 66(2) of the *Local Government Act 2020* (the Act), the meeting of the Council be closed to members of the public for the consideration of the following confidential items:

CM.028/22 CEO Employment Committee - 2021/2022 Mid-year Performance Review

This item is confidential because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs pursuant to paragraph (f) of the definition of confidential information under section 3(1) of the *Local Government Act 2020*. This ground is applied because it is information that, if publicly released at the time, is likely to be inappropriately detrimental to the Council or any person (natural or corporate).

Council Resolution

MOVED: Cr Geoff Paine
SECONDED: Cr Peter Perkins

That in accordance with section 66(2) of the *Local Government Act 2020*, Council resolves to close the meeting to members of the public to consider confidential items.

CARRIED UNANIMOUSLY

The meeting closed to the members of the public at 8:01pm.

18. Close of Meeting

The meeting closed at 8:06pm.

Confirmed: _____

Cr Frances Eyre, Mayor

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

Attachment 1. Minutes of Planning and Consultation Committee meeting held 8 March 2022

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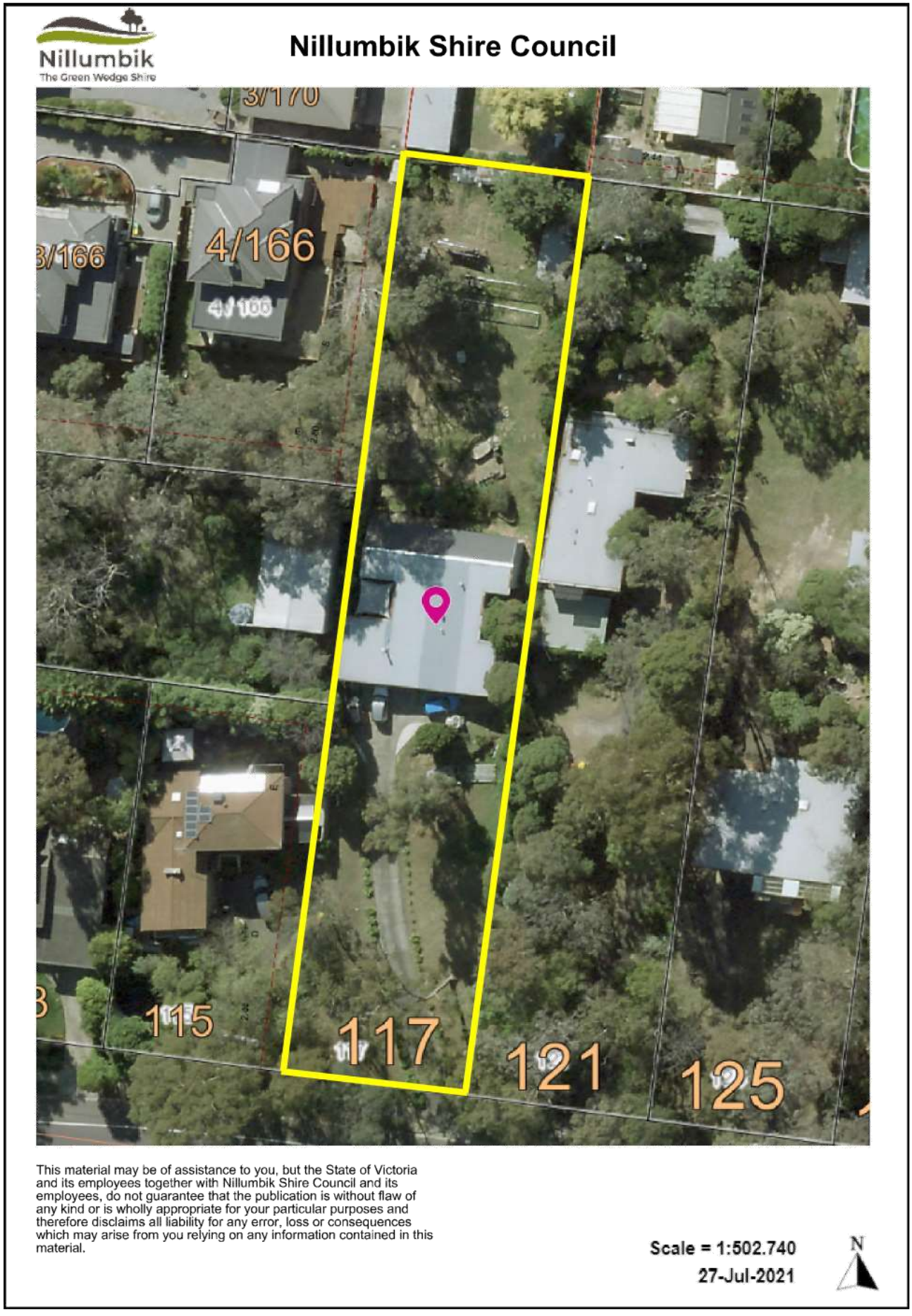
PCC.010/22 **Construction of two double storey dwellings, buildings and works to alter the existing dwelling and removal of vegetation at 117 Progress Road, Eltham North**

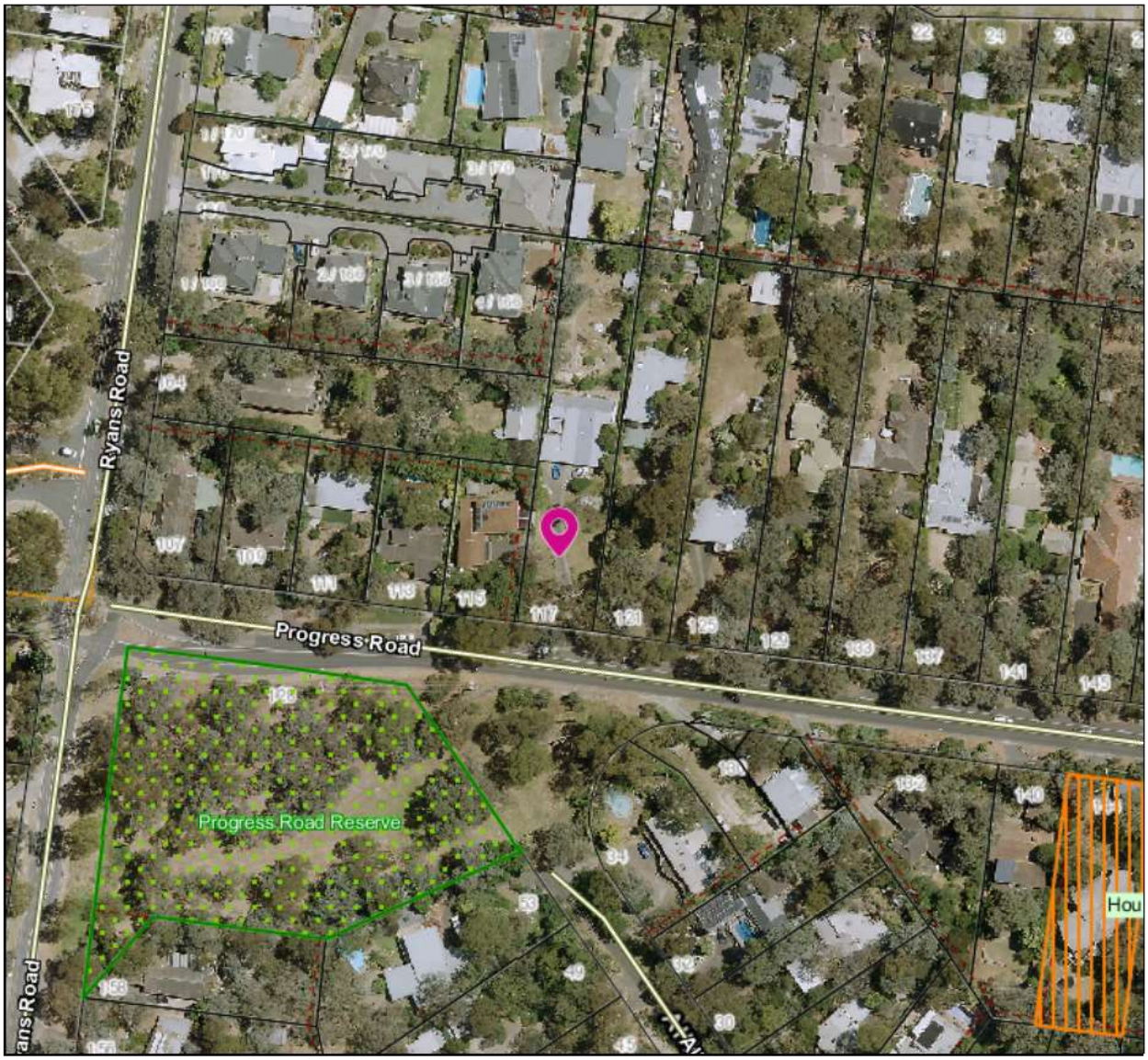
Attachment 1. **Aerial Map**



Nillumbik
The Green Wedge Shire

Subject Site and Surrounds

Subject Site: 117 Progress Road, Eltham North
Application Number: 1118/2021/03P
File Reference: P063/00/117P
Melways Reference: 21H1



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Scale = 1:1557.360

Subject Site

Nearby Objectors: 11

Total: 16

Notes:

Produced By: Planning Business Support
Responsible Officer:

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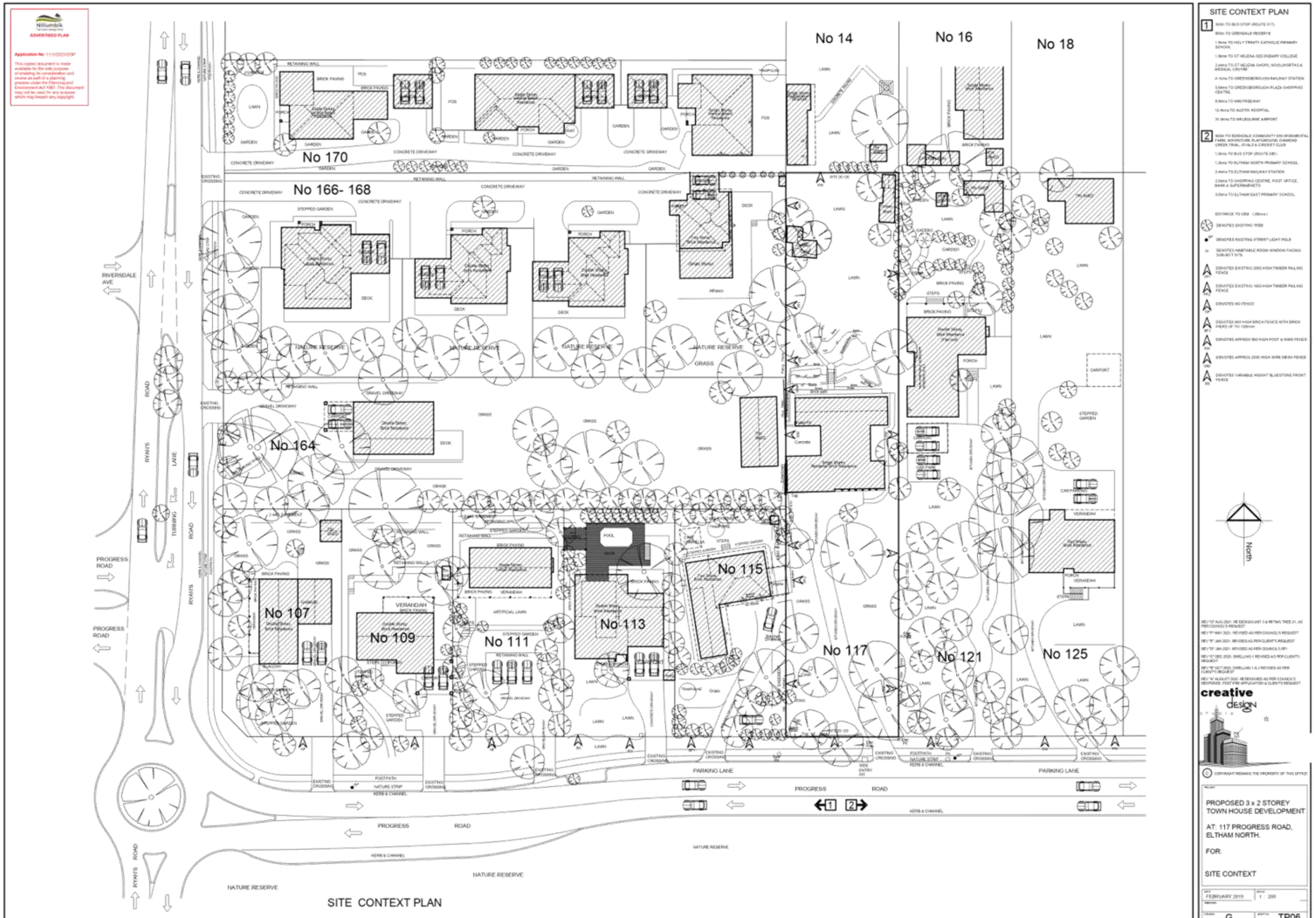
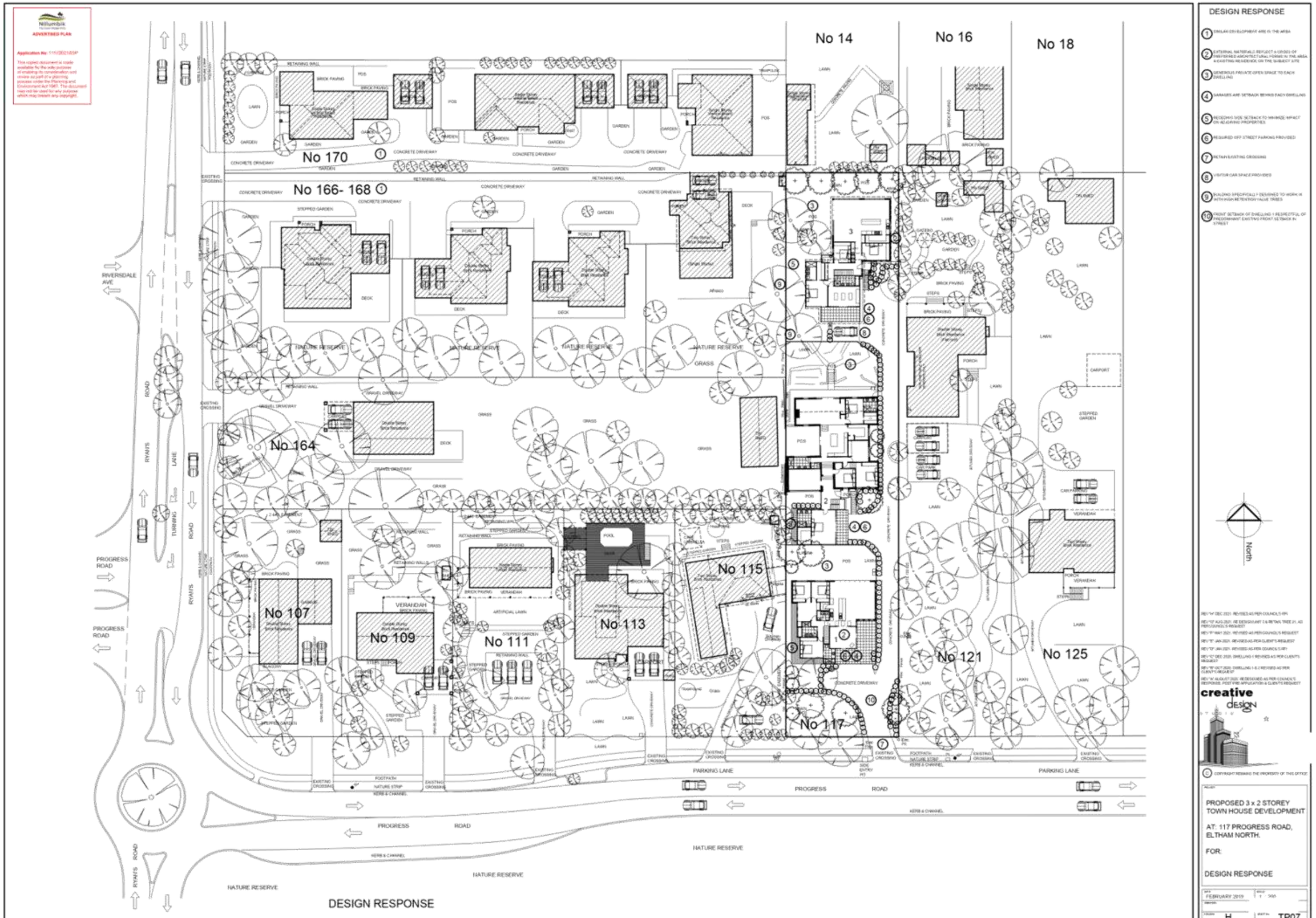
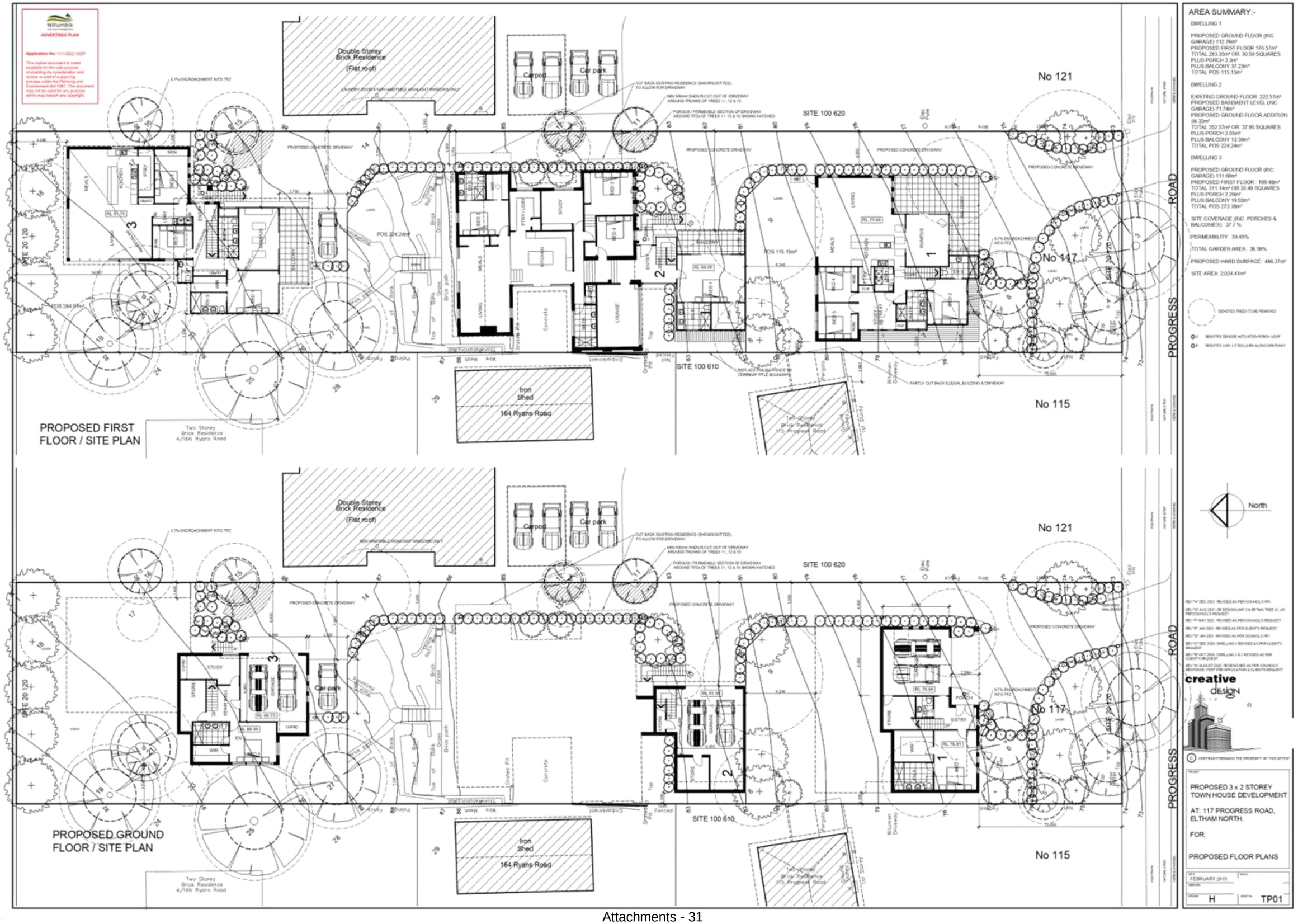

SITE CONTEXT PLAN
No 14
No 16
No 18
No 170
No 166- 168
No 164
No 107
No 109
No 111
No 113
No 115
No 117
No 121
No 125
RIVERSDALE AVE
PROGRESS ROAD
RYANS ROAD
TURNING LANE
NATURE RESERVE
PARKING LANE
PROGRESS ROAD
SITE CONTEXT PLAN
North
creative design
PROPOSED 3 x 2 STOREY TOWN HOUSE DEVELOPMENT
AT: 117 PROGRESS ROAD, ELTHAM NORTH.
FOR:
SITE CONTEXT
FEBRUARY 2019
1 : 200
G
TP06


No 14
No 16
No 18
No 170
No 166- 168
No 164
No 107
No 109
No 111
No 113
No 115
No 117
No 121
No 125
RIVERSDALE AVE
PROGRESS ROAD
RYANS ROAD
TURNING LANE
NATURE RESERVE
PARKING LANE
DESIGN RESPONSE
North
creative design
PROPOSED 3 x 2 STOREY TOWN HOUSE DEVELOPMENT
AT: 117 PROGRESS ROAD, ELTHAM NORTH.
FOR:
DESIGN RESPONSE
FEBRUARY 2019
H
TP07


Nillumbik
ADVERTISED PLAN
Application No: 111/2021/P
Double Storey
Brick Residence
(Flat roof)
Carport
Car park
No 121
No 117
No 115
SITE 100 620
SITE 100 610
SITE 20 120
SITE 20 170
PROGRESS ROAD
PROPOSED CONCRETE DRIVEWAY
POS 284.99m²
POS 224.24m²
POS 115.15m²
Iron
Shed
164 Ryans Road
Two Storey
Brick Residence
4/166 Ryans Road
PROPOSED FIRST
FLOOR / SITE PLAN
PROPOSED GROUND
FLOOR / SITE PLAN
AREA SUMMARY:-
DWELLING 1
PROPOSED GROUND FLOOR (INC GARAGE) 112.78m²
PROPOSED FIRST FLOOR 170.57m²
TOTAL 283.35m² OR 30.50 SQUARES
PLUS PORCH 3.3m²
PLUS BALCONY 37.23m²
TOTAL POS 115.15m²
DWELLING 2
EXISTING GROUND FLOOR 222.51m²
PROPOSED BASEMENT LEVEL (INC GARAGE) 71.74m²
PROPOSED GROUND FLOOR ADDITION 58.32m²
TOTAL 352.57m² OR 37.95 SQUARES
PLUS PORCH 2.05m²
PLUS BALCONY 13.39m²
TOTAL POS 224.24m²
DWELLING 3
PROPOSED GROUND FLOOR (INC GARAGE) 111.68m²
PROPOSED FIRST FLOOR 199.48m²
TOTAL 311.14m² OR 33.49 SQUARES
PLUS PORCH 2.29m²
PLUS BALCONY 19.02m²
TOTAL POS 273.38m²
SITE COVERAGE (INC. PORCHES & BALCONIES) 37.7 %
PERMEABILITY 39.45%
TOTAL GARDEN AREA 38.58%
PROPOSED HARD SURFACE 486.37m²
SITE AREA 2,024.41m²
DENOTES TREES TO BE REMOVED
North
creative design
PROPOSED 3 x 2 STOREY TOWN HOUSE DEVELOPMENT
AT: 117 PROGRESS ROAD, ELTHAM NORTH.
FOR:
PROPOSED FLOOR PLANS
FEBRUARY 2019
H
TP01

Nillumbik
ADVERTISED PLAN
Application No: 111/2021/SP
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AREA SUMMARY:-

Double Storey
Brick Residence
(Flat roof)

Carport

Car park

No 121

SITE 100 620

POS

POS

POS

POS

No 117

Iron
Shed
164 Ryans Road

Two Storey
Brick Residence
4/166 Ryans Road

Two Storey
Brick Residence
115 Progress Road

North

PROPOSED ROOF / SITE PLAN

creative design

PROPOSED 3 x 2 STOREY
TOWN HOUSE DEVELOPMENT

AT: 117 PROGRESS ROAD,
ELTHAM NORTH.

FOR:

PROP ROOF & SWD PLAN

FEBRUARY 2019 | 1 : 100

H | TP05

Nillumbik
ADVERTISED PLAN
Application No: 111/2021/03P
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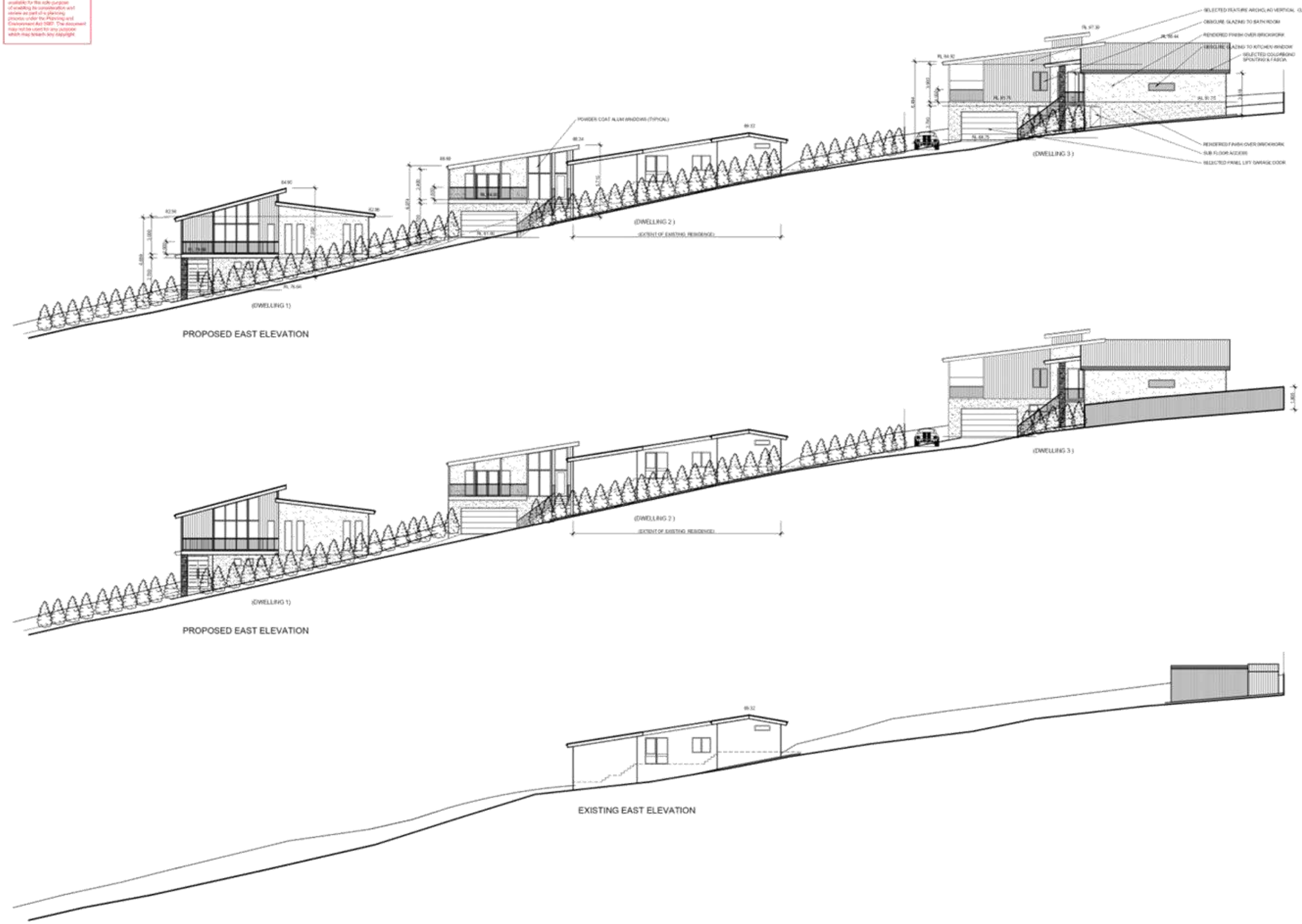

PROPOSED EAST ELEVATION

PROPOSED EAST ELEVATION

EXISTING EAST ELEVATION

FINISHES

WALL CLADDING

ROOF, SPOUTING & FASCIA

WINDOWS

DOORS

FEATURE COLUMNS

creative design

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PROPOSED 3 x 2 STOREY TOWN HOUSE DEVELOPMENT

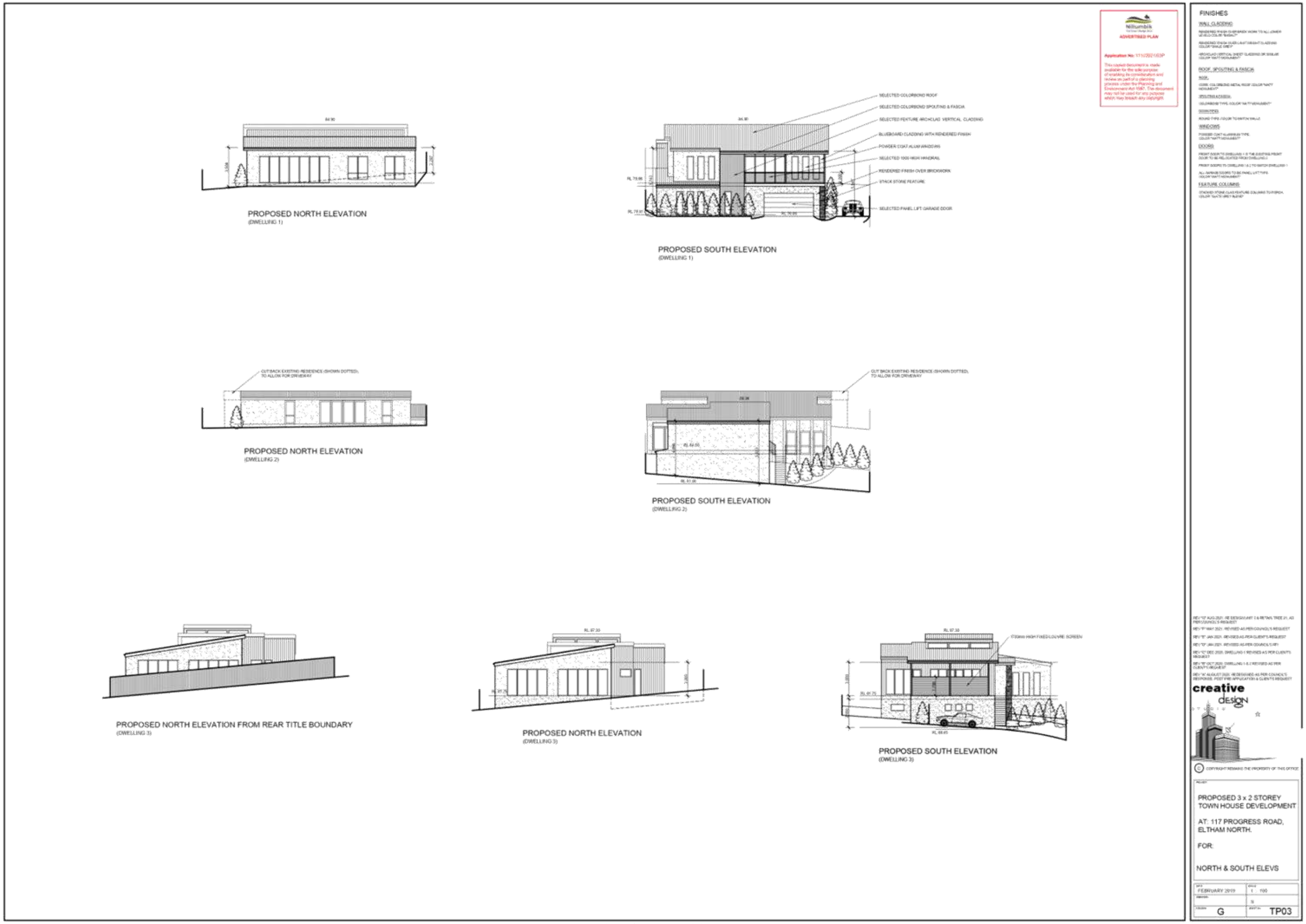
AT: 117 PROGRESS ROAD, ELTHAM NORTH.

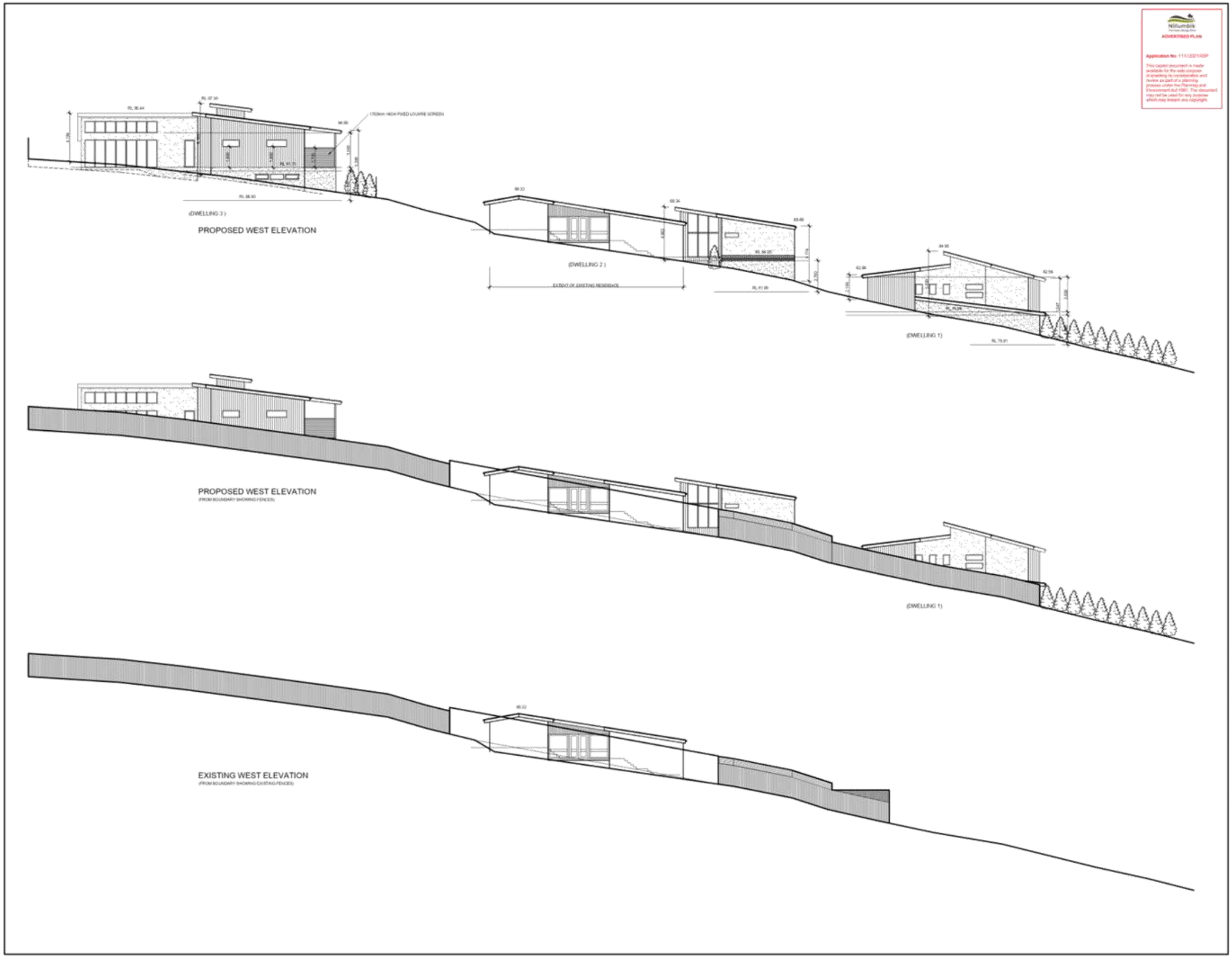
FOR:

EAST ELEVATIONS

FEBRUARY 2019 | 1 : 100

G | TP02


PROPOSED NORTH ELEVATION
(DWELLING 1)
PROPOSED SOUTH ELEVATION
(DWELLING 1)
PROPOSED NORTH ELEVATION
(DWELLING 2)
PROPOSED SOUTH ELEVATION
(DWELLING 2)
PROPOSED NORTH ELEVATION FROM REAR TITLE BOUNDARY
(DWELLING 3)
PROPOSED NORTH ELEVATION
(DWELLING 3)
PROPOSED SOUTH ELEVATION
(DWELLING 3)
FINISHES
creative design
PROPOSED 3 x 2 STOREY TOWN HOUSE DEVELOPMENT
AT: 117 PROGRESS ROAD, ELTHAM NORTH.
FOR:
NORTH & SOUTH ELEVS
FEBRUARY 2019
G
TP03


Nillumbik
ADVERTISED PLAN
Application No: 111/2021/VOSP
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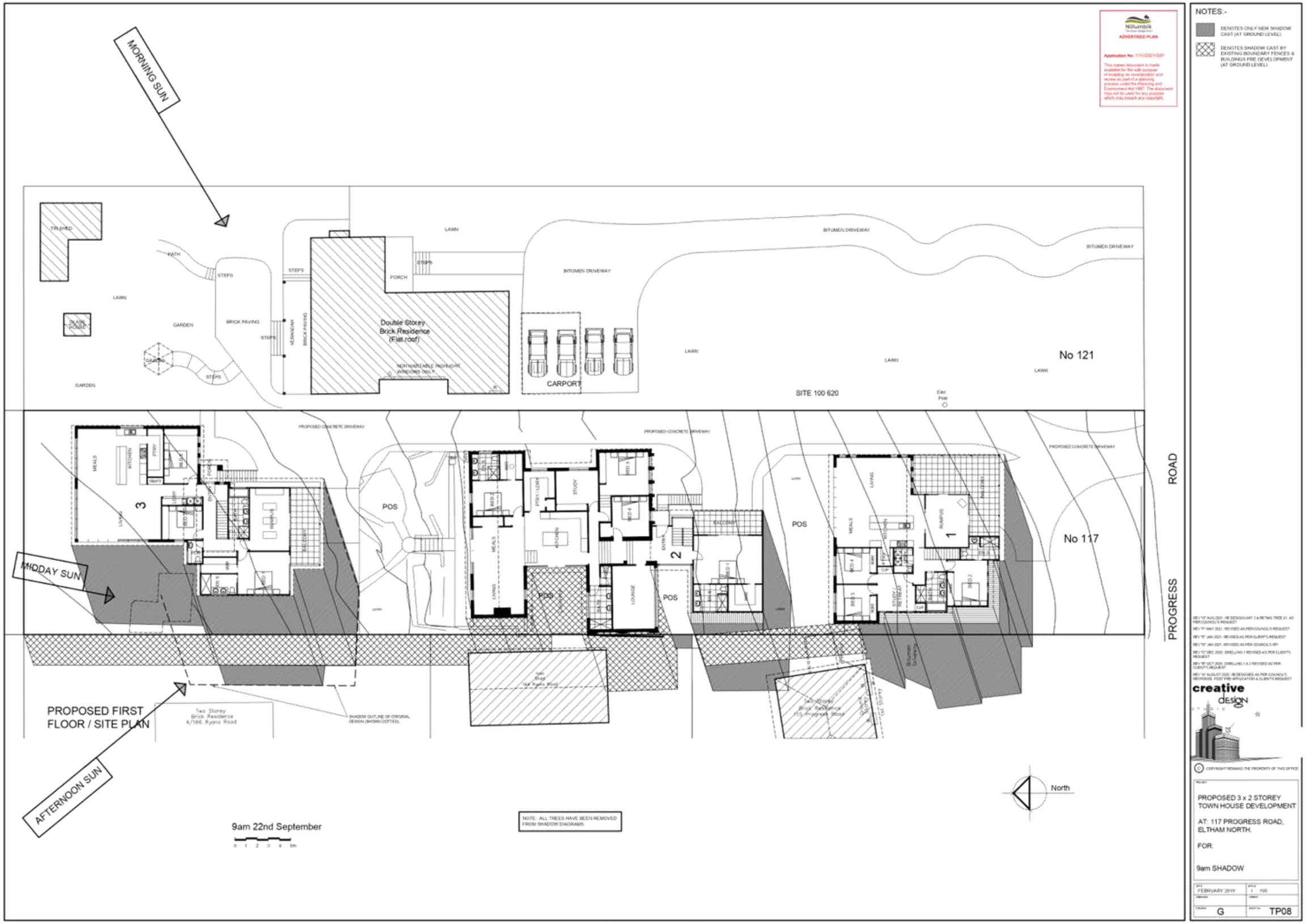
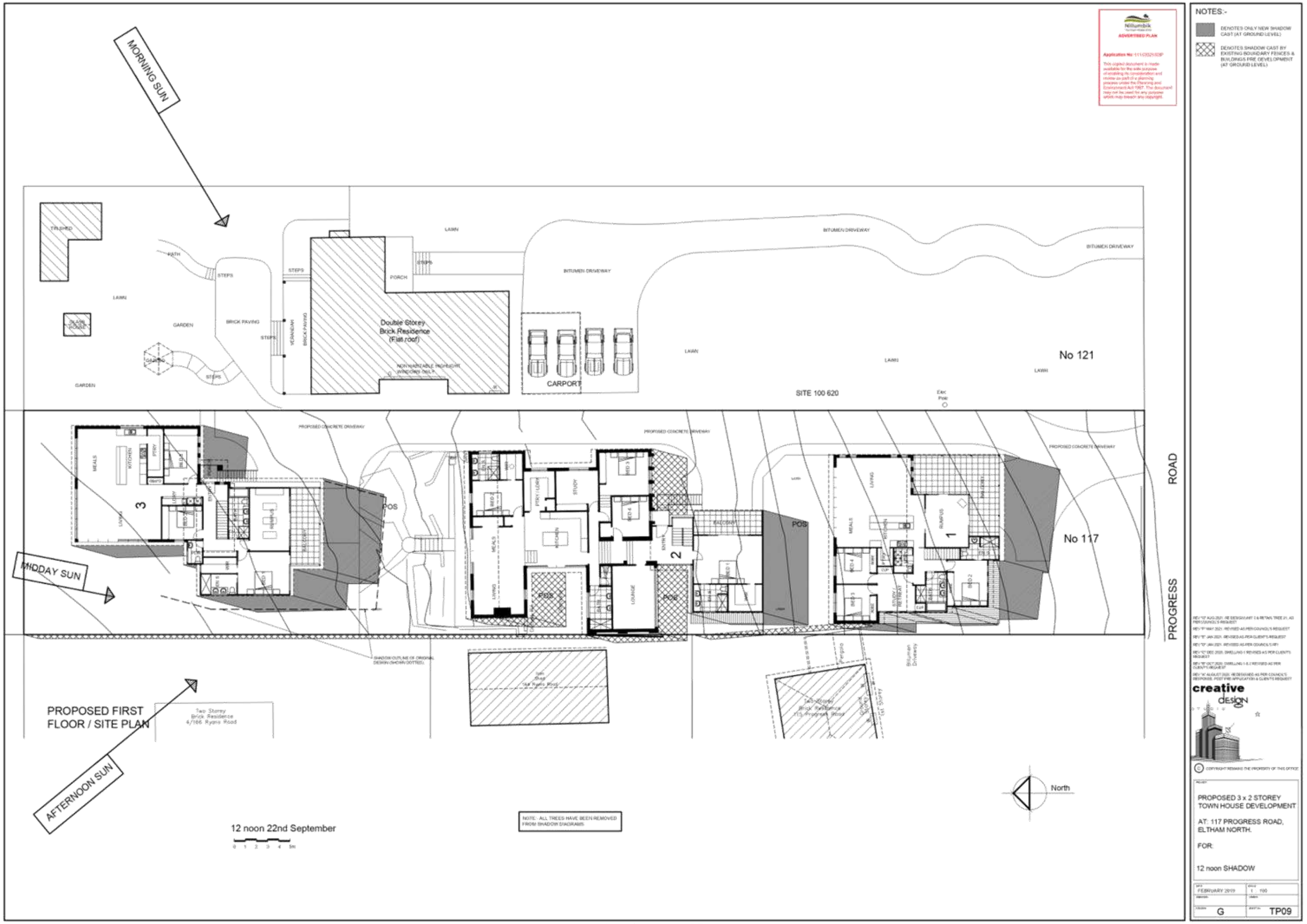
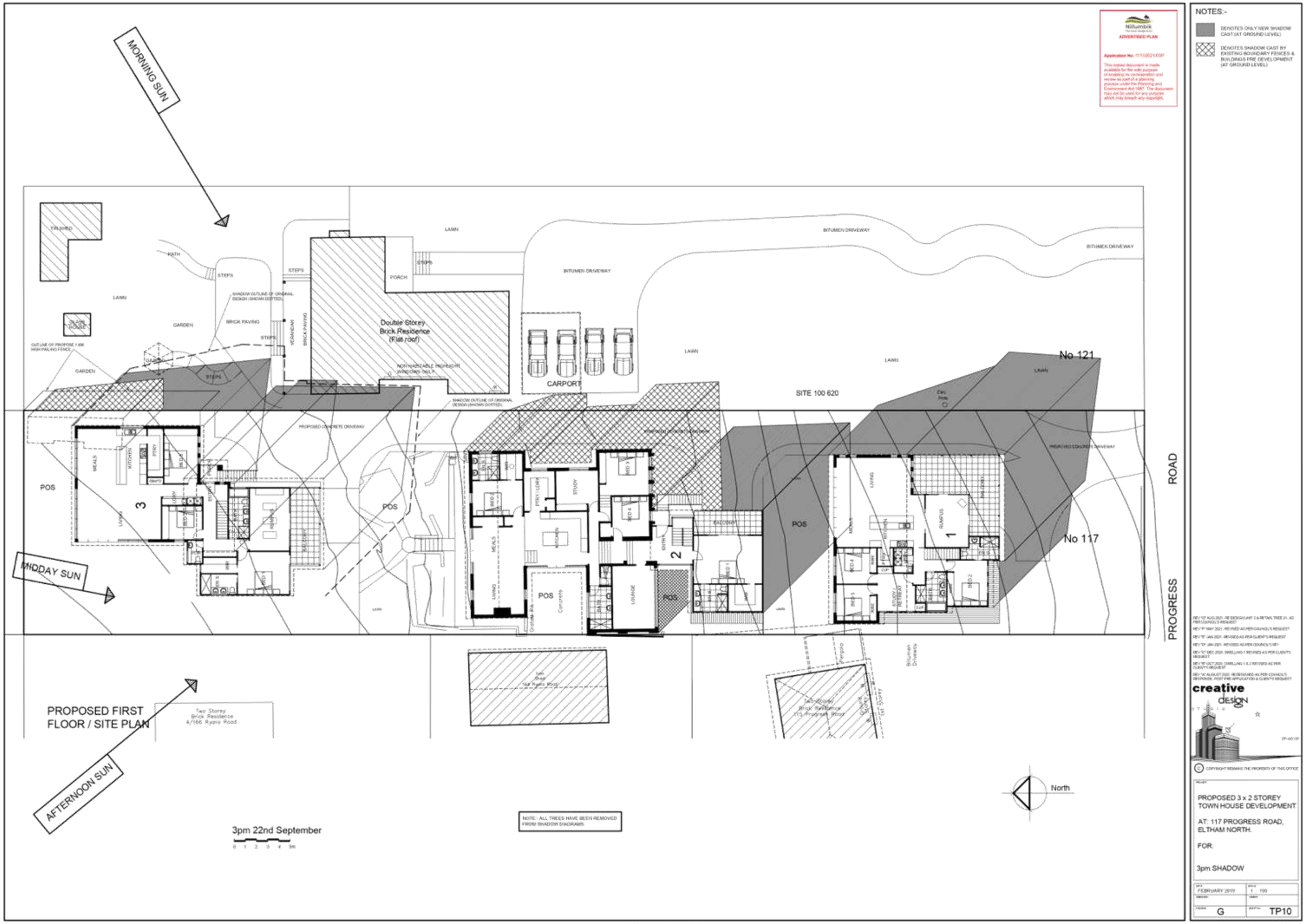
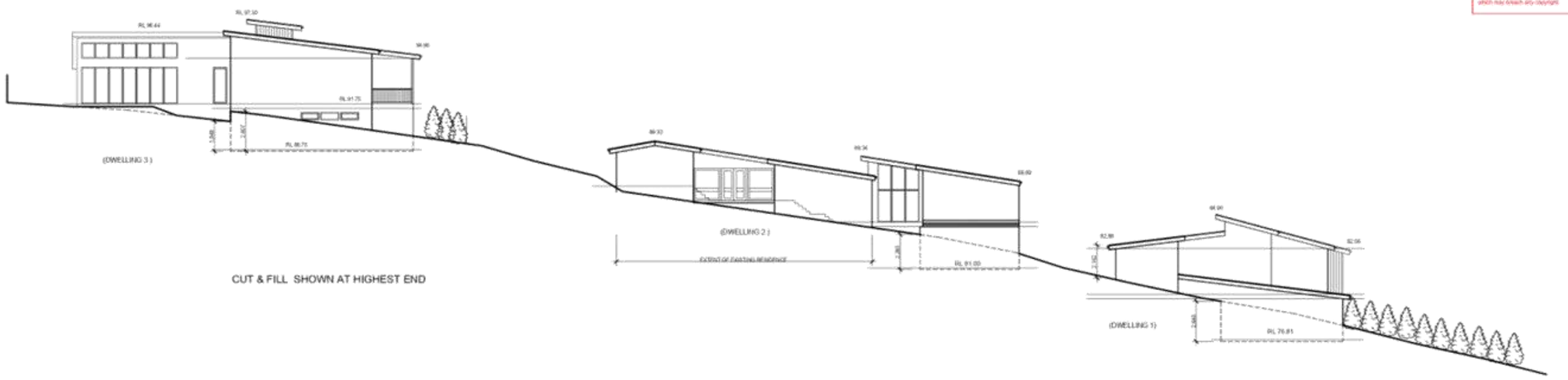
1700mm HIGH FIXED LOUVRE SCREEN
(DWELLING 3)
PROPOSED WEST ELEVATION
(DWELLING 2)
EXTENT OF EXISTING RESIDENCE
(DWELLING 1)
PROPOSED WEST ELEVATION
(FROM BOUNDARY SHOWING FENCES)
(DWELLING 1)
EXISTING WEST ELEVATION
(FROM BOUNDARY SHOWING EXISTING FENCES)
FINISHES
WALL CLADDING
ROOF, SPOUTING & FASCIA
WINDOWS
DOORS
FEATURE COLUMNS
creative design
PROPOSED 3 x 2 STOREY TOWN HOUSE DEVELOPMENT
AT: 117 PROGRESS ROAD, ELTHAM NORTH.
FOR:
WEST ELEVATIONS
FEBRUARY 2019
1 : 100
G
TP04

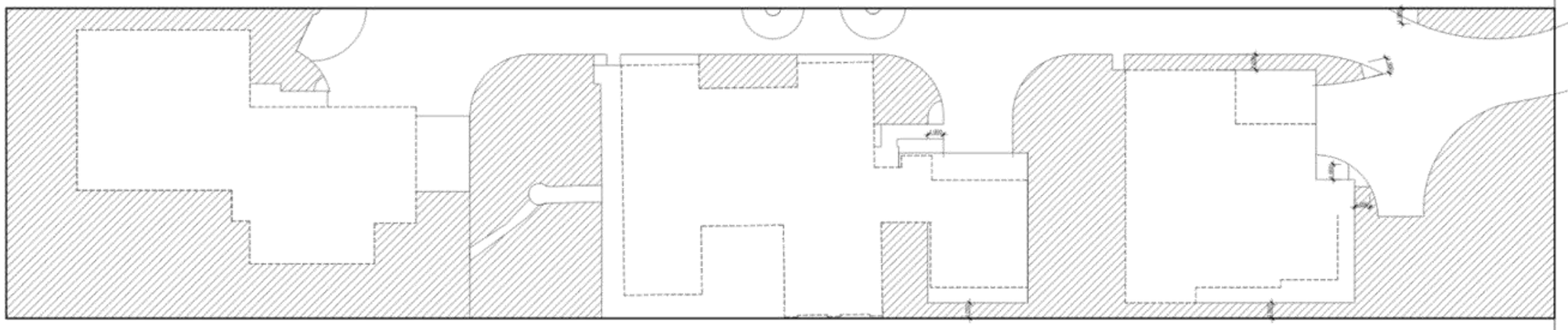

MORNING SUN
MIDDAY SUN
AFTERNOON SUN
PROPOSED FIRST FLOOR / SITE PLAN
Double Storey Brick Residence (Flat roof)
CARPORT
No 121
No 117
SITE 100 620
POS
PROGRESS ROAD
9am 22nd September
North
NOTES:-
DENOTES ONLY NEW SHADOW CAST (AT GROUND LEVEL)
DENOTES SHADOW CAST BY EXISTING BOUNDARY FENCES & BUILDINGS PRE DEVELOPMENT (AT GROUND LEVEL)
creative design
PROPOSED 3 x 2 STOREY TOWN HOUSE DEVELOPMENT
AT: 117 PROGRESS ROAD, ELTHAM NORTH.
FOR:
9am SHADOW
FEBRUARY 2019
G
TP08


MORNING SUN
MIDDAY SUN
AFTERNOON SUN
PROPOSED FIRST FLOOR / SITE PLAN
Double Storey Brick Residence (Flat roof)
CARPORT
No 121
No 117
SITE 100 620
PROGRESS ROAD
POS
LAWN
GARDEN
BRICK PAVING
PORCH
STEPS
BITUMEN DRIVEWAY
PROPOSED CONCRETE DRIVEWAY
12 noon 22nd September
NOTE: ALL TREES HAVE BEEN REMOVED FROM SHADOW DIAGRAMS
North
NOTES:-
DENOTES ONLY NEW SHADOW CAST (AT GROUND LEVEL)
DENOTES SHADOW CAST BY EXISTING BOUNDARY FENCES & BUILDINGS PRE DEVELOPMENT (AT GROUND LEVEL)
creative design
PROPOSED 3 x 2 STOREY TOWN HOUSE DEVELOPMENT
AT: 117 PROGRESS ROAD, ELTHAM NORTH.
FOR:
12 noon SHADOW
FEBRUARY 2019
G
TP09


MORNING SUN
MIDDAY SUN
AFTERNOON SUN
PROPOSED FIRST FLOOR / SITE PLAN
Double Storey Brick Residence (Flat roof)
CARPORT
SITE 100 620
No 121
No 117
POS
PROGRESS ROAD
BITUMEN DRIVEWAY
LAWN
GARDEN
BRICK PAVING
PORCH
STEPS
PROPOSED CONCRETE DRIVEWAY
Two Storey Brick Residence 4/166 Ryans Road
Two Storey Brick Residence 115 Progress Road
3pm 22nd September
NOTE: ALL TREES HAVE BEEN REMOVED FROM SHADOW DIAGRAMS
North
NOTES:-
DENOTES ONLY NEW SHADOW CAST (AT GROUND LEVEL)
DENOTES SHADOW CAST BY EXISTING BOUNDARY FENCES & BUILDINGS PRE DEVELOPMENT (AT GROUND LEVEL)
creative design
PROPOSED 3 x 2 STOREY TOWN HOUSE DEVELOPMENT
AT: 117 PROGRESS ROAD, ELTHAM NORTH.
FOR:
3pm SHADOW
FEBRUARY 2019
G
TP10



CUT & FILL SHOWN AT HIGHEST END



GARDEN AREA PLAN

Nillumbik
ADVERTISED PLAN

Application No: 1117/2021/SP

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AREA SUMMARY:-

PERMEABILITY : 39.45%

TOTAL GARDEN AREA : 38.59%

PROPOSED HARD SURFACE: 486.37m²

SITE AREA: 2,024.41m²

North

creative design

PROPOSED 3 x 2 STOREY TOWN HOUSE DEVELOPMENT

AT: 117 PROGRESS ROAD, ELTHAM NORTH.

FOR:

RFI ITEMS

JANUARY 2021	1 : 100
H	TP11

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FINISHES

WALL CLADDING

RENDERED FINISH OVER BRICK WORK TO ALL LOWER LEVELS COLOR "BASALT"

RENDERED FINISH OVER LIGHT WEIGHT CLADDING COLOR "SHALE GREY"

ARCHCLAD VERTICAL SHEET CLADDING OR SIMILAR COLOR "MATT MONUMENT"

ROOF, SPOUTING & FASCIA

ROOF:

CORR. COLORBOND METAL ROOF COLOR "MATT MONUMENT"

SPOUTING & FASCIA:

COLORBOND TYPE, COLOR "MATT MONUMENT"

DOWN PIPES

ROUND TYPE, COLOR TO MATCH WALLS

WINDOWS

POWDER COAT ALUMINIUM TYPE
COLOR "MATT MONUMENT"

DOORS

FRONT DOOR TO DWELLING 1 IS THE EXISTING FRONT DOOR TO BE RELOCATED FROM DWELLING 2

FRONT DOORS TO DWELLING I & 2 TO MATCH DWELLING 1

ALL GARAGE DOORS TO BE PANEL LIFT TYPE
COLOR "MATT MONUMENT"

FEATURE COLUMNS

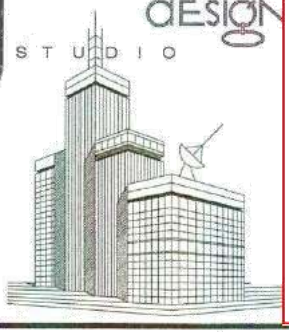
STACKED STONE CLAD FEATURE COLUMNS TO PORCH, COLOR "SLATE GREY BLEND"

PROPOSED 3 x 2 STOREY TOWN HOUSE DEVELOPMENT

AT: 117 PROGRESS ROAD, ELTHAM NORTH.

FOR: MR & MRS COLLARD

creative design STUDIO



Nillumbik
The Green Wedge Shire
ADVERTISED PLAN

Application No: 111//2021/03P

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Nillumbik
The Green Wedge Shire

Nillumbik Shire Council



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Scale = 1:389.340
4-Mar-2022

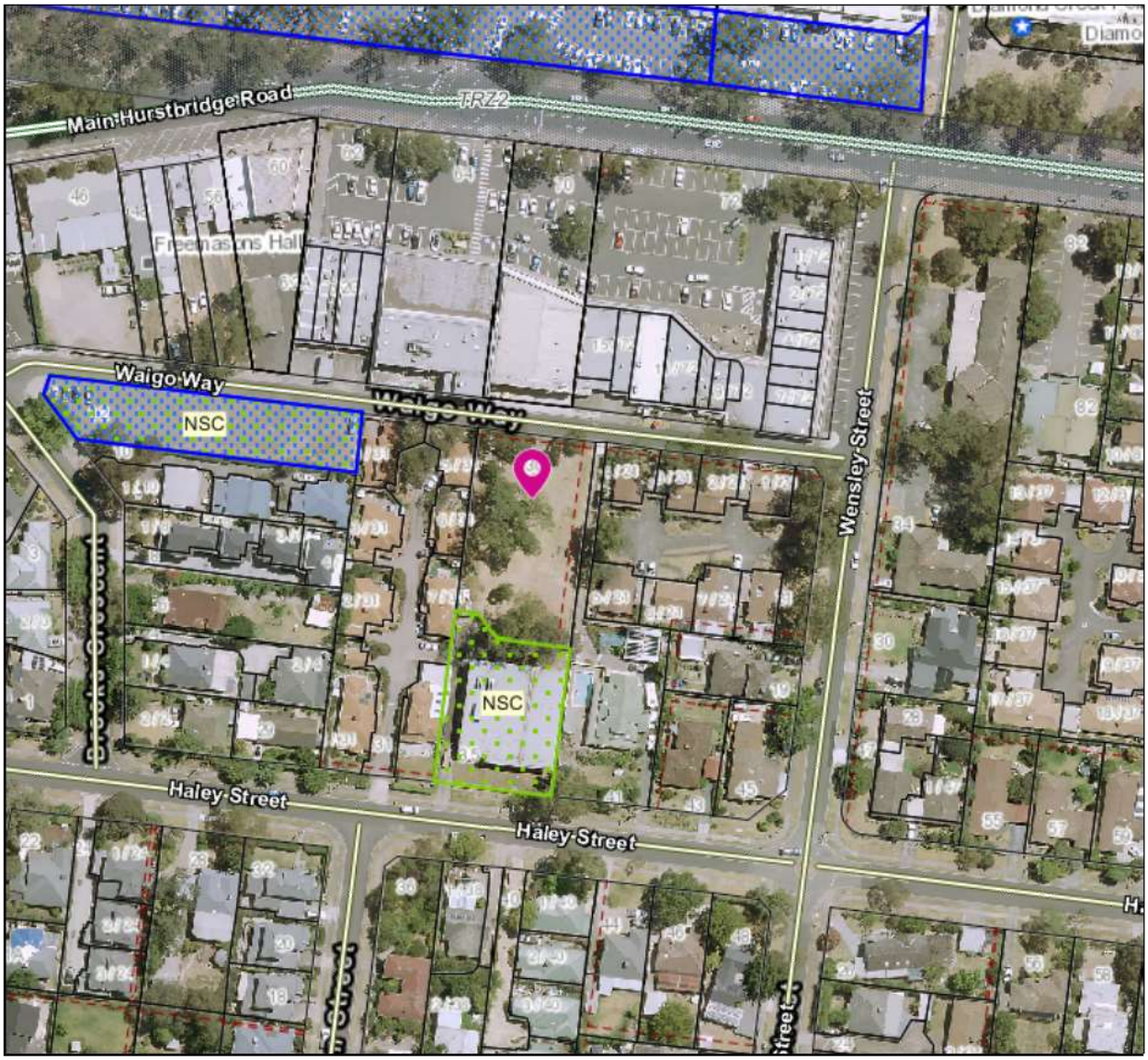
N

Nillumbik
The Green Wedge Shire

Subject Site and Surrounds

Subject Site: 30 Waigo Way, Diamond Creek
Application Number: 818/2020/03P

File Reference: W044/00/030P
Melways Reference: 12B6



Subject Site | Objectors

Nearby Objectors: 10

Total: 12

N

Scale = 1:1557.360

Notes:

Produced By: Planning Business Support
Responsible Officer: Karen McPherson

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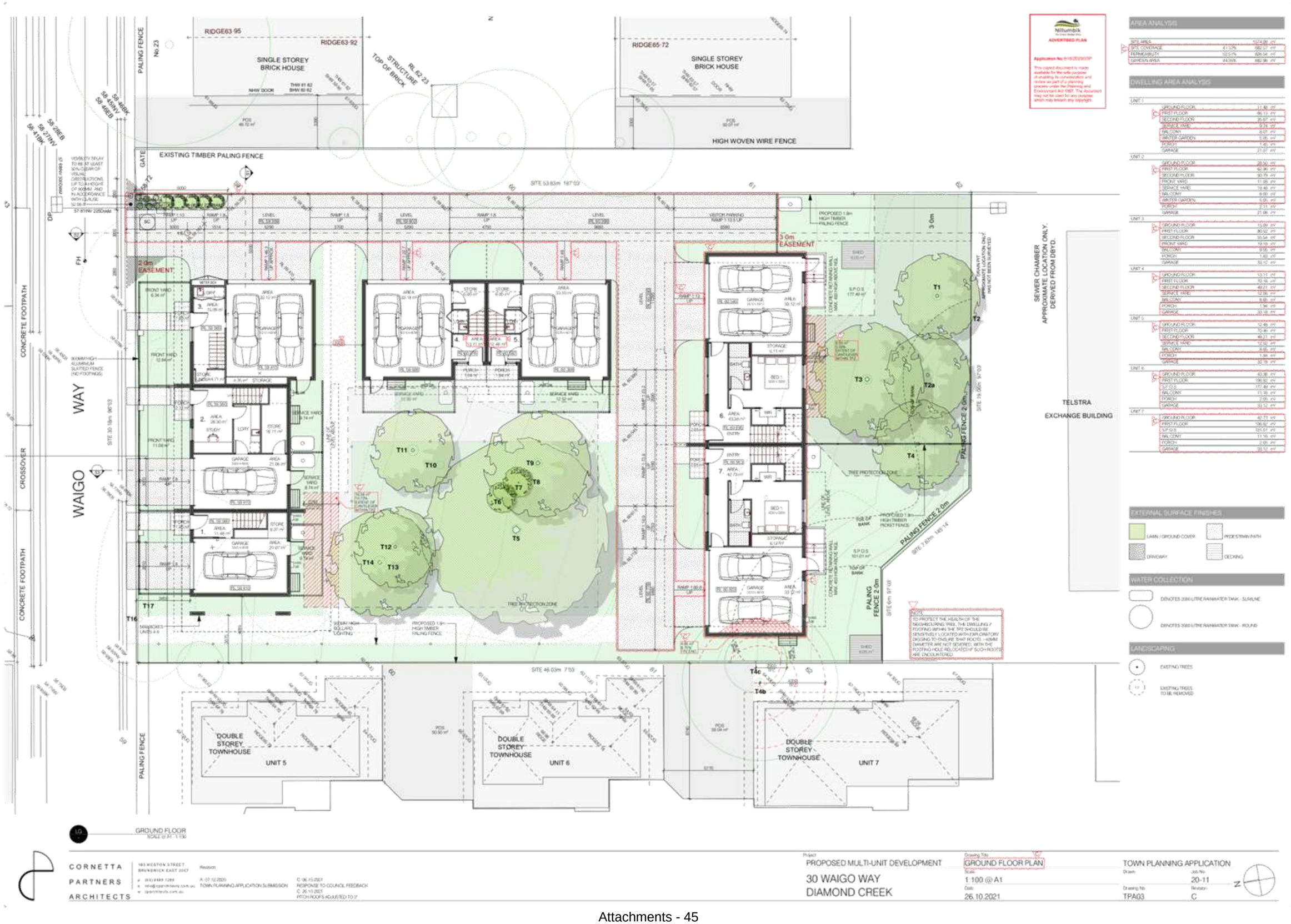
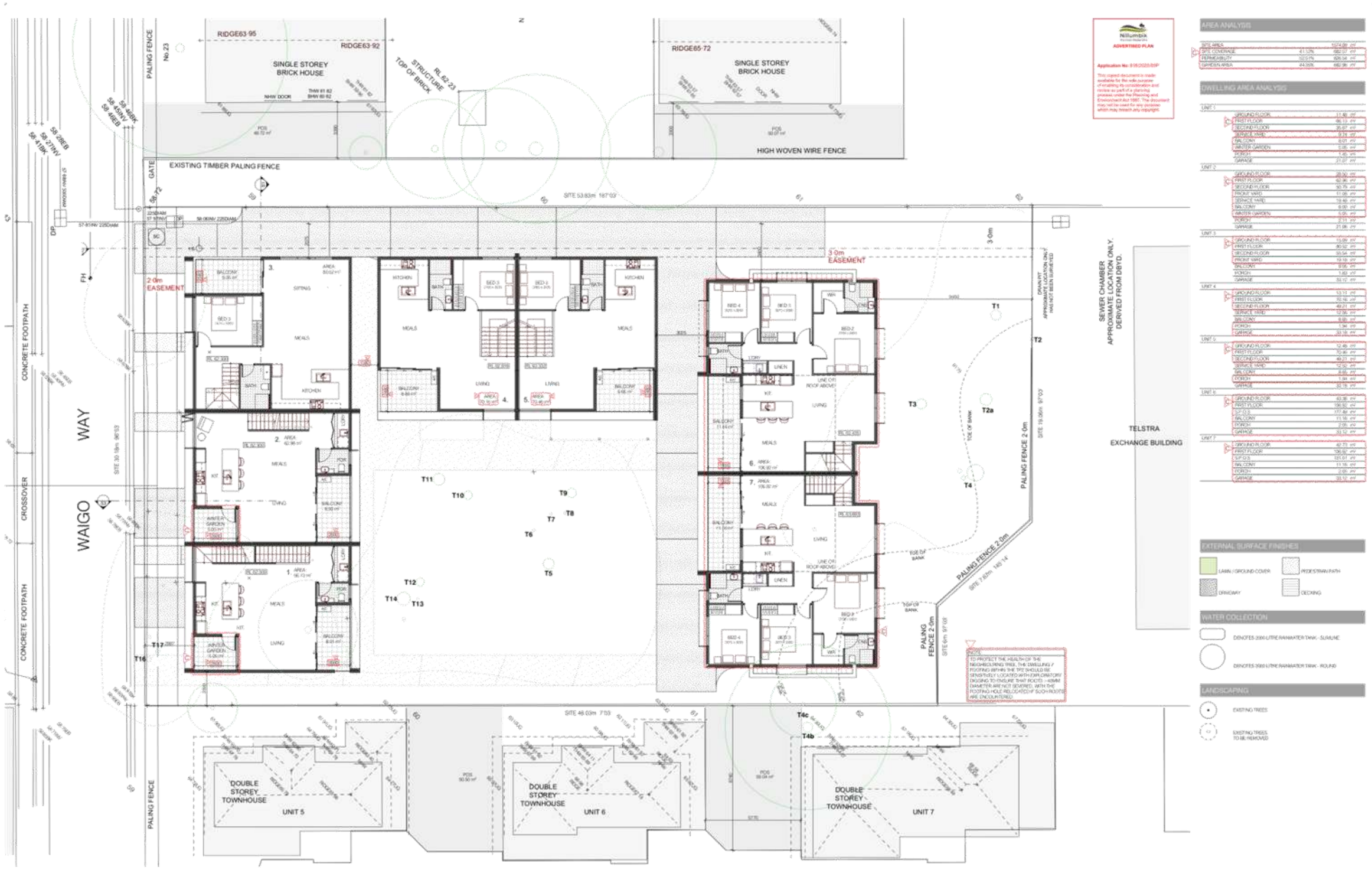

RIDGE63-95
RIDGE63-92
SINGLE STOREY BRICK HOUSE
RIDGE65-72
SINGLE STOREY BRICK HOUSE
HIGH WOVEN WIRE FENCE
EXISTING TIMBER PALING FENCE
PALING FENCE
GATE
CONCRETE FOOTPATH
CROSSOVER
WAIGO
WAY
2.0m EASEMENT
3.0m EASEMENT
SEWER CHAMBER APPROXIMATE LOCATION ONLY. DERIVED FROM DBYD.
TELSTRA EXCHANGE BUILDING
PALING FENCE 2.0m
DOUBLE STOREY TOWNHOUSE
UNIT 5
UNIT 6
UNIT 7
AREA ANALYSIS
DWELLING AREA ANALYSIS
EXTERNAL SURFACE FINISHES
WATER COLLECTION
LANDSCAPING
GROUND FLOOR
CORNETTA PARTNERS ARCHITECTS
PROPOSED MULTI-UNIT DEVELOPMENT
30 WAIGO WAY
DIAMOND CREEK
GROUND FLOOR PLAN
1:100 @ A1
26.10.2021
TOWN PLANNING APPLICATION
20-11
TPA03
C



1 FIRST FLOOR
SCALE @ A1 : 1:100

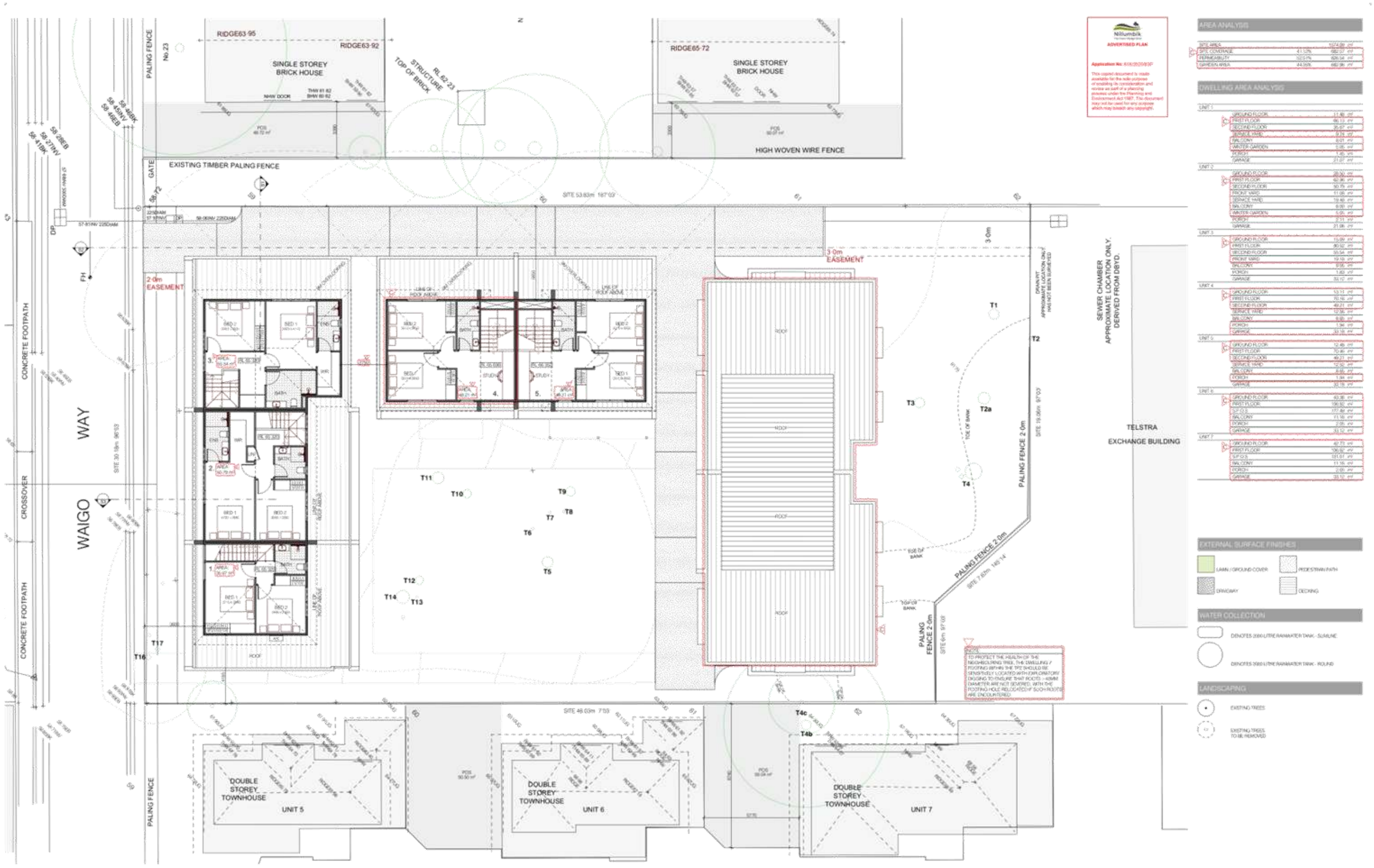
CORNETTA PARTNERS ARCHITECTS
193 WESTON STREET BRUNSWICK EAST 3057

Revision		
A	07.12.2020	TOWN PLANNING APPLICATION SUBMISSION
C	06.10.2021	RESPONSE TO COUNCIL FEEDBACK
C	26.10.2021	PITCH ROOFS ADJUSTED TO 3°

Project: PROPOSED MULTI-UNIT DEVELOPMENT
30 WAIGO WAY
DIAMOND CREEK

Drawing Title: FIRST FLOOR PLAN
Scale: 1:100 @ A1
Date: 26.10.2021

TOWN PLANNING APPLICATION
Drawn:
Job No.: 20-11
Drawing No.: TPA04
Revision: C



SECOND FLOOR
SCALE @ A1 : 1:100

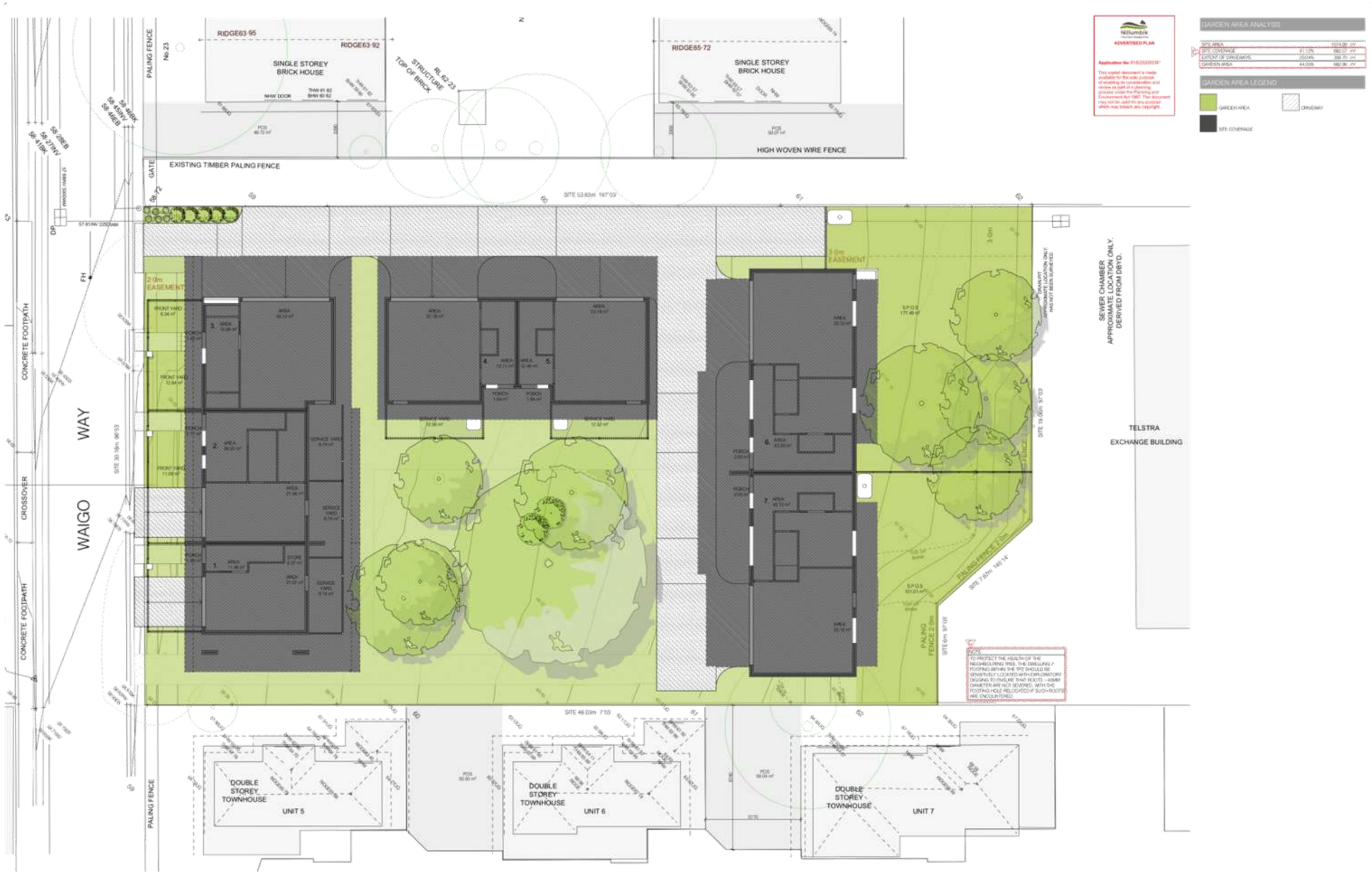
CORNETTA PARTNERS ARCHITECTS
193 WESTON STREET BRUNSWICK EAST 3057

Revision		
A	07.12.2020	TOWN PLANNING APPLICATION SUBMISSION
B	06.10.2021	RESPONSE TO COUNCIL FEEDBACK
C	26.10.2021	PITCH ROOFS ADJUSTED TO 3°

Project: PROPOSED MULTI-UNIT DEVELOPMENT
30 WAIGO WAY
DIAMOND CREEK

Drawing Title: SECOND FLOOR PLAN
Scale: 1:100 @ A1
Date: 26.10.2021

TOWN PLANNING APPLICATION
Drawn:
Job No.: 20-11
Drawing No.: TPA05
Revision: C



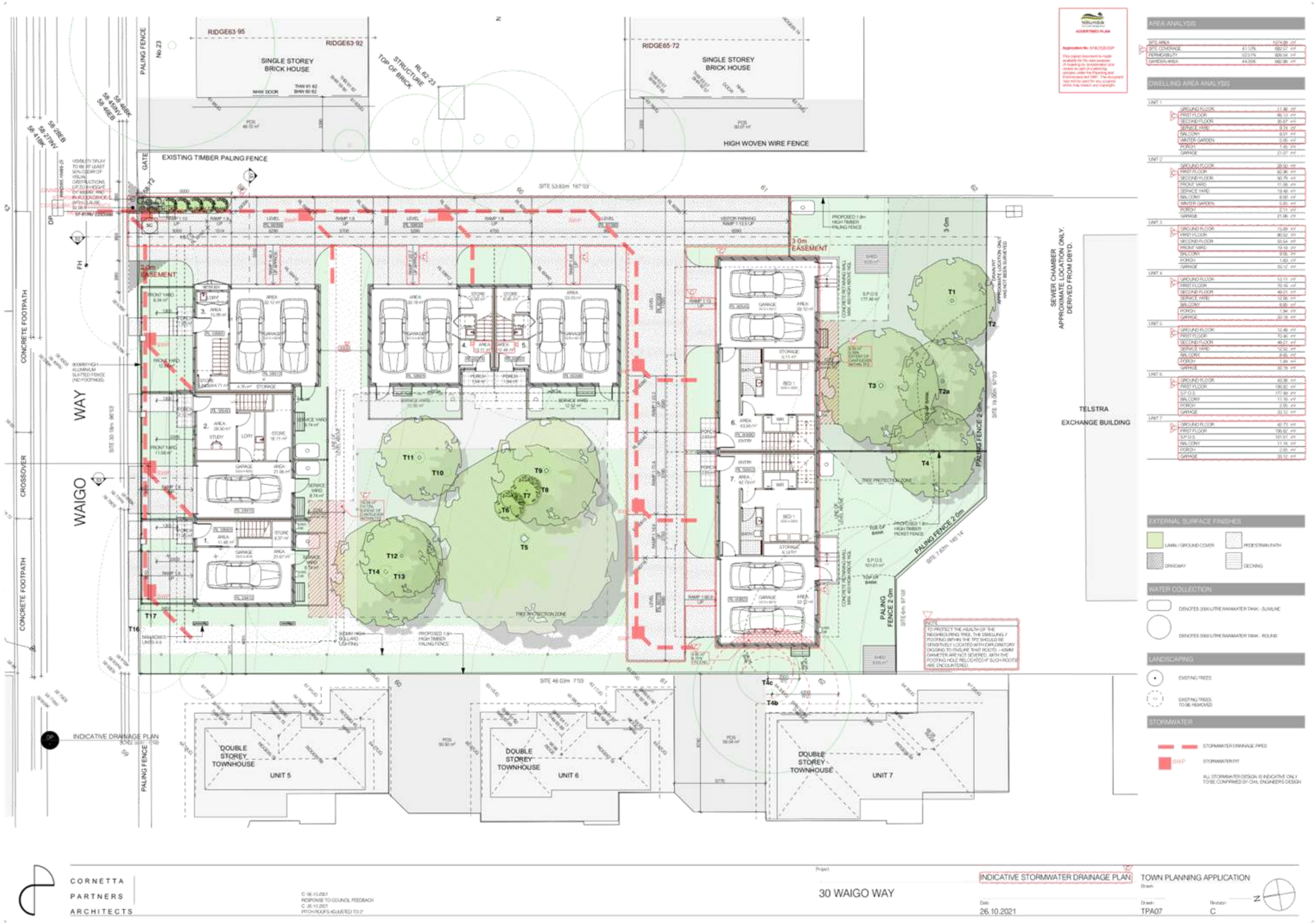
10 GARDEN PLAN
SCALE @ A1 : 1:100

CORNETTA PARTNERS ARCHITECTS
193 WESTON STREET BRUNSWICK EAST 3057
Revision
A 07.12.2020 TOWN PLANNING APPLICATION SUBMISSION
C 06.10.2021 RESPONSE TO COUNCIL FEEDBACK
C 26.10.2021 PITCH ROOFS ADJUSTED TO 3°

Project: PROPOSED MULTI-UNIT DEVELOPMENT
30 WAIGO WAY
DIAMOND CREEK

Drawing Title: GARDEN AREA PLAN
Scale: 1:100 @ A1
Date: 26.10.2021

TOWN PLANNING APPLICATION
Drawn:
Job No.: 20-11
Drawing No.: TPA06
Revision: C



CORNETTA PARTNERS ARCHITECTS

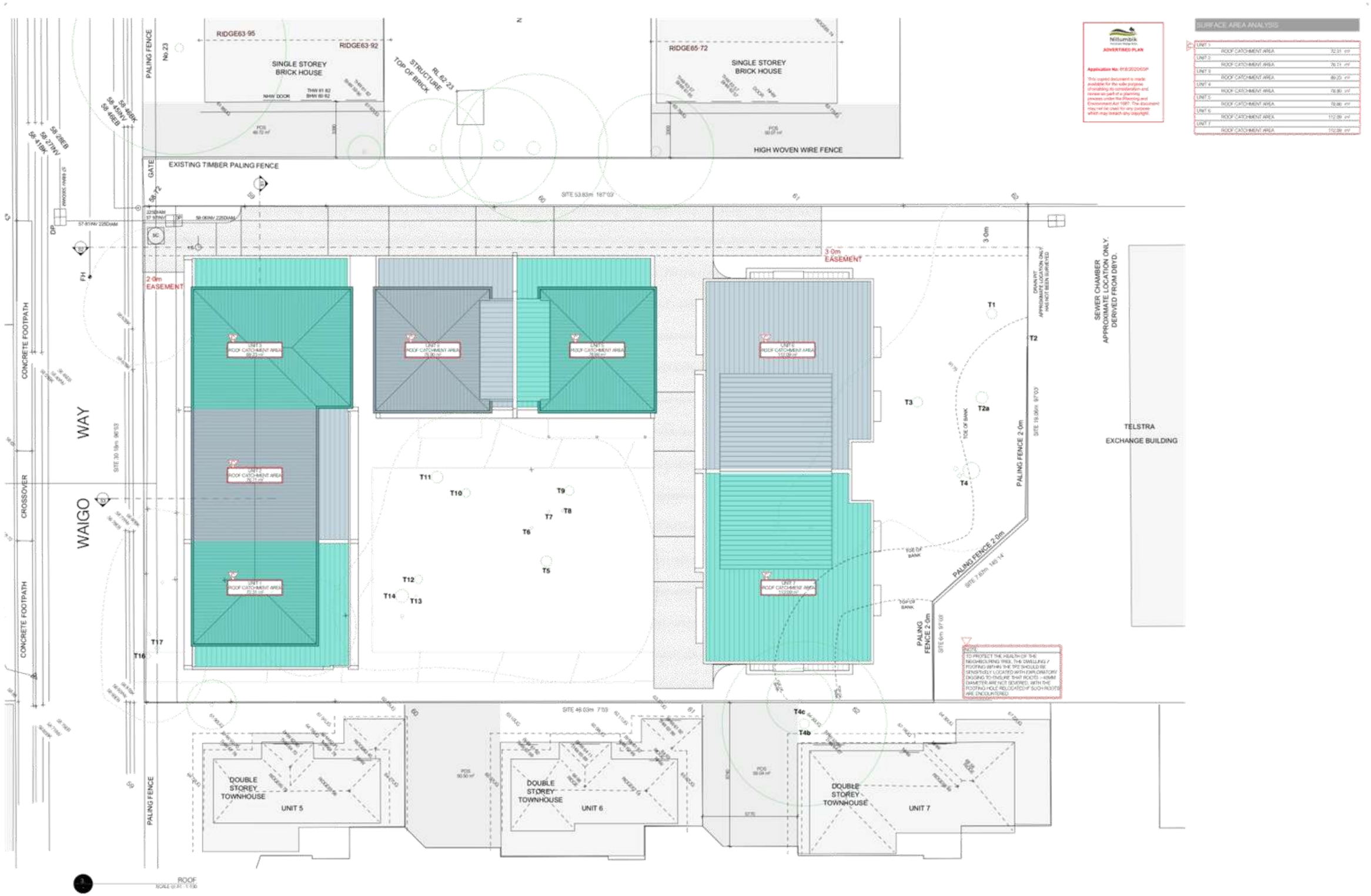
C 06.10.2021 RESPONSE TO COUNCIL FEEDBACK
C 26.10.2021 PITCH ROOFS ADJUSTED TO 3°

Project: 30 WAIGO WAY

INDICATIVE STORMWATER DRAINAGE PLAN

TOWN PLANNING APPLICATION

Date: 26.10.2021 | Drawing: TPA07 | Revision: C



CORNETTA PARTNERS ARCHITECTS
193 WESTON STREET BRUNSWICK EAST 3057
Revision
A 07.12.2020 TOWN PLANNING APPLICATION SUBMISSION
C 06.10.2021 RESPONSE TO COUNCIL FEEDBACK
C 26.10.2021 PITCH ROOFS ADJUSTED TO 3°

Project: PROPOSED MULTI-UNIT DEVELOPMENT
30 WAIGO WAY
DIAMOND CREEK

Drawing Title: ROOF PLAN
Scale: 1:100 @ A1
Date: 26.10.2021

TOWN PLANNING APPLICATION
Drawn:
Job No.: 20-11
Drawing No.: TPA08
Revision: C

Nillumbik
ADVERTISED PLAN
Application No: 816/2020/03P
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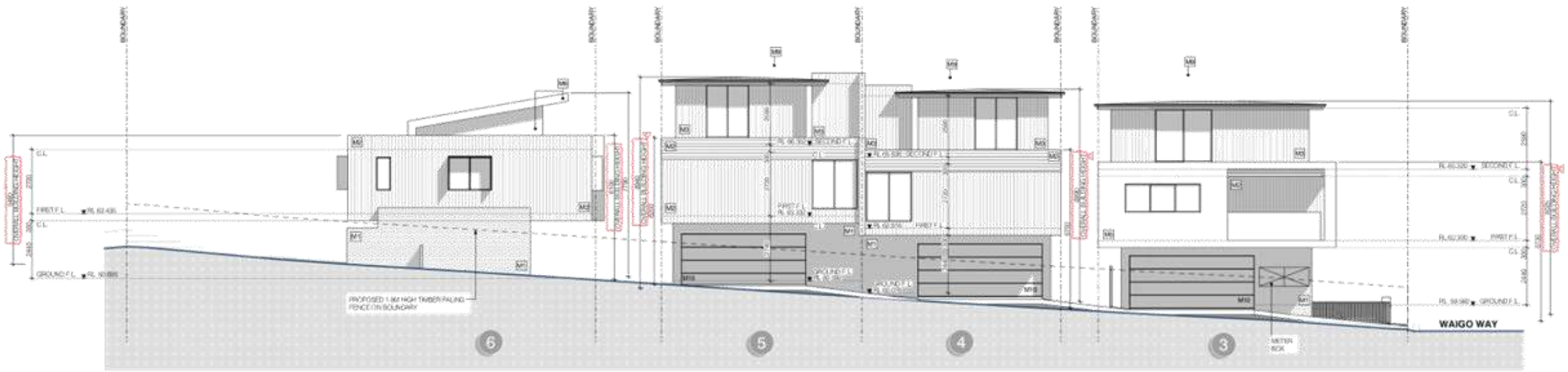
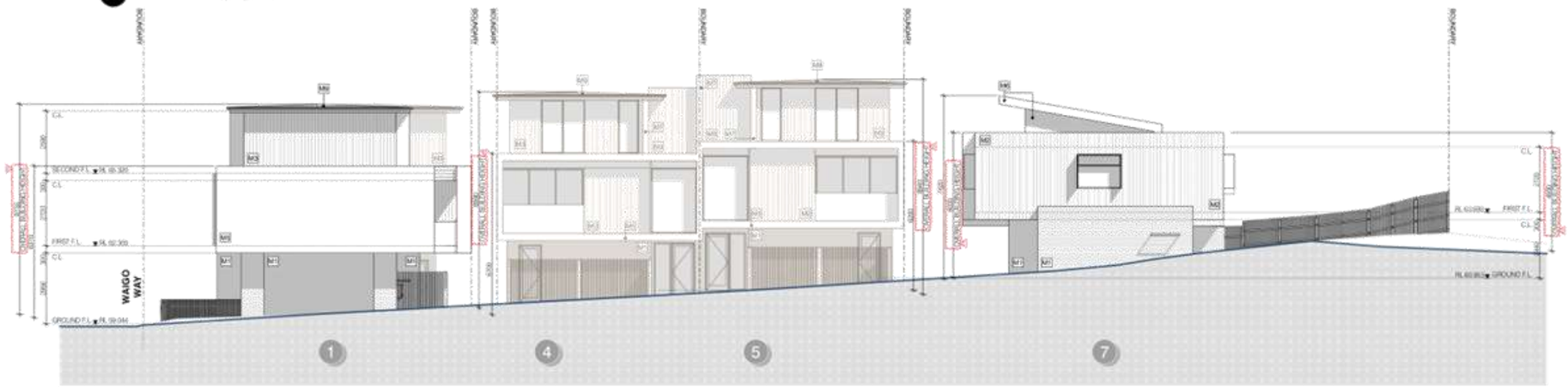


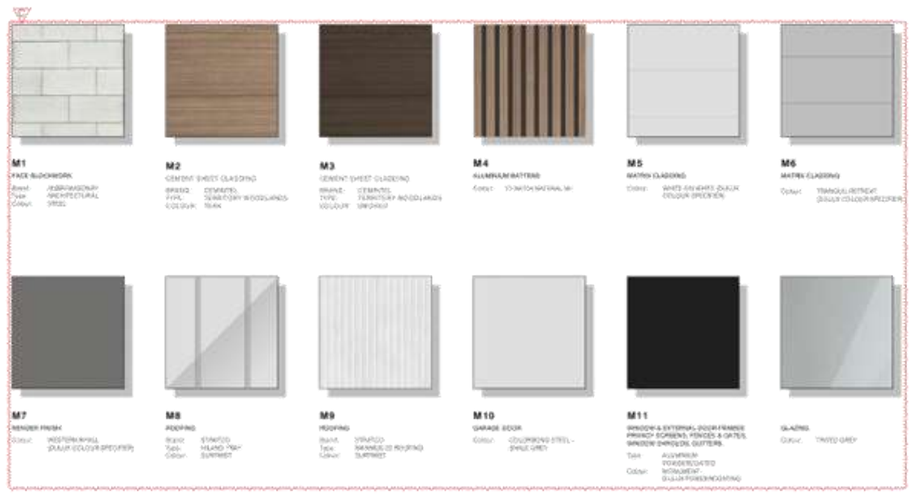
EAST ELEVATION
SCALE @ A1 - 1:100



WEST ELEVATION
SCALE @ A1 - 1:100



NORTH ELEVATION
SCALE @ A1 - 1:100



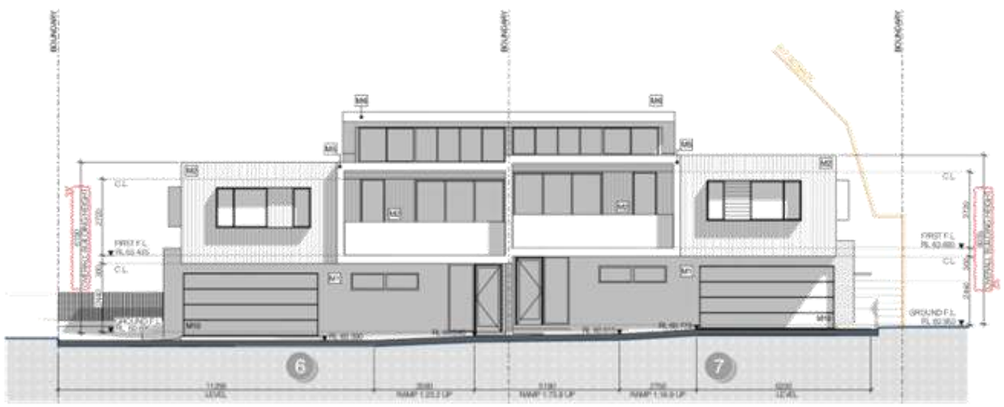
CORNETTA PARTNERS ARCHITECTS
163 WESTON STREET BRUNSWICK EAST 3057

Revision		
A 07.12.2020	TOWN PLANNING APPLICATION SUBMISSION	
C 06.10.2021	RESPONSE TO COUNCIL FEEDBACK	
C 26.10.2021	PITCH ROOFS ADJUSTED TO 3°	

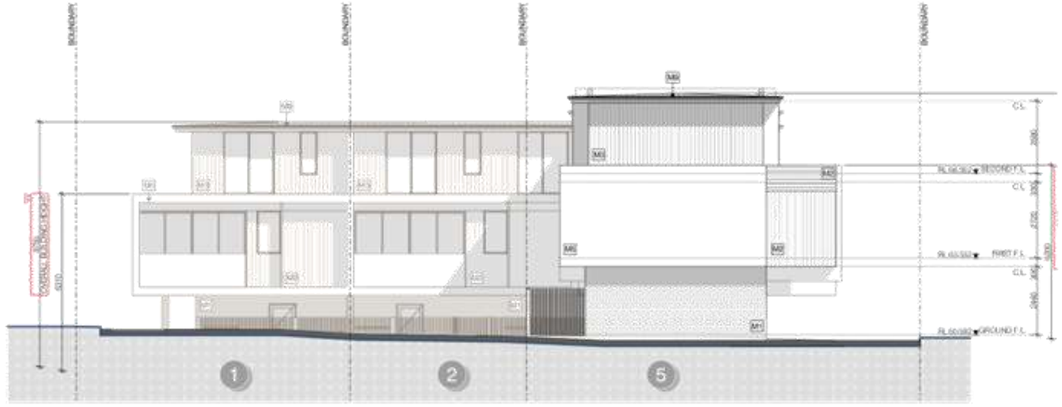
Project: PROPOSED MULTI-UNIT DEVELOPMENT
30 WAIGO WAY
DIAMOND CREEK

Drawing Title: ELEVATIONS
Scale: 1:100 @ A1
Date: 26.10.2021

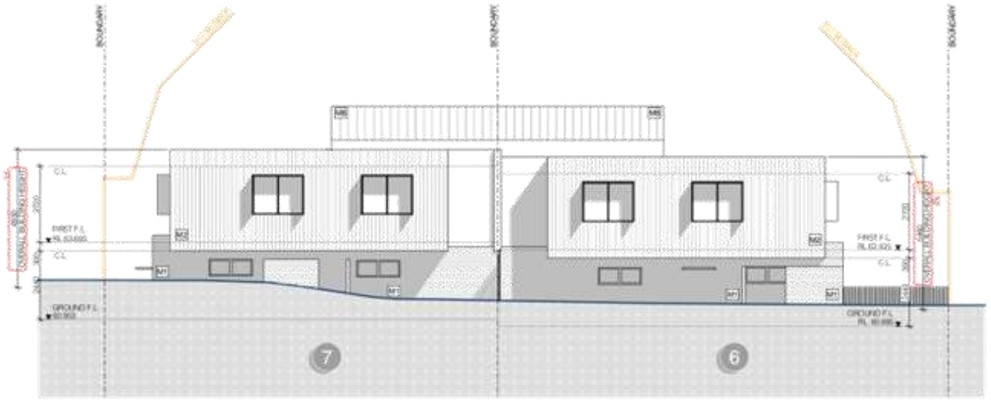
TOWN PLANNING APPLICATION
Drawn:
Job No: 20-11
Drawing No: TPA09
Revision: C



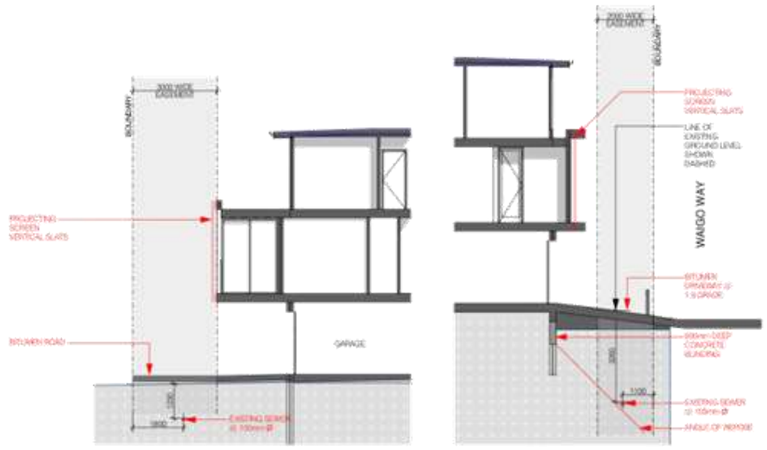
N1 INTERNAL NORTH ELEVATION
SCALE @ A1 - 1:100



S1 INTERNAL SOUTH ELEVATION
SCALE @ A1 - 1:100



S2 SOUTH ELEVATION
SCALE @ A1 - 1:100



S1 SECTION 1
SCALE @ A1 - 1:100

S3 SECTION 3
SCALE @ A1 - 1:100



S2 SECTION 2 - THROUGH EASEMENT
SCALE @ A1 - 1:100

Nillumbik
The Green Wedge Shire
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Application No: 818/2020/03P
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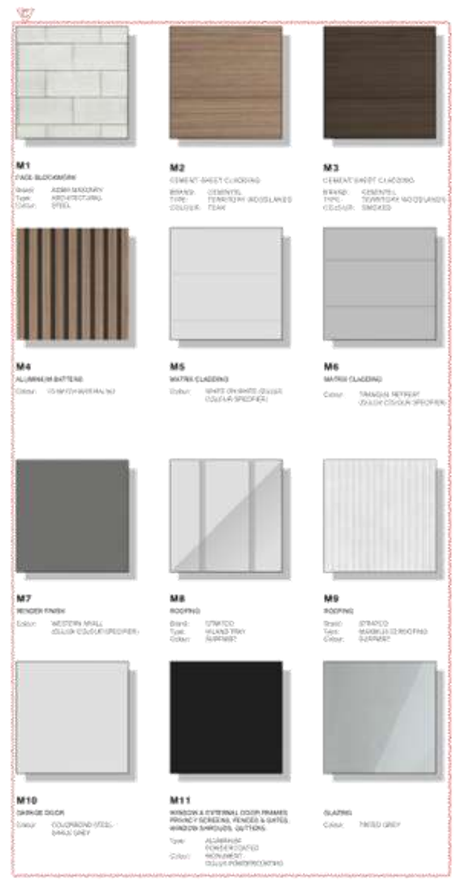
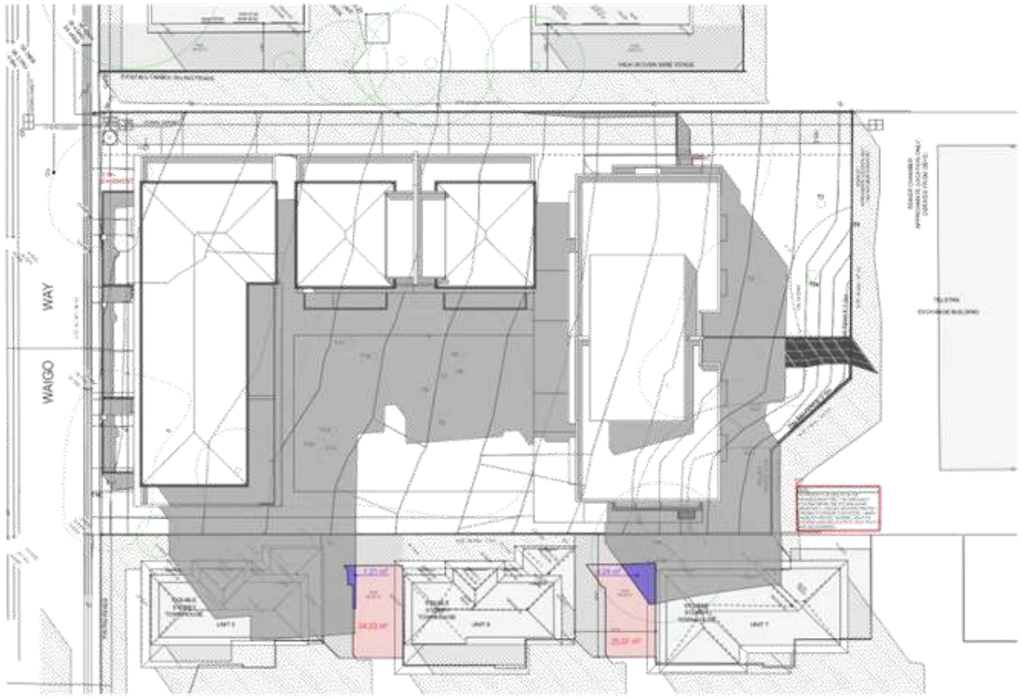


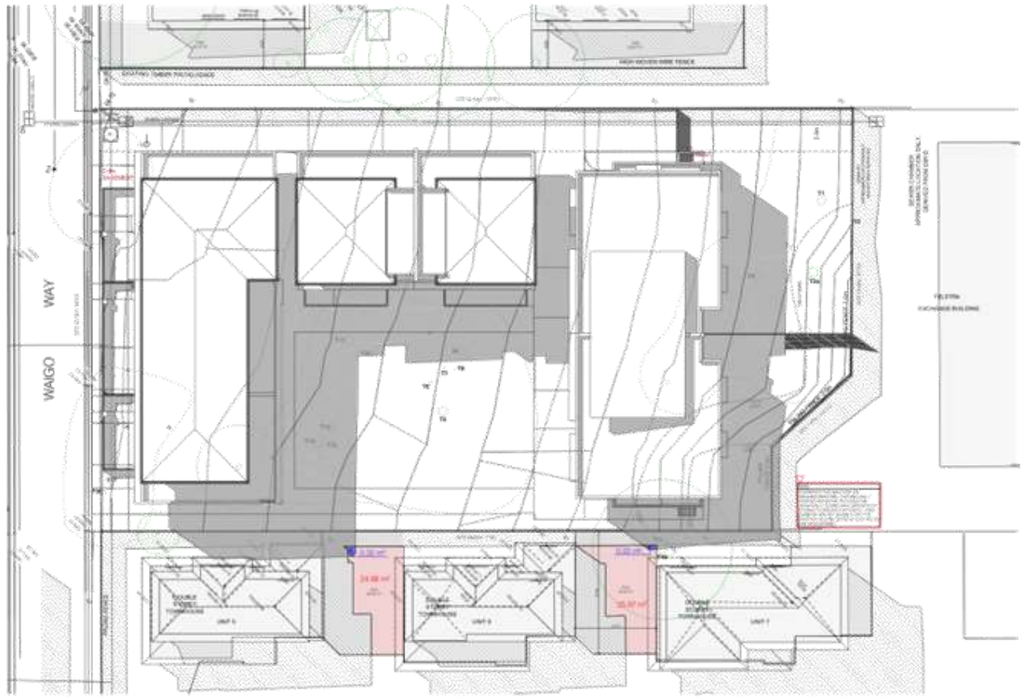
CORNETTA PARTNERS ARCHITECTS
193 WESTON STREET BRUNSWICK EAST 3057

Revision	
A 07.12.2020	TOWN PLANNING APPLICATION SUBMISSION
C 06.10.2021	RESPONSE TO COUNCIL FEEDBACK
C 26.10.2021	PITCH ROOFS ADJUSTED TO 3°

Project	PROPOSED MULTI-UNIT DEVELOPMENT 30 WAIGO WAY DIAMOND CREEK
Drawing Title	ELEVATIONS & SECTIONS
Scale	1:100 @ A1
Date	26.10.2021
	TOWN PLANNING APPLICATION
Drawn	
Job No	20-11
Drawing No	TPA10
Revision	C



9AM SHADOW EQUINOX 9AM SEPT 22
SCALE @ A1 - 1:200



10AM SHADOW EQUINOX 10AM SEPT 22
SCALE @ A1 - 1:200

Nillumbik
Yarra Ranges Shire
ADVERTISED PLAN

Application No: 818/2020/03P

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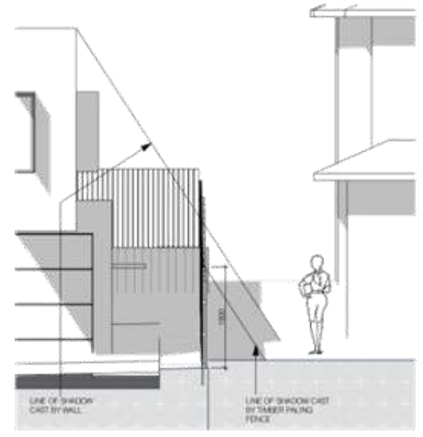

S4 10AM OVERSHADOWING DIAGRAM
SCALE @ A1 - 1:50

NOTES

EXTENT OF CURRENT SUN ACCESS TO POS
EXTENT OF PROPOSED SHADOWS CAST ON POS
EXTENT OF SHADOWS CAST BY PROPOSED DEVELOPMENT
EXTENT OF SHADOWS CAST BY EXISTING FENCE, EXISTING BUILDINGS AND EXISTING OUTBUILDINGS

OVERALL SHADED AREA - 31 HALEY ST

9AM	UNIT	TOTAL SPOS	CURRENT SUNLIGHT AREA	ADDITIONAL OVERSHADOWING	PROPOSED SUNLIGHT AREA
	6	50.59m²	24.23m² (47.9%)	1.21m²	23.02m² (45.58%)
	7	50.04m²	25.37m² (50.9%)	4.24m²	20.83m² (41.62%)
10AM	UNIT	TOTAL SPOS	CURRENT SUNLIGHT AREA	ADDITIONAL OVERSHADOWING	PROPOSED SUNLIGHT AREA
	6	50.59m²	24.66m² (48.8%)	0.22m²	24.44m² (48.19%)
	7	50.04m²	25.81m² (51.6%)	0.22m²	25.75m² (51.45%)

CORNETTA PARTNERS ARCHITECTS
163 WESTON STREET BRUNSWICK EAST 3057
T (03) 9483 1289
E info@cparchitects.com.au
W cparchitects.com.au

Revision
A 07.12.2020 TOWN PLANNING APPLICATION SUBMISSION
B 26.10.2021 RESPONSE TO COUNCIL FEEDBACK
C 26.10.2021 PITCH ROOFS ADJUSTED TO 3°

Project
PROPOSED MULTI-UNIT DEVELOPMENT
30 WAIGO WAY
DIAMOND CREEK

SHADOW DIAGRAMS
1:200, 1:50 @ A1
Date 26.10.2021

TOWN PLANNING APPLICATION
Drawn
Job No. 20-11
Drawing TPA11
Revision C

Nillumbik
ADVERTISED PLAN
Application No: 818/2020/03P
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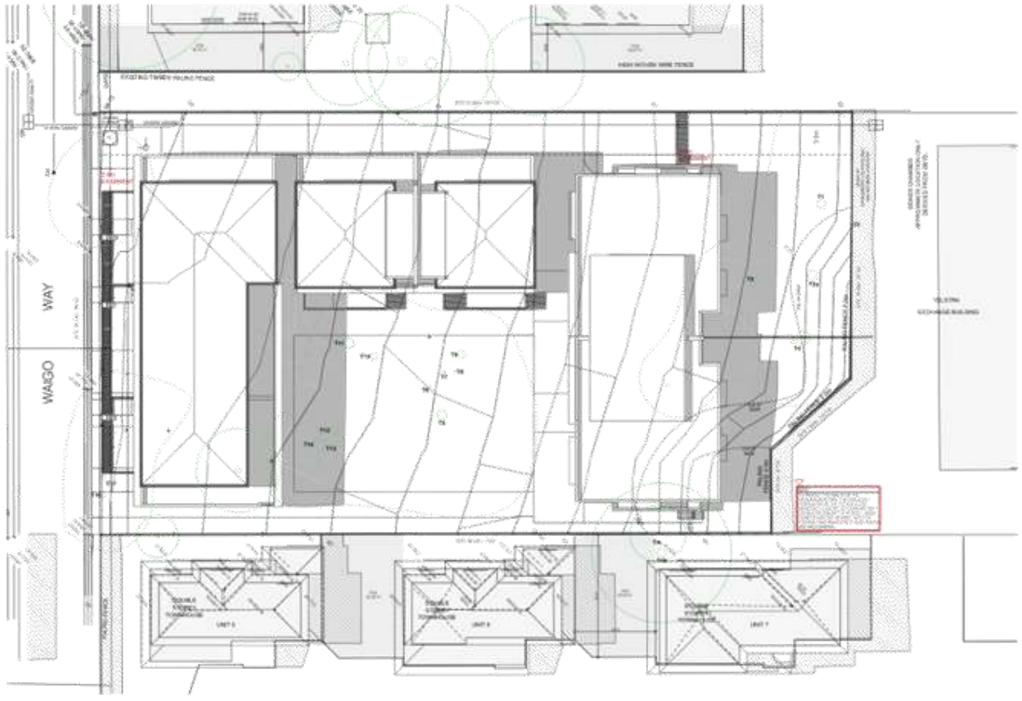
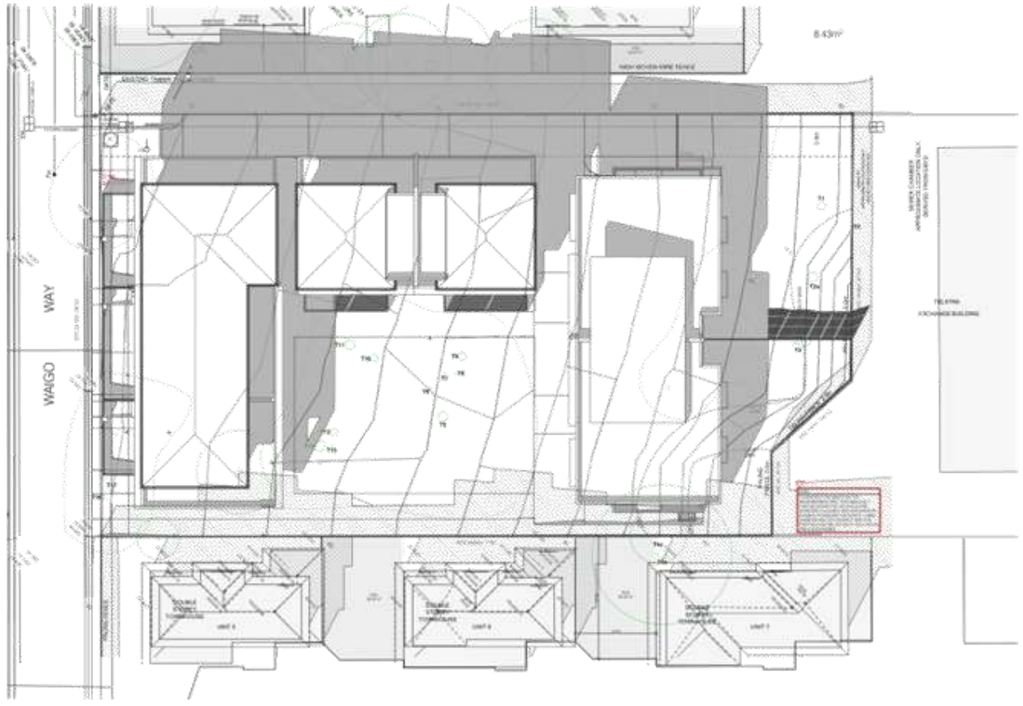


12PM SHADOW EQUINOX 12PM SEPT 22
SCALE @ A1 - 1:200



3PM SHADOW EQUINOX 3PM SEPT 22
SCALE @ A1 - 1:200

CORNETTA PARTNERS ARCHITECTS
193 WESTON STREET BRUNSWICK EAST 3057
Revision
A 07.10.2021 TOWN PLANNING APPLICATION SUBMISSION
C 06.10.2021 RESPONSE TO COUNCIL FEEDBACK
C 26.10.2021 PITCH ROOFS ADJUSTED TO 3°

Project: PROPOSED MULTI-UNIT DEVELOPMENT
30 WAIGO WAY
DIAMOND CREEK

Drawing Title: SHADOW DIAGRAMS
Scale: 1:200 @ A1
Date: 26.10.2021

TOWN PLANNING APPLICATION
Drawn
Job No: 20-11
Drawing No: TPA12
Revision: C

PCC.011/22 **Buildings and works associated with the construction of five triple storey and two double storey dwellings at 30 Waigo Way, Diamond Creek**

Attachment 4. **Precinct 4 plan**

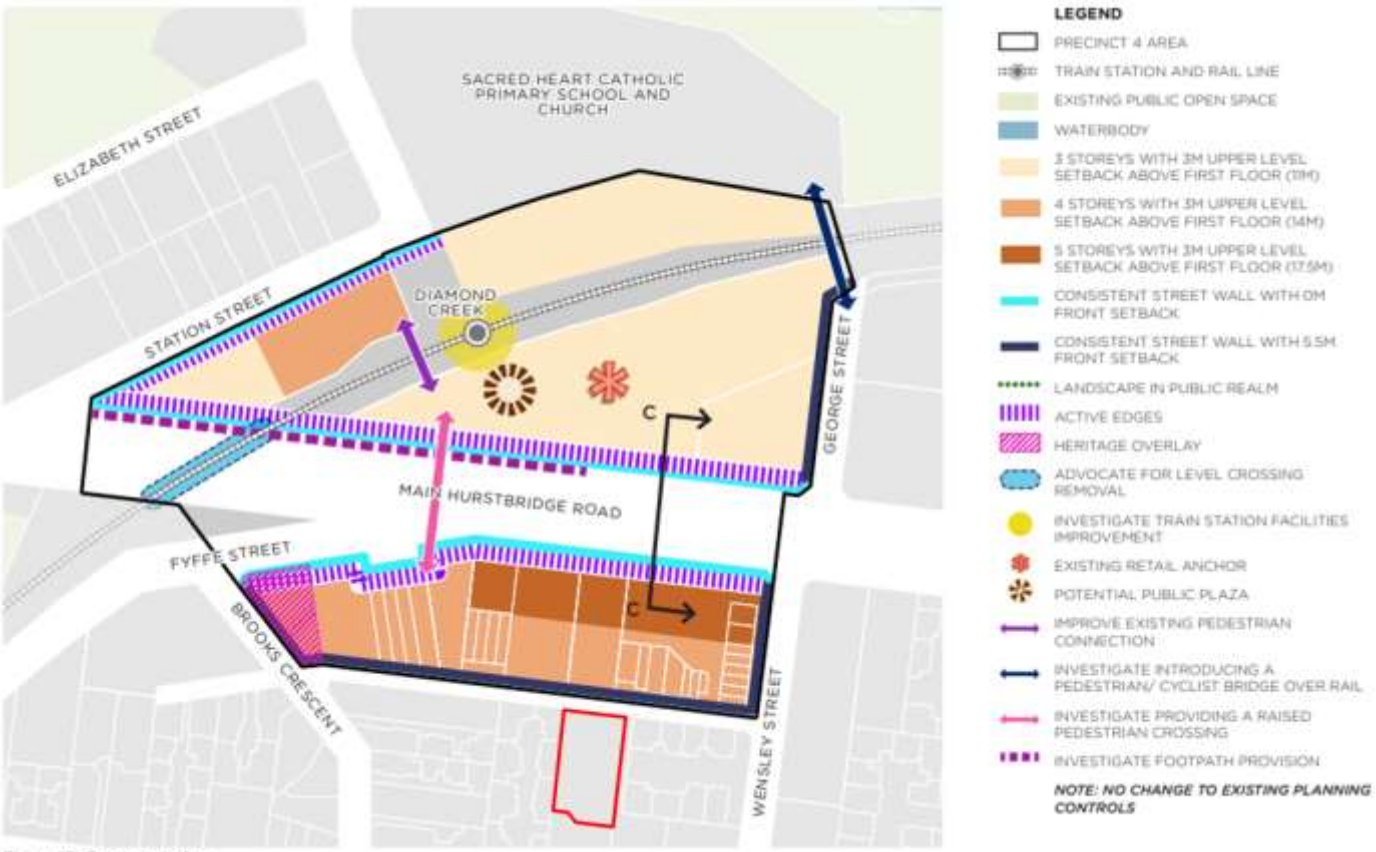


Figure 17. Precinct 4 plan

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50 Oatland Road, Plenty Statement of Significance

Heritage Place:	50 Oatland Road, Plenty	**PS ref no:**	HO 271



What is significant?

50 Oatland Road, Plenty, built c1928, is significant.
Elements that contribute to the significance of the place include:

- setback from Oatland Road;
- asymmetric built form with a projecting front room and return verandah;
- weatherboard-clad walls;
- corrugated iron Dutch gable roof that extends down at a lower pitch over the return verandah;
- exposed rafter ends;
- red brick chimney;
- projecting front gable;
- decorative gable end detail, including timber lattice work and small timber brackets;
- corrugated iron clad timber window hood with scalloped trim supported by brackets;
- original pattern of fenestrations on the west, south and north elevations;
- timber double-hung sash windows;
- glazed door under the verandah on the west elevation;
- half-glazed front door set in a moulded timber door frame with sidelights;
- original or early timber flywire screen doors;
- timber garage with pitched roof south of the house;
- extant corrugated iron clad agricultural shed to the rear.

The mature tree in front of the house is not significant in its own right but contributes to the setting of the place.
Other more recent outbuildings are not significant.

How is it significant?

50 Oatland Road, Plenty, is of local historical and representative significance to the Shire of Nillumbik.

Why is it significant?

50 Oatland Road, Plenty, is historically significant for its association with the development of Plenty in the interwar years. As an intact timber bungalow built for William Charles and Priscilla Mary Lierse in c1928, originally on a 30 acre lot, it provides tangible evidence of the interwar subdivision pattern in which large rural landholdings in the Plenty area where 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 1920s, the town centre included a Primary School (HO213), Methodist Church (HO250), Store and Hall (HO248). The Lierse family were early residents in the Diamond Creek and Plenty area involved in a variety of agricultural and other pursuits. They were heavily involved in the development of community life in Plenty from the mid-1920s (Criterion A).

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. This was the case for William Charles Lierse, who was an orchardist and sanitary contractor prior to establishing a poultry farm on the property by 1943. 50 Oatland Road provides important tangible evidence of these early agricultural activities in the area. The significance of the place is enhanced by its rural setting, which maintains it street frontage and setback to Oatland Road (Criterion A).

The house at 50 Oatland Road, 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 Dutch gable roof, and an extensive wrap-around verandah under the sweep of the main roof line. The extant c1920s garage, poultry shed, and open setting evidence the use of the site as a poultry farm complex (Criterion D).

Primary source

Nillumbik Shire Stage B Heritage Review/ Citation for 50 Oatland Road, 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*

Planning and Environment Act 1987

NILLUMBIK PLANNING SCHEME

AMENDMENT C142

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 50 Oatland Road, 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 (HO271) to part of 50 Oatland Road, Plenty.
- Amends Planning Scheme Map No 008 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 50 Oatland Road, Plenty
- Amends the Schedule to Clause 72.08 (Backgrounds Documents) to include the citation for 50 Oatland Road, Plenty.

Why is the amendment required?

50 Oatland Road, Plenty, is historically significant for its association with the development of Plenty in the interwar years. As an intact timber bungalow built for William Charles and Priscilla Mary Lierse in c1928, originally on a 30 acre lot, it provides tangible evidence of the interwar subdivision pattern in which large rural landholdings in the Plenty area where 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 1920s, the town centre included a Primary School (HO213), Methodist Church (HO250), Store and Hall (HO248). The Lierse family were early residents in the Diamond Creek and Plenty area involved in a variety of agricultural and other pursuits. They were heavily involved in the development of community life in Plenty from the mid-1920s.

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. This was the case for William Charles Lierse, who was an orchardist and sanitary contractor prior to establishing a poultry farm on the property by 1943. 50 Oatland Road provides important tangible evidence of these early agricultural activities in the area. The significance of the place is enhanced by its rural setting, which maintains it street frontage and setback to Oatland Road.

The house at 50 Oatland Road, 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 Dutch gable roof, and an extensive wrap-around verandah under the sweep of the main roof

line. The extant c1920s garage, poultry shed, and open setting evidence the use of the site as a poultry farm complex.

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 C142nill 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 C142.

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-c142

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.

Submissions

You may inspect the amendment, any documents that support the amendment and the explanatory report about the amendment, free of charge, at:

- the Nillumbik Shire Council website at participate.nillumbik.vic.gov.au/amendment-C138; and/or
- during office hours and if Covid 19 restrictions allow, at the office of the planning authority, Nillumbik Shire Council, Civic Drive, Greensborough VIC 3088; and
- at the Department of Environment, Land, Water and Planning website delwp.vic.gov.au/public-inspection.

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 **02 March 2022**.
A submission must be sent to:

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

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.

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: w/c 30/05/2022
- panel hearing: w/c 04/07/2022

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Plenty	50 Oatland Road	Nillumbik C142 001hoMap8 Exhibition

Planning and Environment Act 1987

NILLUMBIK PLANNING SCHEME

AMENDMENT C142nill

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 1 attached map sheet.

Overlay Maps

1. Amend Planning Scheme Map No. 08HO in the manner shown on the attached map marked 'Nillumbik Planning Scheme, Amendment C142nill'.

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 **Operational Provisions** – Clause 72.04, replace Schedule 1 with a new Schedule 1 in the form of the attached document.

4. In **Operational Provisions** – Clause 72.08, replace Schedule 1 with a new Schedule 1 in the form of the attached document.

End of document

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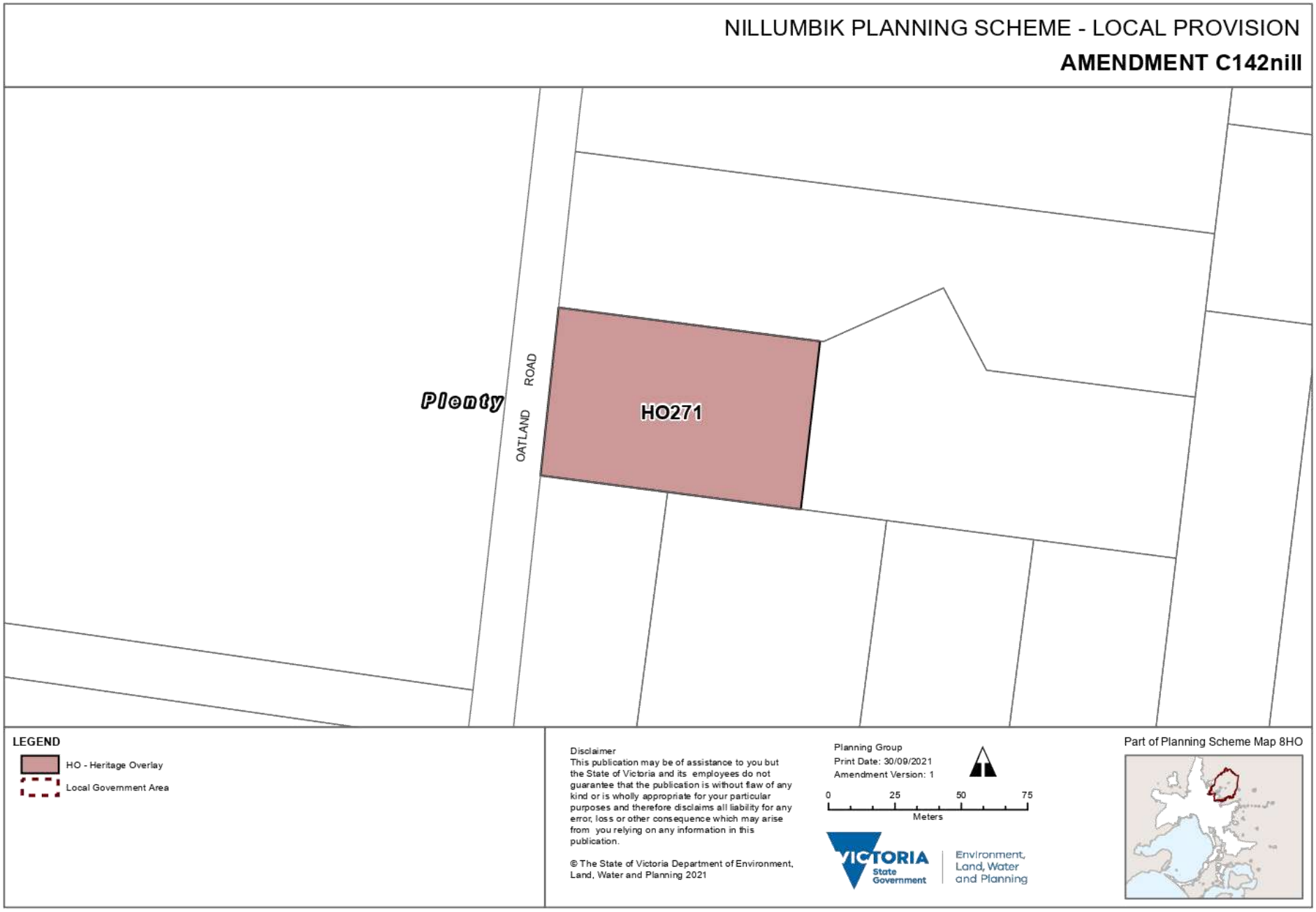
NILLUMBIK PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C142nill
Plenty
OATLAND ROAD
HO271
LEGEND
HO - Heritage Overlay
Local Government Area
Disclaimer
This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.
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Planning Group
Print Date: 30/09/2021
Amendment Version: 1
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Meters
VICTORIA State Government
Environment, Land, Water and Planning
Part of Planning Scheme Map 8HO
001

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PLANNING APPEALS

COUNCIL	:	**NILLUMBIK SHIRE COUNCIL**
COUNCIL REF	:	**PLANNING SCHEME AMENDMENT C142** **PROPOSED HERITAGE OVERLAY – 50 OATLANDS ROAD PLENTY**
OBJECTION	:	**ON BEHALF OF [redacted] AND [redacted]**

1. OVERVIEW

1.1. This objection is prepared and submitted on behalf of [redacted].

1.2. My clients oppose the proposed heritage overlay HO271 for this site.

2. PURCHASE OF 50 OATLAND ROAD

2.1. My clients have owned and lived at [redacted] Plenty for many years.

2.2. In April 2021, they purchased the [redacted] property at 50 Oatland Road, Plenty for the specific purpose of constructing a new purpose-built wheelchair accessible dwelling for [redacted] who requires on ongoing assistance.

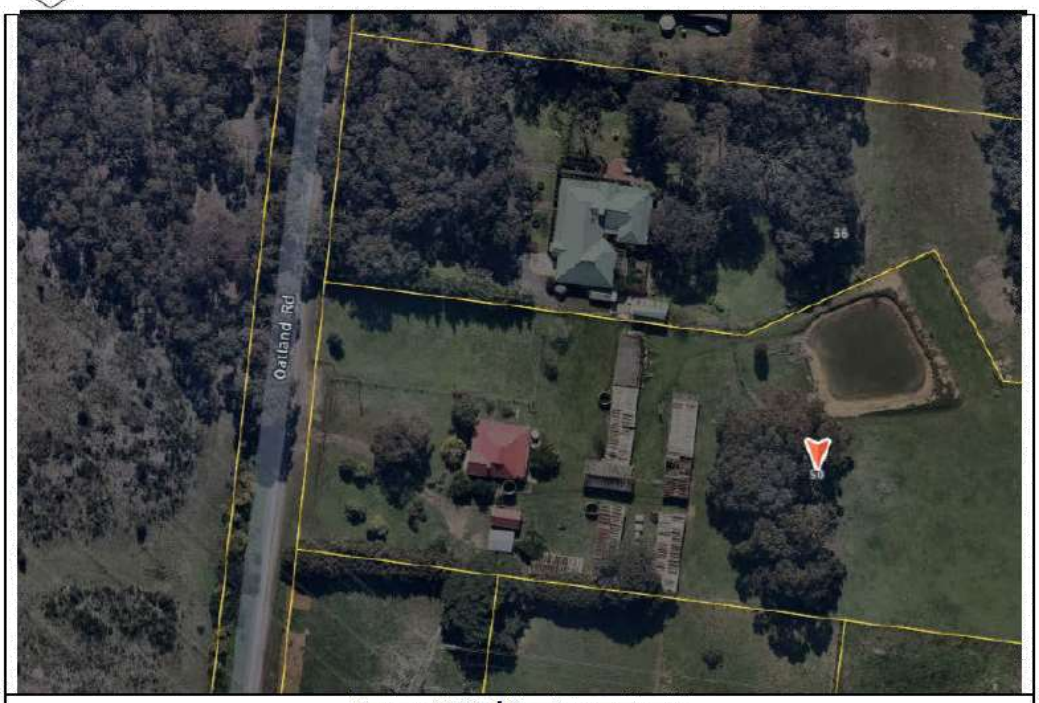
2.3. The proposal is to construct this new dwelling [redacted] to facilitate easy access and support.

2.4. At the time of purchasing 50 Oatland Road, my clients were aware that the previous owner had demolished most of the former farm buildings onsite in about August 2018 and had also stripped the interior of the old house so that it is no longer represents a functional livable dwelling.

2.5. They had a general understanding that any possible restoration would be a very expensive exercise. The near-derelict condition of the old house was accepted, as my client's intention was to demolish the old house and construct the new purpose-built dwelling.

2.6. Council's response opposing my client's demolition permit request in August / September 2021 was the first time they became aware of Council's views in relation to the property.

PLANNING APPEALS



August 2018 / Previous context



September 2021 / Current Context

PLANNING APPEALS

3. LIMITED HERITAGE VALUE

3.1. My clients do not agree that the heritage assessment of the property warrants the proposed heritage overlay HO271.

- Much of the heritage assessment focusses on early settlement patterns and 10-30 acre farming subdivisions for orchards in the 1920-1930s and later poultry farms. That information is documented local history that exists without the need for C142.
- Much of the site-specific information is a compilation of general historical references to the former owners. This now provides a snapshot of the family history for the previous owners that now exists without the need for C142. However, the process of compiling that family history information associated with the previous owners, does not mean that history is inherently significant in a broader sense and does not elevate the property to a status warranting heritage protection.
- The current lot is the result of the 1996 subdivision which left the old house on an irregular shaped 1.6ha lot [4 acres] with 2 new dwellings now built on the remainder of the original lot at 56 and 62 Oatlands Road.
- The current site at 50 Oatlands Road has no remnant orchards and the demolition of the poultry sheds in 2018 by the former owner removed more of the previous site context and history.
- The replacement of the original front fence in 2019 also by the former owner now creates a street presentation quite different to its previous appearance.
- It now means there is very little of the early farming settlement story visible on this site, other than the existence of the old house.
- The statement of significance for C142 notes the house designer and house builder are not known. The house should not be considered as a notable example of its type.
- As detailed below, the actual house is now an unlivable remnant shell. It essentially exists as a façade. It is not a well preserved, intact early farmhouse. It cannot fairly be equated to the examples of properly maintained and occupied dwellings as in the Context assessment.
- The proposal for heritage protection of a disused, unlivable dwelling shell is not warranted and is not an appropriately balanced outcome.

PLANNING APPEALS

4. CONDITION REPORT

4.1. My clients have sought an independent assessment of the condition of the old house, which is submitted with this objection.

4.2. The report confirms the current uninhabitable state of the building as an empty shell. It also highlights major structural deficiencies requiring significant maintenance or replacement work, if the building were to be brought back to habitable condition.

- The floor is poorly supported by stacked bricks and props and requires restumping.
- Both the brick elements and timber wall frame elements having inadequate structural support
- Water damage to framing.
- Even the replaced [2015] colorbond roof has inadequate internal structural support.

4.3. Any restoration proposal would need to first address these structural issues, then move on to the replacement and repair of damaged framing, flooring and weatherboards, before then installing new wiring, new plumbing, new internal walls and ceilings linings and any internal fitout for kitchen and bathrooms.

4.4. The work required would amount to an almost total rebuild. It is exceedingly unlikely that my clients will undertake that exercise, even if a heritage overlay were to be applied. It is simply a prohibitive cost proposition that will not deliver the type of functional wheelchair accessible dwelling they require for [redacted]

4.5. As such, the proposal for heritage protection needs to be considered in this actual context, that the dwelling is an uninhabitable shell.

4.6. It is a false notion to assume the intent or effect of C142 / HO271 would be to secure the restoration of the dwelling to some former state, whether that be the original 1928 condition, the 1940s condition associated with a poultry farm or even 2018 before the original family sold the property and the new owner demolished the poultry sheds.

5. EXTENT OF PROPOSED HERITAGE AREA

5.1. Council's proposed Heritage Area only covers part of the site.

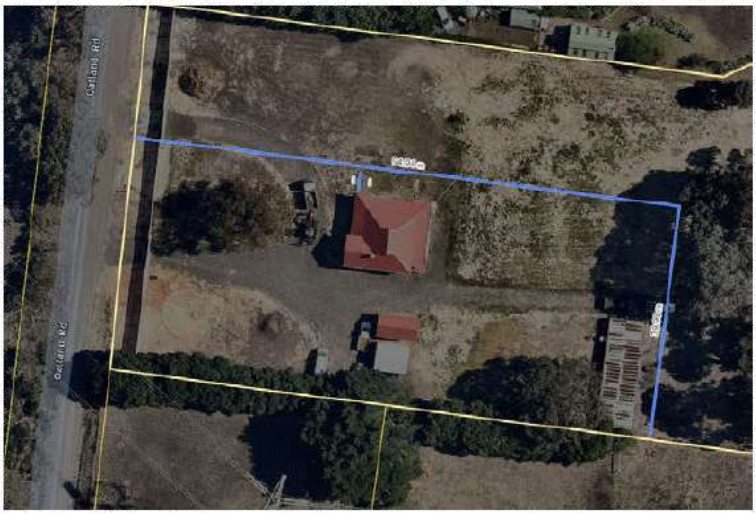
- Desktop assessment indicates the HO271 area would extend approximately 100m into the site to the point where the title boundary deflects around the dam.
- The site is 63.65m wide and as such the HO271 area would cover about 6365m2.
- It appears to have been drawn with some reference to the previous location of the now demolished poultry sheds.

PLANNING APPEALS

5.2. The primary position opposes HO271 in its entirely. However- if HO271 were to proceed - it would be far more appropriate for the HO271 Area to be further refined and limited to cover a smaller area with a more direct focus on the old house and the actual remaining farm buildings:

- The area does not need to cover the full site frontage [63.65m]. It could properly be limited to extend from the south boundary for approximately 40m to provide approximately 3m curtilage to the north of the old house and to extend approximately 95m into the site to include the remnant farm shed.

- Such an approach would still cover and identify the old house with its street setback position and the remaining farm buildings as a suitable recognition of its context, without unnecessarily including what is now vacant land providing little visible contribution to any understanding of the former site history.



6. CONCLUSION

6.1. My clients oppose C142 and proposed Heritage Overlay 271 for 50 Oatlands Road Plenty.

6.2. Heritage protection is not warranted and not properly justified for what is now a remnant shell of a former farm dwelling.

NILLUMBIK PLANNING SCHEME AMENDMENT C142

SUBMISSION OPPOSING PROPOSED HERITAGE OVERLAY AT 50 OATLAND ROAD, PLENTY

APPENDIX

HERITAGE VICTORIA

CERTIFICATE

Pursuant to Section 58 of the *Heritage Act* 2017

Linda De Villiers

CERTIFICATE NO:
51008153

PROPERTY ADDRESS:
50 OATLAND ROAD PLENTY

PARCEL DESCRIPTION:
Lot 3 PS400664S

1. The place or object is not included in the Heritage Register.
2. The place is not in a World Heritage Environs Area.
3. The place or object is not subject to an interim protection order.
4. A nomination has not been made for inclusion of the place or object in the Heritage Register.
5. The place or object is not being considered for inclusion in the Heritage Register.
6. The site is not included in the Heritage Inventory.
7. A repair order is not in force in respect of the place or object.
8. There is not an order of the Supreme Court under Division 3 of Part 10 in force in respect of the place or object.
9. There is not a Governor in Council declaration made under section 227 in force against the owner of the place or object.
10. There is not a court order made under section 229 in force against a person in respect of the place or object.
11. There are no current proceedings for a contravention of this Act in respect of the place or object.
12. There has not been a rectification order issued in respect of the place or object.

Fiona McMahon
Heritage Officer (Registry)
(as delegate for Steven Avery, Executive Director, Heritage Victoria, pursuant to the instrument of delegation)

DATED: 13 July 2021
Note: This Certificate is valid at the date of issue.

Department of Environment, Land, Water & Planning
Victoria

OFFICIAL

MELBOURNE HOUSE PLANS
House plans Engineering Permit Applications
www.MelbourneHousePlans.com

21st December 2021 **REF: OATLAND**

EXISTING DWELLING AT 50 OATLAND ROAD, PLENTY
STRUCTURAL ASSESSMENT

A site visit and inspection was carried out on 21st December 2021.

The existing dwelling is a single storey clad frame structure with Colorbond roof. The internal walls and ceiling have been stripped and the timber stud frame and roof framing are exposed.

The roofing was replaced around six years ago. Much of the rest of the structure is in an aged state and needs significant maintenance or replacing.

It was observed that the floor level is fairly uneven in areas, indicating that re-stumping is required.

A number of significant framing issues were noted that do not comply with current regulations and/or building standards. These include: -

- Few or no noggins in between wall studs
- Undersized lintels over a number of window openings
- Roof struts not adequately supported
- Insufficient wall bracing
- Undersized framing members to front verandah
- Undersized framing members to rear roof
- Single skin brick wall to rear fireplace not adequately braced
- Water-stained framing members indicating water ingress
- Water-damaged verandah beams
- Floor bearers supported by stacked bricks or timber props

There is also no sisalation or waterproof barrier between the weatherboards and the wall studs. It was not clear whether water ingress has affected the external wall studs.

Rectification works to bring the building up to standard are considered far too costly and impractical. Given the number of structural issues, areas of non-compliance and general aged condition of the building it is recommended that the building be demolished.

Regards



Manninder Sekhon

Manninder Sekhon BEng, RBP
Reg No DP-AD15609 PE0003036
T/A Melbourne House Plans
A.B.N. 36 908 702 915

P: 0430 218 006
E: manninder@MelbourneHousePlans.com
W: www.MelbourneHousePlans.com
A: P.O. Box 210, St Andrews, Vic 3761

MELBOURNE HOUSE PLANS
House plans Engineering Permit Applications
www.MelbourneHousePlans.com

STRUCTURAL INSPECTION OF DWELLING

at

50 Oatland Road, Plenty

Prepared by

Manninder Sekhon

February 2022

for [redacted]



1. No noggins



2. No noogins



3. No lintel over window



4. No lintel over window

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5. Roof strut not adequately supported



6. Roof strut not adequately supported



7. Undersize verandah framing



8. Single skin brick wall not braced



9. Water-stained framing



10. Water-damaged verandah beams

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11. Floor bearers supported on bricks



12. Floor bearers supported on props

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NILLUMBIK PLANNING SCHEME AMENDMENT C142

SUBMISSION OPPOSING PROPOSED HERITAGE OVERLAY AT 50 OATLAND ROAD, PLENTY

Attn : Leigh Northwood

Strategic Planning Lead

Nillumbik Shire Council

Email : strategic.planning@nillumbik.vic.gov.au

My name is [redacted]

My address is [redacted]

[redacted] 50 Oatland Road, Plenty [redacted] [redacted] and strenuously oppose the proposed Heritage Overlay. We live [redacted], Plenty with our son [redacted] whom we care for. He is severely disabled following a car accident and needs constant personal, and nursing care. The care needs are heavy, and as we are getting older, we have to consider for his ongoing welfare and need help from the family to continue giving him what he needs.

We have had an interest in securing this property for some time. [redacted], for whom we provided neighbourly care over a long period of time, was emphatic that he wanted us to have it to help in our circumstances. We were finally successful in securing it in May 2021.

Through our close association with [redacted], we knew he had never been told about a possible heritage classification for the property. When Council first appraised it for heritage value in 2016, we were not contacted nor was he. Just to be sure, I did contact the Council directly and was assured that there was no overlay and no action had been commenced in relation to the old house. We have been accused of not doing our due diligence, but that is quite unfair. At no time were we contacted by Council about this before we bought the property.

In the contract when we purchased the property, the Vendor Statement said nothing about any proposed heritage overlay. The Contract was checked by the solicitor, so we believed we were safe to rely on that. More than that, the Heritage Certificate issued before settlement showed that the property was not on the Heritage Register and there were no plans for it to be listed. A copy of the certificate is attached to this submission.

Our plan was for [redacted] to build a house [redacted] so that they could provide the necessary assistance with [redacted] care. The old house is not at all suitable for this and is in the way because we need to have the entries [redacted] to facilitate

NILLUMBIK PLANNING SCHEME AMENDMENT C142

SUBMISSION OPPOSING PROPOSED HERITAGE OVERLAY AT 50 OATLAND ROAD, PLENTY

transferring [redacted] between houses. Our intentions for the care of [redacted] requires the old house to go and we went ahead with the purchase on that basis.
We have borrowed heavily to finance this purchase and will suffer heavy financial loss if the overlay is applied. We plead with Council to compassionately consider for us. We do thank some of the Councillors who have shown great interest in this case, it is much appreciated. Their care and concern has been in marked contrast to some of the totally untrue accusations levelled at us by others.

This has been a very difficult time for us, because at no time before we settled on the property did Council contact us or give any hint as to what was proposed. In fact, the first we knew was when the demolition contractor applied for a Demolition Permit on 25/8/2021. On 13/9/2021 we received a letter from Shire of Nillumbik advising that the property was considered historically significant, and consideration of the demolition application was being 'suspended' to allow time for the Minister for Planning to impose an interim Heritage Overlay to the property. By then it was too late as we had already paid for the property.

We really urge Council to reconsider this Heritage Overlay because imposing it is quite unfair and costly.

I want to point out that the house is derelict and completely useless. The previous owner has stripped it out, and it is quite uninhabitable. It doesn't comply with any current bushfire requirements or building standards, and we have had it assessed by an independent building advisor who has recommended it be demolished. His report is attached to this submission. Suggestions have been made that the façade could be retained and a custom-built extension added, or that the building could become a 'studio' or similar. These suggestions have been considered but are not practical: the building is in the wrong location, and they are simply not financially possible.

It needs to be understood that what Council is trying to call 'heritage' just doesn't exist anymore. The heritage value identified originally in 2016 was referred to as a 'farm complex'. Many of the farm buildings, particularly the chook sheds, the front fence and farm machinery that were there in 2016 have all been removed and it is now only the derelict house, shed and garage remaining. The house when taken by itself without the usual farm buildings, has nowhere near the same heritage significance. We would ask Council to recognise that what is there now doesn't justify being kept.

We noted that the proposed area on the Overlay Plan still goes from boundary to boundary even though a number of the buildings near our house are no longer there. If an overlay was to be imposed, can we please ask Council to limit its size to the area of the remaining buildings rather than covering large areas to which no heritage value attaches.

This building is on our private property and is not available to be enjoyed by the general public. Even the view from the road is very limited, with the building set back from the road and obscured by the

NILLUMBIK PLANNING SCHEME AMENDMENT C142

SUBMISSION OPPOSING PROPOSED HERITAGE OVERLAY AT 50 OATLAND ROAD, PLENTY

front fence. It doesn't make sense to say the building needs to be kept for the benefit of the community when in fact, the community cannot, and never will, benefit from it.

The citation includes a lot of history about the property and the people connected with it. While this may be important to some in the local area, it doesn't depend on the house being there to retain that history on record and available for all to enjoy. The fact that the house is not listed on the Historical Register shows that it is not sufficiently special to justify keeping given its derelict state and the unfair burden it places on us as the owners.

We respectfully ask Council to consider this again and not proceed with the Overlay on this property.



Signature

2/3/2022

Date

NILLUMBIK PLANNING SCHEME AMENDMENT C142

SUBMISSION OPPOSING PROPOSED HERITAGE OVERLAY AT 50 OATLAND ROAD, PLENTY

Attn : Leigh Northwood

Strategic Planning Lead

Nillumbik Shire Council

Email : strategic.planning@nillumbik.vic.gov.au

My name is [redacted]

My address is [redacted]

This submission reflects my concerns about to the proposed Heritage Overlay that Council is seeking to apply to the property at 50 Oatland Road, Plenty. While not an immediate neighbour to this address, I am a resident of Nillumbik and am personally acquainted with the owners of the affected property and believe it is necessary, and entirely appropriate, to voice the concerns that are deeply held within the community. They come under two main headings:

1. The manner in which Council has managed this matter; and
2. The insufficient heritage value to support the proposal.

Council Actions

As interested in the welfare of the owners, I have followed this matter from the beginning including attending Council meetings as relevant. While I acknowledge the genuine compassion that has been shown on the part of some Councillors and indeed Council officers, the process has resulted in an unacceptable injustice which I respectfully submit Council needs to acknowledge and address.

[redacted], owners of the affected property, also [redacted] Oatland Road, Plenty [redacted], and reside there with their son [redacted] who is profoundly disabled following a car accident as a child. The property at 50 Oatland Road, Plenty was purchased by them on 3 May 2021 with settlement occurring on 6 August 2021. The intention was for their [redacted] to build a 'disabled friendly' house [redacted] so that they can provide necessary assistance with [redacted] care. The old house in the site is quite unsuited to this purpose and needs to be demolished to allow this to proceed and the property was purchased on that basis.

A number of issues have arisen with the process and therefore the outcome in this matter:

1. There was no hint of a possible heritage issue disclosed on the Vendor Statement when the property was purchased in May 2021. The owners had no cause to suspect that Council action

was imminent. As neighbours, they knew the owner of the property in 2016, and believe that he was never contacted by Council to advise that it had been appraised for heritage value. Furthermore, because it was an old house, they made their own enquiries directly with Council and were assured there was no overlay on the property and no decision to pursue a PS Amendment had been made. The owners have been incorrectly accused of 'not doing due diligence' but this is not true and such an accusation is reprehensible. The owners are not property experts and were entitled to rely on the Vendor Statement as checked by their solicitor, and I submit that that is the legislative purpose of a Vendor Statement. It is disingenuous to try and reflect blame back onto the owners when clearly both the statutory document and the system have failed them.

2. Furthermore, the property is not listed in the Heritage Register and a Certificate pursuant to Section 58 of the *Heritage Act 2017* dated 13 July 2021 (prior to settlement) confirmed that fact. (See Appendix.) Amongst other things, the Certificate confirms at point 3.: ***"The place or object is not subject to an interim protection order."*** And at point 4.: ***"A nomination has not been made for inclusion of the place or object in the Heritage Register."*** And again, at point 5.: ***"The place or object is not being considered for inclusion in the Heritage Register."*** While the Heritage Register is now understood to relate to a different Government jurisdiction, it is only fair to recognise that an ordinary citizen is likely to take this as the ultimate source of truth.
3. Council was aware, or ought to have been aware, that the property was for sale. They made no attempt to contact the then owner, the neighbours or any prospective purchaser to advise that they were contemplating actions that would seriously affect the value and usability of the property. In the absence of any evidence to the contrary it would seem in fact that there was no imminent proposal to proceed with an Heritage Overlay at the time of purchase.
4. The first the owners knew that action was being taken was when the demolition contractor applied for a Demolition Permit on 25 August 2021. This was long after the contract was signed and subsequent to settlement. No attempt was made by Council to contact them during that period. It was not until it was too late on 13 September 2021 that they received a letter from Shire of Nillumbik advising that the property was considered historically significant, and consideration of the demolition application was being 'suspended' to allow time for the Minister for Planning to impose an interim Heritage Overlay to the property. Clearly this is a systemic failure that has seriously disadvantaged the owners.
5. An overarching view reportedly promulgated by at least one Councillor is to the effect that individual loss does not outweigh collective gain in heritage matters. This is completely refuted as being socialist in flavour and not representative of the democratic and caring society we expect in Nillumbik. I submit that individual cost needs to be weighed and balanced against community net benefit, and that when the balance of community benefit is compelling, that the community needs to share that cost fairly. The community benefit in this case is obviously negligible, there is certainly no compelling case here. But even if there was, Council has given no consideration to the cost involved, and the fairness of who should bear

it. This is privately owned land purchased by persons for normal, legitimate purposes and who deserve to have the same rights to use their property in accordance with the law as any other citizen has.

6. While a number of Councillors recognised the compassionate aspects of this matter (they are respected and thanked for it,) the owners were also subjected to completely false and scurrilous allegations against them and their support community. It is especially shameful when a person in public office acts in this manner without one shred of fact supporting the abuse. The owners were completely blindsided on the purchase, have heavy financial commitments and now face significant loss of value. They merit special compassionate consideration, and the abusive conduct should be denounced.

Taking all these matters into account, Council should withdraw the proposed amendments on natural justice grounds. Furthermore, it is submitted that Council has not sufficiently made out an heritage case that would outweigh the potential injustice in this matter.

Heritage Merits

This submission is not based on unilateral opposition to heritage classification in principle. It is understood and accepted that there are sections of the community who value the maintenance of old structures and are deeply interested in retaining all types of artifacts of an historical nature. That is not denied or disrespected. However, it is also true to say that there are sections of the community who do not support the retention of *everything* old, just because it is old. There are many people who are also entitled to be listened to and respected who are pro-development and somewhat frustrated where their free choice and the enjoyment of personal rights are infringed by the views of a small minority.

It is submitted therefore that a clear assessment of a property needs to be made *on its merits*, and in this matter, the case has not been made out.

To illustrate the central tenet of this submission, Council's attention is drawn to the contrasts of this case with that of Ellis Cottage in Nillumbik Square in Diamond Creek. (I am familiar with this property as it is immediately adjacent to my house.) Ellis Cottage has clear heritage value and most of the community would agree it represents an appropriate use of an Heritage Overlay. It has the following features:

1. It is situated on public land and can be enjoyed by any member of the community.
2. It is in good order and is actively maintained.
3. It has a credible current use that is compatible with its heritage status.
4. It has a uniqueness that is of historical interest.

NILLUMBIK PLANNING SCHEME AMENDMENT C142

SUBMISSION OPPOSING PROPOSED HERITAGE OVERLAY AT 50 OATLAND ROAD, PLENTY

It is submitted that an Heritage Overlay should not be applied unless at least three of the above criteria apply.

In contrast to the example cited above, 50 Oatland Road, Plenty has the following features:

1. This building is on private land and is not available to be enjoyed by the general public. Even visually, the view from the public domain is very limited, with the building set back from the road and obscured by the front fence. It is nonsensical to maintain something notionally for the benefit of the community when in fact, the community cannot, and never will, benefit from it.
2. The existing house has been completely stripped internally by the previous owner and is uninhabitable. The house is structurally compromised and would need to be rebuilt to comply with current structural and bush fire requirements. The owners have provided Council with an independent expert's assessment confirming this. A requirement to bring the building up to safe standards cannot be imposed on the owners and is beyond their financial resources to do so anyway. In any event rebuilding destroys the originality of the structure, and it merely becomes a replica. It is to be noted the roof is not original so the originality of the structure is already significantly compromised.
3. In its current state, the building has no useful function. It is of no use to the present owners who cannot afford to rebuild it and is of no use to any member of the community. Suggestions have been made that the façade could be retained and custom-built additions made, or that the building could be styled a 'studio' or similar. The owners have no need for such a use. These suggestions have been considered but are not practical: the building is in the wrong location, and they are simply not financially viable.
4. The heritage value identified originally in 2016 included the character of the site as a 'farm complex'. That character no longer exists in the form identified in 2016. Quite a few of the farm buildings, particularly the chook sheds, the front fence and farm machinery of the era have all been removed since the original citation, and it is now only the house, shed and garage remaining. Since a 'relatively intact farm complex' is clearly no longer true, the focus of the citation now concentrates on the house as a reason for continuing to claim heritage value. It is submitted that the house when viewed in isolation, has nowhere near the significance attributed to the site in the original assessment. It seems that given the loss of much of the deemed heritage value that this is a desperate attempt to continue to justify something that no longer exists.
5. The research into the property has documented some of the history of the area and original occupiers connected to the site. This is not lost and is not dependant on the retention of the house. There is no reason why the history of the area cannot be retained to perpetuity without requiring the retention of the house, which is neither unique nor rare. While an artifact without a story has limited merit, it is quite illogical to think conversely that a story is lost without an artifact.

NILLUMBIK PLANNING SCHEME AMENDMENT C142

SUBMISSION OPPOSING PROPOSED HERITAGE OVERLAY AT 50 OATLAND ROAD, PLENTY

6. This property has not been included on the Heritage Register, nor are there any proposals to do so. A Certificate pursuant to Section 58 of the *Heritage Act 2017* dated 13 July 2021 is shown as an appendix as confirmation. While it is understood that the framework of Council process does not fall under the *Heritage Act 2017,* it is submitted that whether or not a building is included on the register *must* be given significant weight when evaluating the heritage merits of a proposal. Council's determination in this case to proceed with the Amendment derives no credibility from the Heritage Register.

Summary

The process in this matter has been quite unfair and the imposition of an Heritage Overlay will result in hardship and injustice. When the doubtful current historical value of the site and its inability to benefit the community in its present location is weighed against this, Council is urged to withdraw PS Amendment C142nill.

It is submitted that if Council is indeed serious about the heritage value of this building, and the story of the area, that the following alternative actions could be considered:

1. The building could be transported to a site of Council's choice so as to be available and of interest to the public. The owners could well consider donating the full value of the demolition cost to this purpose. Recent precedent for this is the heritage building relocation required by the Yan Yean Road widening.
2. An historical plaque, accessible and visible to the public, could be erected at the front of the property incorporating a QR link to historical photographs and the history of the property. The owners could well be prepared to enter into an s173 Agreement making them responsible for the installation and maintenance of the plaque.

[redacted] Signature

1 March 2022 Date

From: [redacted]
To: Strategic Planning
Cc: richard.wynne@parliament.vic.gov.au
Subject: Amendment C142
Date: Wednesday, 23 February 2022 1:05:01 PM

Attention Leigh Northwood.

In accordance to the information received regarding the preparation of Amendment C142 for 50 Oatland Road Plenty.
My views and objection regarding a Heritage overlay on the said property
Are as follows

1. There was no such law or intention regarding the implementation of a Heritage overlay on the said property at the time the land was purchased by the current owners. The ad-hoc decision by the Council to do so, begs the question about the how can a law, caveat, envelope etc., etc can be applied at a whim. The 'Heritage' building you refer to, is far from an 'Intact' example of a timber Bangalore. In fact the building is derelict shed. The entire building is an eyesore and will lower the value of the properties in Plenty if it remains standing in the state it is.
2. I believe the current owners paid a hefty sum for said land as there was no information regarding FUTURE plans for Heritage overlays. Does this mean, the Council can, at will, create ad-hoc decisions on any existing property in Plenty.
I believe the Council approved the Plenty School to be demolished, to make way for a brand new estate. The School building, in particular, should have remained as a Heritage site, as this was more applicable for your "Heritage" history.
3. I urge you to listen to the people of Plentys' concerns regarding the devaluation of their properties by claiming derelict buildings are of some value in the history of Plenty. In this instance, it is not a building worth preserving.

Regards
[redacted]

Attn : Leigh Northwood

Strategic Planning Lead

Nillumbik Shire Council

Email : strategic.planning@nillumbik.vic.gov.au

My name is [redacted]

My address is [redacted]

I oppose Nillumbik Planning Scheme Amendment C142 that proposes to put a heritage overlay on 50 Oatland Road, Plenty.

The property at 50 Plenty Road was recently sold to the [redacted]family. Before it was sold, the old house was already in very poor condition and essentially unliveable. Most of the old farm sheds had also already been demolished.

It does not make sense to choose this property for a heritage overlay. It also seems very unfair for the [redacted] family to bear the impact of Council's decision.

[redacted] Signature

26th Feb 2022. Date

15th November 2021

Nillumbik Shire
Civic Drive
GREENSBOROUGH 3088

Governance@nillumbik.vic.gov.au; blaga.naumoski@nillumbik.vic.gov.au;

Written Submission to Planning Matter PCC029/21
Amendment C142 The Application for Heritage Overlay Pending at
50 OATLAND ROAD, PLENTY 3090

Good Afternoon Councillors, Ladies and Gentlemen,

My name is [redacted] and I have lived in Plenty for nearly 30 years where I continued my real estate career in Plenty and the surrounding areas. I am now semi-retired but continue to take a keen interest in real estate in Plenty and the community of which I helped build all those years ago.

I first met [redacted] 12 years ago when they were looking for an appropriate home in Plenty to meet the requirements for their son [redacted] who has very special needs. He is 97% incapacitated and can only move his head and eyes on command due to a devastating car accident 40 years ago, and they have looked after [redacted] all that time. They purchased the property at [redacted], Plenty 12 years ago.

6 months ago they purchased the land [redacted] at 50 Oatland Road so their other son [redacted] could build a house in order to help with the care of [redacted]. They paid a premium price for the land which had an old dilapidated house and shed. The house is totally uninhabitable and has no authentic features whatsoever. The house has no walls and a fibro filled in back verandah enclosing the kitchen, bathroom and toilet. It is my understanding that the [redacted] enquired with Metricon Homes with a view of discussing a plan for a house. The [redacted] engaged a demolition company to demolish the house but when that company applied to Council for a permit, Council refused as they said there was a Heritage overlay pending on the house which was the first time the [redacted] had heard such a thing.

After doing their due diligence, thoroughly checking the Vendor Statement and Section 32, there was absolutely no mention of a Heritage Overlay pending in this document when there legally should have been, especially in the Planning Certificate which Council would have prepared for the solicitor who prepares the Vendor Statement.

If the [redacted] had known about this Overlay, they would never have bought this property in the first place. Apparently the pending Overlay was established merely by a **DRIVE BY** assessment from the road in 2016 and the people or person noted the address as well as other properties on their **DRIVE BY** adventures. No one from

Council has ever inspected the property at 50 Oatland Road.

[redacted] lived at 50 Oatland Road and had lived there for a very long time and he became a very good friend of mine when I first moved to Plenty. He enjoyed the company of [redacted] [redacted] and I know first-hand that they were exceptional neighbours to him. Frequently supplying an evening meal and looking out for his welfare for many years until his passing 2 years ago. Neighbourly attributes rarely seen today unfortunately.

Thanking you

[redacted]

From: [redacted]
To: Strategic Planning
Subject: 50 Oatlands Road, Plenty
Date: Tuesday, 1 March 2022 8:34:57 AM
Attachments: oatlands.rtf

Att: Leigh Northwood

Please find attached our objection to the overlay at 50 Oatlands, Road, Plenty.

Many thanks

[redacted]

Attachment to Nillumbik Council's decision to

oppose the [redacted] Family's application to build a house [redacted] at No. 50

Oatlands Road, Plenty for their disabled son to reside with his brother and

be cared for by all of the family.

As stated on the objection form , this house is in very poor condition and

cannot be renovated to accommodate a disabled person.

I would therefore sincerely request that council give the go ahead for

a suitable dwelling to be constructed to suit all parties concerned.

[redacted]

[redacted]

[redacted]

[redacted]

From: [redacted]
To: Strategic Planning
Subject: Amendment C142
Date: Thursday, 3 February 2022 10:33:27 AM

[redacted]
3 Feb 2022

Nillumbik Shire Council planning authority
Re: Nillumbik Planning Scheme
Amendment No 142
Notice of preparation of an Amendment

Thank you for notifying us that the Nillumbik Shire Council is preparing Amendment C142 to the Nillumbik Planning Scheme which will apply a heritage overlay to part of the site at 50 Oatland Road, Plenty. We share a fence with this property. I have read your letter and I have inspected the amendment and supporting documents on your website. I oppose the amendment.

I appreciate your intention to preserve the history of the Plenty region. I found reading this history interesting. I have several comments:

1. If a Heritage Overlay is required for the house at 50 Oatland Road, as you say, then who is expected to pay for preserving and restoring it? Who is expected to maintain the house and surroundings? You mentioned in the Explanatory Report for exhibition: "**The amendment is not expected to have any adverse** environmental or **economic effects."** How can that be? It costs heavily and someone will be adversely affected economically. I think it is unfair for the cost to be shouldered by one family. Would that be equivalent to the Council stealing from the present Owners? **If it is a Council decision to preserve the house, then it ought to be the Council responsibility to pay for it.** The Council needs to compensate the present Owners for any expense they incur due to the Heritage Overlay. We are looking at over 1.5 million dollars just for 50 Oatland Road. (plus more for the other houses you wish to put such an Overlay on). I know that will mean either our rates will have to increase or interested people will have to do a lot of fundraising.

2. I invite you to inspect the house at **50 Oatland Road**. I think the **house is in very poor condition**. It will take many man hours to restore it to its former glory. The outside weatherboard cladding of the house is rotting. The weatherboards will need replacing then painting. The window frames will need replacing. The plaster on the inside walls and ceilings have all been removed due to asbestos. The house is virtually gutted inside. There is virtually nothing left of the original house except the framework. If, once you have inspected it, you continue to decide to preserve the house then if is only fair that you take the responsibility for any cost involved in renovating and maintaining it.

Thank you for considering my comments. My recommendation is that the Council not proceed with preparing Amendment C142. I oppose the amendment. I value your reply.

[redacted]

Attn : Leigh Northwood

Strategic Planning Lead

Nillumbik Shire Council

Email : strategic.planning@nillumbik.vic.gov.au

Our My name is [redacted]

Our ~~My~~ address is [redacted]

I oppose Nillumbik Planning Scheme Amendment C142 that proposes to put a heritage overlay on 50 Oatland Road, Plenty.

The property at 50 Plenty Road was recently sold to the [redacted] family. Before it was sold, the old house was already in very poor condition and essentially unliveable. Most of the old farm sheds had also already been demolished.

It does not make sense to choose this property for a heritage overlay. It also seems very unfair for the [redacted] family to bear the impact of Council's decision.

Name: [redacted] Signature : [redacted]

26. 2. 2022 Date

Name: [redacted] Signature : [redacted]

Name: Signature

Name: Signature

Name: Signature

Name: Signature

Addit: When the [redacted] family bought the above mentioned property, they were under the understanding that they could do what they needed to make it a suitable dwelling, including to demolish the existing house & rebuild. My personal opinion, is that if council sees the house as a valuable enough "asset" to preserve the area's heritage, then they should also be willing to purchase the property from the Mead family - for the full amount they paid for it - to make it public land. [redacted]

Attn : Leigh Northwood

Strategic Planning Lead

Nillumbik Shire Council

Email : strategic.planning@nillumbik.vic.gov.au

My name is [redacted]

My address is [redacted]

I oppose Nillumbik Planning Scheme Amendment C142 that proposes to put a heritage overlay on 50 Oatland Road, Plenty.

The property at 50 Plenty Road was recently sold to the [redacted] family. Before it was sold, the old house was already in very poor condition and essentially unliveable. Most of the old farm sheds had also already been demolished.

It does not make sense to choose this property for a heritage overlay. It also seems very unfair for the [redacted] family to bear the impact of Council's decision.

[redacted]

Signature

26/02/2022

Date

Attn : Leigh Northwood

Strategic Planning Lead

Nillumbik Shire Council

Email : strategic.planning@nillumbik.vic.gov.au

My name is [redacted]

My address is [redacted]

I oppose Nillumbik Planning Scheme Amendment C142 that proposes to put a heritage overlay on 50 Oatland Road, Plenty.

The property at 50 Plenty Road was recently sold to the [redacted] family. Before it was sold, the old house was already in very poor condition and essentially unliveable. Most of the old farm sheds had also already been demolished.

It does not make sense to choose this property for a heritage overlay. It also seems very unfair for the [redacted] family to bear the impact of Council's decision.

[redacted] Signature

26.2.2022 Date

Attn : Leigh Northwood

Strategic Planning Lead

Nillumbik Shire Council

Email : strategic.planning@nillumbik.vic.gov.au

My name is [redacted]

My address is [redacted]

I oppose Nillumbik Planning Scheme Amendment C142 that proposes to put a heritage overlay on 50 Oatland Road, Plenty.

The property at 50 Plenty Road was recently sold to the [redacted] family. Before it was sold, the old house was already in very poor condition and essentially unliveable. Most of the old farm sheds had also already been demolished.

It does not make sense to choose this property for a heritage overlay. It also seems very unfair for the [redacted] family to bear the impact of Council's decision.

[redacted] Signature

26/2/2022. Date

Attn : Leigh Northwood

Strategic Planning Lead

Nillumbik Shire Council

Email : strategic.planning@nillumbik.vic.gov.au

My name is [redacted]

My address is [redacted]

I oppose Nillumbik Planning Scheme Amendment C142 that proposes to put a heritage overlay on 50 Oatland Road, Plenty.

The property at 50 Plenty Road was recently sold to the [redacted] family. Before it was sold, the old house was already in very poor condition and essentially unliveable. Most of the old farm sheds had also already been demolished.

It does not make sense to choose this property for a heritage overlay. It also seems very unfair for the [redacted] family to bear the impact of Council's decision.

[redacted] Signature

27.2.2022 Date

Attn : Leigh Northwood

Strategic Planning Lead

Nillumbik Shire Council

Email : strategic.planning@nillumbik.vic.gov.au

My name is [redacted]

My address is [redacted]

I oppose Nillumbik Planning Scheme Amendment C142 that proposes to put a heritage overlay on 50 Oatland Road, Plenty.

The property at 50 Plenty Road was recently sold to the [redacted] family. Before it was sold, the old house was already in very poor condition and essentially unliveable. Most of the old farm sheds had also already been demolished.

It does not make sense to choose this property for a heritage overlay. It also seems very unfair for the [redacted] family to bear the impact of Council's decision.

[redacted] Signature

25 feb 2022 Date

Attn : Leigh Northwood

Strategic Planning Lead

Nillumbik Shire Council

Email : strategic.planning@nillumbik.vic.gov.au

My name is [redacted]

My address is [redacted]

I oppose Nillumbik Planning Scheme Amendment C142 that proposes to put a heritage overlay on 50 Oatland Road, Plenty.

The property at 50 Plenty Road was recently sold to the [redacted]family. Before it was sold, the old house was already in very poor condition and essentially unliveable. Most of the old farm sheds had also already been demolished.

It does not make sense to choose this property for a heritage overlay. It also seems very unfair for the [redacted]mily to bear the impact of Council's decision.

[redacted] Signature

26/2/22 Date

Attn : Leigh Northwood

Strategic Planning Lead

Nillumbik Shire Council

Email : strategic.planning@nillumbik.vic.gov.au

My name is [redacted]

My address is [redacted]

I oppose Nillumbik Planning Scheme Amendment C142 that proposes to put a heritage overlay on 50 Oatland Road, Plenty.

The property at 50 Plenty Road was recently sold to the [redacted] family. Before it was sold, the old house was already in very poor condition and essentially unliveable. Most of the old farm sheds had also already been demolished.

It does not make sense to choose this property for a heritage overlay. It also seems very unfair for the [redacted] family to bear the impact of Council's decision.

[redacted] Signature

[redacted]

Attn : Leigh Northwood

Strategic Planning Lead

Nillumbik Shire Council

Email : strategic.planning@nillumbik.vic.gov.au

My name is [redacted]

My address is [redacted]

I oppose Nillumbik Planning Scheme Amendment C142 that proposes to put a heritage overlay on 50 Oatland Road, Plenty.

The property at 50 Plenty Road was recently sold to the [redacted] family. Before it was sold, the ol house was already in very poor condition and essentially unliveable. Most of the old farm shed had also already been demolished.

It does not make sense to choose this property for a heritage overlay. It also seems very unfair for the [redacted] family to bear the impact of Council's decision.

[redacted] Signature

26/2/2022 Date

Attn : Leigh Northwood

Strategic Planning Lead

Nillumbik Shire Council

Email : strategic.planning@nillumbik.vic.gov.au

My name is [redacted]

My address is [redacted]

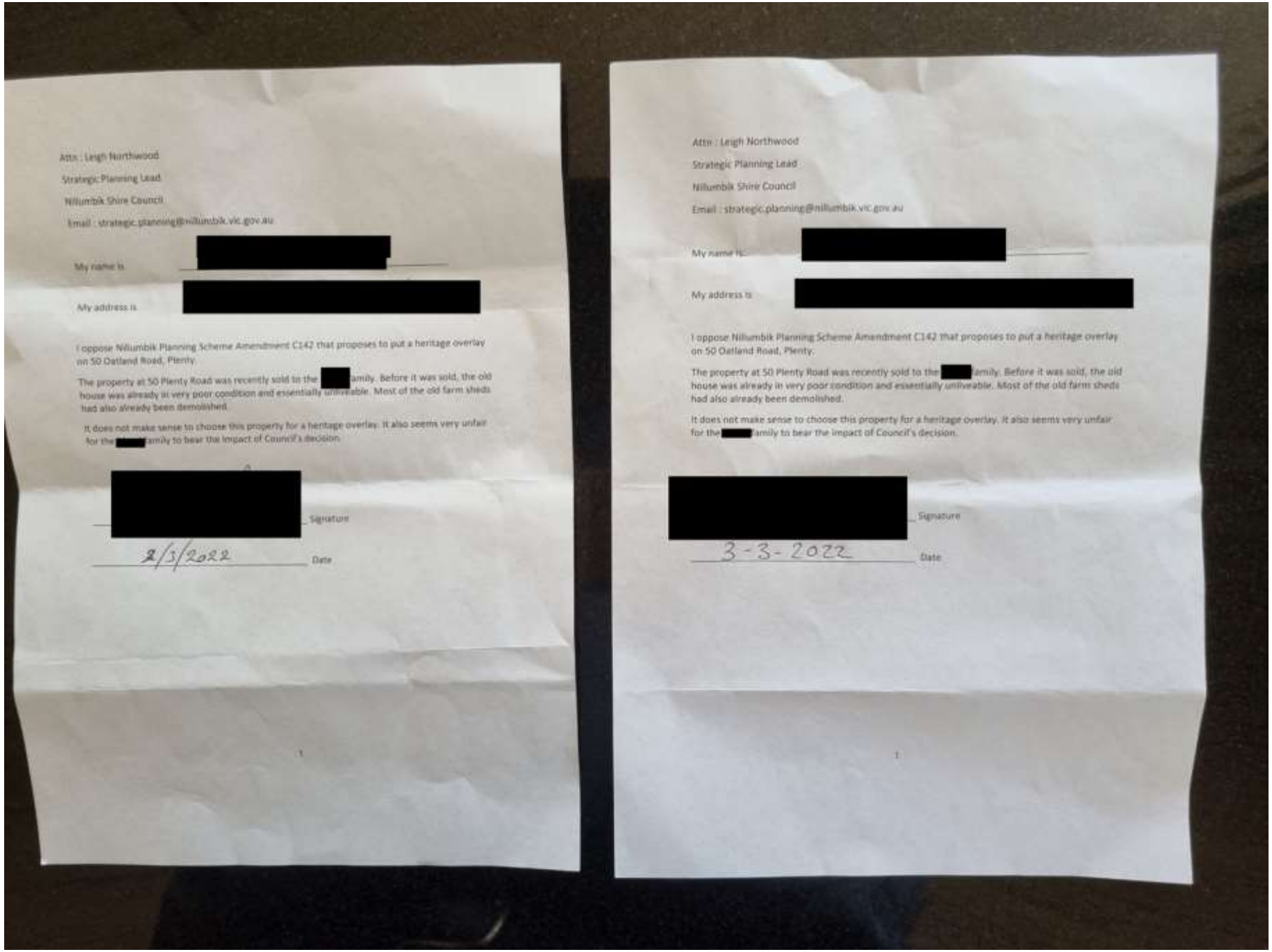
I oppose Nillumbik Planning Scheme Amendment C142 that proposes to put a heritage overlay on 50 Oatland Road, Plenty.

The property at 50 Plenty Road was recently sold to the [redacted] family. Before it was sold, the old house was already in very poor condition and essentially unliveable. Most of the old farm sheds had also already been demolished.

It does not make sense to choose this property for a heritage overlay. It also seems very unfair for the [redacted] family to bear the impact of Council's decision.

[redacted] Signature

27/2/22 Date



Attn : Leigh Northwood
Strategic Planning Lead
Nillumbik Shire Council
Email : strategic.planning@nillumbik.vic.gov.au

My name is [redacted]

My address is [redacted]

I oppose Nillumbik Planning Scheme Amendment C142 that proposes to put a heritage overlay on 50 Oatland Road, Plenty.

The property at 50 Plenty Road was recently sold to the [redacted]amily. Before it was sold, the old house was already in very poor condition and essentially unliveable. Most of the old farm sheds had also already been demolished.

It does not make sense to choose this property for a heritage overlay. It also seems very unfair for the [redacted]amily to bear the impact of Council's decision.

[redacted] Signature

2/3/2022 Date

Attn : Leigh Northwood
Strategic Planning Lead
Nillumbik Shire Council
Email : strategic.planning@nillumbik.vic.gov.au

My name is [redacted]

My address is [redacted]

I oppose Nillumbik Planning Scheme Amendment C142 that proposes to put a heritage overlay on 50 Oatland Road, Plenty.

The property at 50 Plenty Road was recently sold to the [redacted]amily. Before it was sold, the old house was already in very poor condition and essentially unliveable. Most of the old farm sheds had also already been demolished.

It does not make sense to choose this property for a heritage overlay. It also seems very unfair for the [redacted]amily to bear the impact of Council's decision.

[redacted] Signature

3-3-2022 Date

Summary and Analysis of Submissions to 50 Oatland Road - Potential Heritage Overlay

Submitter Number	Submitter Name	Format	Support or Object	Key Points
1	[redacted]	Written submission	Object	• No longer a functional dwelling. • Restoration would be prohibitively expensive and the current owners bought intending to demolish. • First became aware of Council's interest when demolition order suspended. • The property is of limited heritage value and changes to the site mean that there is very little of the early farming settlement story visible on this site, other than the existence of the old house. • The proposal for heritage protection of a disused, unlivable dwelling shell is not warranted and is not an appropriately balanced outcome. • The building report attached confirms the current uninhabitable state of the building as an empty shell. It also highlights major structural deficiencies requiring significant maintenance or replacement work, if the building were to be brought back to habitable condition. • It is simply a prohibitive cost proposition that will not deliver the type of functional wheelchair accessible dwelling they require for their son. • The heritage overlay should be removed completely but if it must be applied the area of coverage is considered excessive and reduced extent is proposed.
2	[redacted]	Written submission	Object	• Previous owner not made aware of potential heritage overlay. • Contacted Council prior to purchase not informed about potential heritage overlay. • As a potential purchaser no information was given regarding this issue.

Submitter Number	Submitter Name	Format	Support or Object	Key Points
				• The Vendor Statement and Heritage Register were checked and neither made mention of any potential heritage overlay. • Current house not suitable for the specific needs of the family. It is derelict and completely useless. • Independent building adviser recommended demolition. • In 2016 the investigation referenced a 'farm complex' with the associated outbuildings. Most of these have now been removed and it is the house itself that is the subject of the 2020 report. • House is hard to see from the road. • If the heritage overlay does have to be applied, does it have to be so large? Currently suggested to go boundary to boundary. • Don't have to keep the house to still have the history. • Will suffer significant financial loss if the heritage overlay is applied.
3	[redacted]	Written Submission	Object	• Considers the process to have been an injustice and that Council should address. • No information on the Vendor Statement to suggest that Council had an interest in the property. • States that the owners contacted Council and were informed that there was no interest in the property and that no decision to pursue a planning scheme amendment had been made. • The current owners also checked with Heritage Victoria – not realising that this would not include any information of potential overlays. • Council should have been aware that the property was for sale and notified prospective owners of the potential heritage overlay. • Suggests notion that individual loss does not outweigh collective gain in heritage matters is wrong.

Submitter Number	Submitter Name	Format	Support or Object	Key Points
				• Council should retract heritage overlay on natural justice grounds. • The property is on private land, with a very limited view from the public realm. • The house has been stripped and is structurally compromised. • The house is of no use to the owners who cannot afford to rebuild it or to anyone else. • The initial citation references a 'farm complex' however a number of the outbuildings have been removed. • Considers other options: transfer of house to another location or historical plaque which the owners would maintain through s173 agreement.
4	[redacted]	Written submission Petition	Object	• Does not believe that there was any intention to place a heritage overlay on the property when the current owners purchased the property. • Notes the very poor condition of the property. • Should have kept Plenty School- much better example of heritage • Devaluation of other properties by claiming derelict buildings have heritage value.
5	[redacted]	Written submission Petition	Object	• Property is uninhabitable and has no original features. • Currents owners checked Vendor Statement and S32 – neither mentioned the heritage overlay. • Notes the assessment was based on a drive by.
6	[redacted]	Written submission	Object	• The house is in very poor condition and cannot be renovated to the requirements needed for a disabled person. • Council should allow the property to be demolished and a suitable dwelling built.

Submitter Number	Submitter Name	Format	Support or Object	Key Points
7	[redacted]	Written submission	Object	• The house is in very poor condition and cannot be renovated to the requirements needed for a disabled person. • Council should allow the property to be demolished and a suitable dwelling built
8	[redacted]	Email Petition	Object	• Questions who is expected to pay for the preservation and restoration of the property. She believes that if Council wants to preserve it then Council should pay for it and that Council should compensate the current owners for any expenses related to the heritage overlay being applied. • The house is in very poor condition and will require many man hours to restore.
9	[redacted]	Petition	Object	Pro forma as per submitter 8
10	[redacted]	Petition	Object	Pro forma as per submitter 8
11	[redacted]	Petition	Object	Pro forma as per submitter 8
12	[redacted]	Petition	Object	Pro forma as per submitter 8
13	[redacted]	Petition	Object	Pro forma as per submitter 8
14	[redacted]	Petition	Object	Pro forma as per submitter 8
15	[redacted]	Petition	Object	Pro forma as per submitter 8
16	[redacted]	Petition	Object	Pro forma as per submitter 8
17	[redacted]	Petition	Object	Pro forma as per submitter 8
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19	[redacted]	Petition	Object	Pro forma as per submitter 8
20	[redacted]	Petition	Object	Pro forma as per submitter 8
21	[redacted]	Petition	Object	Pro forma as per submitter 8
22	[redacted]	Petition	Object	Pro forma as per submitter 8
23	[redacted]	Petition	Object	Pro forma as per submitter 8
24	[redacted]	Petition	Object	Pro forma as per submitter 8

Submitter Number	Submitter Name	Format	Support or Object	Key Points
25	[redacted]	Petition	Object	Pro forma as per submitter 8
26	[redacted]	Petition	Object	Pro forma as per submitter 8
27	[redacted]	Petition	Object	Pro forma as per submitter 8
28	[redacted]	Petition	Object	Pro forma as per submitter 8

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Nillumbik General Local Law 1

General Local Law 1 was made by resolution of the Nillumbik Shire Council on X.

This version is effective from X

This document is version 1.1

VERSION HISTORY

Version number		Effective dates
1.1.0	Consultative draft versions	October 2021
2.0.0	Authorised for formal exhibition by Nillumbik Shire Council	X
3.0.0	Adopted by Nillumbik Shire Council	
4.0.0	Final Local Law	

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Part 1. Introductions and definitions

1. Title

This Local Law may be referred to as *Nillumbik General Local Law 1*

2. Objectives

The principal objectives of this Local Law are to:

a) provide for the peace order and good government of the Nillumbik Shire Council; and
b) promote a physical and social environment free from hazards to health, in which the residents of the ***municipal district*** can enjoy a quality of life that meets the general expectations of the community; and
c) prevent and suppress nuisances which may adversely affect the enjoyment of life or the health, safety and welfare of persons; and
d) prohibit, regulate and control activities which may be dangerous or unsafe or detrimental to the quality of life and the environment; and
e) prohibit, regulate and control access to and behaviour in ***municipal places***; and
f) prohibit, regulate and control the use of ***municipal recreation centres***, ***municipal buildings***, and ***municipal reserves***; and
g) protect public assets vested in ***Council*** from damage, accelerated deterioration or abuse during the ***building*** process or at other times; and
h) provide a physical environment which aims to minimize hazards to health and safety of persons attending building sites and those adjacent, opposite or passing building sites; and
i) prohibit, regulate and control the presence of and disposal of ***builders' refuse***, rubbish and soil on and from building sites within the ***municipal district***, particularly litter and stormwater pollution to protect receiving waterways; and
j) define the standards to which persons engaged in ***building work*** should adhere; and
k) educate and induce persons involved in **building work** to act responsibly to reduce the extent and cost of infrastructure damage for the benefit of the wider community; and
l) provide for the consistent application and enforcement of this Local Law.

3. The power to make this Local Law

This Local Law is made under section 71(1) of the Local Government Act 2020 (***the Act)*** and Part 3 of the *Domestic Animals Act 1994*.

4. Commencement

This Local Law comes into operation on the day after it is made.

5. Revocation

The following Local Laws are hereby revoked:

a) Infrastructure Assets Local Law 2013;
b) Amenity Local Law 2013;
c) Meeting Procedure Local Law 2017; and
d) Prohibition of Fireworks Local Law 2019.

6. Cessation

This Local Law ceases to operate on the tenth anniversary of the day on which it comes into operation.

7. Application

a) This Local Law applies and operates throughout the whole of the ***Municipal District***.
b) This Local Law does not apply where any act or thing otherwise prohibited is authorised by any Act, Rule, Regulation or Planning Scheme

8. Exemptions from this Local Law

Nothing in this Local Law prevents any member, officer or employee of:

a) an emergency service, or
b) a State or Commonwealth government, or
c) any military or civil-defence organisation, or
d) the ***Council***, or
e) a contractor directly engaged by the ***Council*** to undertake ***works*** or to provide a service;

from performing any of the duties they are lawfully entitled or required to perform while engaging in those duties and any person acting accordingly is not guilty of any ***offence*** under this Local Law.

9. Incorporated documents, codes and policies

a) This Local Law is to be read in conjunction with any document incorporated in accordance with section 76 of ***the Act***.
b) The following documents are incorporated into this Local Law, in accordance with section 76 of ***the Act***:

A) Nillumbik Live Local Plant Local

10. Definitions

a) In exercising its powers and performing its functions under this Local Law, ***Council*** may have regard to any guidelines, policies, ***codes*** or standards it has adopted for the purpose of the Local Law.

b) Unless the contrary intention appears in this Local Law, the following words are defined as follows:

'***the Act***' means the Local Government Act 2020.

'activity centre zone' means any land located within the ***activity centre zone*** as defined by the Nillumbik Planning Scheme

'advertising sign' means any placard, board, sign, card or banner, whether portable or affixed or attached to any land or ***building***, which:

a) provides information about the **occupier** of the land or ***building***, or a business or industry; or

b) advertises goods, services, an ***event*** or a competition.

'alcohol' means a beverage intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius.

'allotment' means any land in separate ownership or occupation within the ***municipal district***.

'animal' includes any mammal and bird.

'appointed agent' means the person authorised in writing by an ***owner*** of a ***building*** or land to make an application, appeal, referral or representation on their behalf , or act on behalf of the ***owner*** in matters of **Council** enforcement.

'approved waste bins' - means household ***waste*** bin for landfill waste, recyclable materials, green (garden and food) waste or any future source separated waste stream introduced by C***ouncil***, supplied by, or on behalf of, **Council**, or otherwise approved by **Council;**

'asset protection bond' - means a payment or guarantee made to ***Council*** for the purposes of securing public assets and infrastructure from the cost of damage during ***building work***;

'asset protection permit' means a ***permit*** issued by ***Council*** for the protection of public assets and infrastructure during **building work**, in accordance with Clause 82 of this Local Law.

'***assistance animal***' has the same meaning as the Disability Discrimination Act 1992.

'authorised officer' means any person appointed by the ***Council*** to be an Authorised Officer under section 224 of ***the Act*** and includes members of Victoria Police who are appointed under that section.

'builder' means a person who:

a) carries out ***building work***, or

b) manages or arranges the carrying out of ***building work***, or

c) intends to carry out, or to manage or arrange the carrying out of, ***building work***.

'builders' refuse' includes any solid or liquid domestic or commercial ***waste***, debris or rubbish, and without limiting the generality of the above, includes ***waste*** material, ***waste*** substance or thing generated by or in connection with ***building work***.

'building' includes any structure, whether temporary or permanent, or any part of such structure, and includes incomplete structures.

'building site' means the land on which building work is being undertaken.

'building work' means work for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a ***building*** including landscaping, concreting and subdivision ***road*** construction.

'bulk rubbish container' Includes trade ***waste*** storage bins, mini skips, shipping containers, pallets and any other structure designed to receive or store ***waste*** but does not include ***approved waste receptacles***.

'camping' means the use of any tent, ***caravan***, motor home or temporary structure for the purpose of accommodating people

'camping area' means land which has been declared by the ***Council*** to be a ***camping area*** for the purposes of this Local Law.

'caravan' Means a structure, other than a ***building***, used on land for residential purposes and it includes a ***vehicle***, a movable dwelling, and a ***vehicle*** as defined under section 3 (1) of the *Road Safety Act* 1986.

'CFA' means the Country Fire Authority.

'chimney' means a permanently fixed structure which provides ventilation for hot flue gases or ***smoke*** from the combustion of a fuel, such as wood.

'code' - means set of procedures or rules as adopted by ***Council***;

'commercial zone' **-** means a commercial zone under the Nillumbik Planning Scheme

'completion of the building work' means:

a) in relation to ***building work*** that requires an occupancy ***permit*** to be issued (or its equivalent), the date the occupancy ***permit*** is issued, and

b) in relation to ***building work*** that requires a certificate of final inspection to be conducted (or its equivalent), the date the final inspection is conducted, and

c) in relation to **building work** that does not require an occupancy ***permit*** or a final inspection, the date the ***works*** being undertaken needs no further substantive work for it to be used or enjoyed for the purpose for which it is being constructed.

'Council' means Nillumbik Shire ***Council***.

'council land' - means any land which ***Council*** occupies, manages, has leased or licenced to another person or is otherwise under Council's control and managed, other than a ***road***;

'dwelling' means any ***building*** or portion of a ***building*** which is used, intended,

adapted or designed for use for living;

'DELWP means Department of Environment, Land, Water and Planning.

'earth works' means land forming, laser grading, levee banks, raised access roads and tracks, building pads, storage embankments, channel banks and drain banks and associated structures.

'emergency service' means

a) Victoria Police,

b) Fire Rescue Victoria,

c) Country Fire Authority,

d) Ambulance Victoria,

e) State Emergency Service,

f) any organization whose primary function is the provision of first aid response, and

g) any successor to any named organisation above,

and includes all members of the above organisations when engaged in *bona fide* operational activities.

'environmental weed' means any weed that ***Council*** has, in a public notice, declared to be an environmental weed.

'ESTA' means Emergency Services Telecommunications Authority.

'event' means an organised and planned activity, held on or within a ***Council*** owned or managed area or facility and publicised and open to the general public to attend where more people are usually found in that location at one time.

'fire danger period' - means the period declared pursuant to the *Country Fire Authority Act* 1958 to be a ***fire danger period***;

'fire hazard' - includes anything that, because of its flammable nature, its position or its quantity, exposes people, ***property*** or ***livestock*** to significant risk or harm,

damage or destruction by fire;

'FRV' means Fire and Rescue Victoria.

'landfill waste' means all ***waste*** produced or accumulated in or on any ***property***, but does not include, to be disposed of in Council's approved landfill waste bin but does not include:

a) slops or liquid wastes,

b) ***recyclable goods*** or garden refuse of a type which ***Council*** disposes or collects on a regular basis,

c) ***waste*** generated from ***building work***;

d) ***waste*** generated from the restoration, repair or servicing of ***motor vehicle***s,

e) ash, unless it is cold, dampened wrapped or contained in a manner which prevents its escape,

f) trade ***waste***,

g) oil, paints, solvents, herbicides and similar chemical substances (except paint residue contained in a sealed container),

h) hazardous chemicals,

i) volatile, explosive or flammable substances,

j) any ***waste*** that cannot be contained in an approved ***landfill waste*** receptacle due to its size, shape, nature or volume,

k) medical or veterinary ***waste***,

l) any other substance declared by the ***Council*** or an ***authorised officer*** not to constitute '***landfill waste***' for the purposes of this Local Law.

'graffiti' means inscriptions or drawings scribbled, scratched, sprayed or otherwise applied on a surface without authority.

'grazing' – means to allow ***livestock*** to enter or remain on a ***road*** or ***Council*** Reserve for the purpose of feeding

'hard waste' means waste material placed out for collection in accordance with Council's hard waste service guidelines;

'impound' means the seizing or taking possession of any item and includes the holding of that item at any location until the item is returned, released or disposed of.

'Incinerator' an apparatus used for burning waste at high temperatures until it is reduced to ash

'***industrial zone'*** means an industrial zone under the Nillumbik Planning Scheme

'***Infringement***' has the same meaning as the *Infringements Act* 2006.

'***Infringement notice*** - means an notice of infringement issued by an ***authorised officer*** in respect to an ***offence*** against the Local Laws;

'kennel' – housing, including internal fencing used to contain a dog.

'***large bird***' means any pigeon, cockatoo or other bird of similar or larger size of any age but does not include ***poultry***.

'livestock' includes a cow, horse, pig, donkey, alpaca, llama and an ***animal*** of any species used in connection with primary production or kept for recreational purposes other than a dog or cat.

'***motor vehicle***' has the same meaning as in the *Road Safety Act* 1986.

'***movable*** **dwelling**' means a ***dwelling*** that is designed to be movable, but does not include a ***dwelling*** that cannot be situated at and removed from a place within 24 hours.

'***municipal building'*** means a ***building***:

a) that is owned, occupied or controlled by ***Council***, or

b) that is under the care or management of ***Council***.

'***municipal district'*** has the same meaning as in ***the Act***.

'***municipal place***' means land which is owned, occupied or managed by ***Council*** including any lake or watercourse on the land, but excluding a ***road*** and a public place.

'***municipal recreation centre***' means any ***municipal building*** containing or associated with a tennis court, pool, spa, sauna , public bathing facilities, and

includes all land and outdoor areas associated with or accessible from the ***municipal building***.

'***municipal recycling centre'*** means the ***Council*** recycling centre

'***municipal reserve***' means any land within the ***municipal district*** that is owned, occupied or managed by the ***Council*** including any structure, fixture, fitting and garden on or at the land, but does not include a municipal building or ***municipal recreation centre***.

'***notice to comply***' means a ***notice to comply*** issued in accordance with Clause 99 of ***the Act***.

'***noxious weed***' has the same meaning as the *Catchment and Land Protection Act 1994*.

Explanatory note

The *Catchment and Land Protection Act* 1994 defines **noxious weed** to mean:

a) a State prohibited weed,

b) a regionally prohibited weed,

c) a regionally controlled weed or

d) a restricted weed.

A full list of noxious weed species can be obtained from ***Council***, or from DEWLP

'nuisance' - means any behaviour or condition which is or is liable to be dangerous to health or is noxious, annoying or injurious to personal health

'***occupier***' means the person who is for the time being in charge of the land and includes:

a) a person who manages any land on behalf of the land's ***owner***; and

b) a person who is responsible for the care and control of any land; and

c) a lessee or licensee of any land;

'offence' – means an ***offence*** against or a breach of a provision of this Local Law, or of a ***permit***, ***notice to comply*** or direction issued under this Local Law

'***official warning***' has the same meaning as in the *Infringements Act* 2006.

'owner' means:

a) in relation to a ***building***, the ***owner*** of land on which the ***building*** is situated, and

b) in relation to a ***motor vehicle***

i. the ***registered owner*** of the ***motor vehicle***, and

ii. a person who has possession of the ***motor vehicle***, and

c) in relation to ***livestock***, means

i. a person who is entitled to legal or equitable possession of ***livestock*** whether solely or jointly, and

ii. a person who has custody of ***livestock*** on behalf of a person referred to in paragraph (c)(i).

'***parking area***' has the same meaning as in the *Road Safety Road Rules* 2017.

Explanatory note

The *Road Safety Road Rules 2017* defines a ***parking area*** to mean:

a length of ***road*** *or area designed for parking vehicles*

'***penalty unit***' has the same meaning as in section 110 of the *Sentencing Act* 1991.

'***permit***' (except in connection with an ***asset protection permit*** issued in accordance with Clause 82) means a ***permit*** in writing issued in accordance with Part 11.

'***policy'*** means a document or set of procedures adopted to regulate the implementation of this local law.

'poultry' – excludes a rooster

'***poultry house***' '***aviary***' and '***pigeon loft***' means any ***building*** or structure or part thereof for the housing or use of ***poultry***, birds or pigeons (respectively) and any area of land adjacent to it, which is used as the pen, compound or yard for such ***poultry***, birds or pigeons.

'premises' refers to a house or a building together with its land and outbuildings.

'***private land***' means any land which is not owed or occupied or under the control or management of a public body.

'***property***' means any land, ***building*** or ***dwelling*** in separate ownership or separate occupation within the ***municipal district*** and includes premises, crops, trees and other improvements.

'***public land***' means any land to which the public has reasonable access.

'***public place***' has the same meaning as in the *Summary Offences Act* 1966.

Explanatory note

The *Summary Offences Act* 1966 defines public place as follows:

'***public place***' includes and applies to—

a) any public highway road street bridge footway footpath court alley passage or thoroughfare notwithstanding that it may be formed on private property;

b) any park garden reserve or other place of public recreation or resort;

c) any railway station platform or carriage;

d) any wharf pier or jetty;

e) any passenger ship or boat plying for hire;

f) any public vehicle plying for hire;

g) any church or chapel open to the public or any other building where divine service is being publicly held;

h) any state school or the land or premises in connexion therewith;

i) any public hall theatre or room while members of the public are in attendance at, or are assembling for or departing from, a public entertainment or meeting therein;

j) any market;

k) any auction room or mart or place while a sale by auction is there proceeding;

l) any licensed premises or authorised premises within the meaning of the *Liquor Control Reform Act* 1998;

m) any race-course cricket ground football ground or other such place while members of the public are present or are permitted to have access thereto whether with or without payment for admission;

n) any place of public resort;

o) any open place to which the public whether upon or without payment for admittance have or are permitted to have access; or

p) any public place within the meaning of the words 'public place' whether by virtue of this Act or otherwise.

'***recreational vehicle***' means any mini bike, trail bike, motor bike, motor scooter, go-cart or other ***vehicle*** propelled by a motor which is used for recreational purposes, but does not include:

a) a ***vehicle*** whilst engaged in legitimate farming activities, or

b) a motorised wheelchair, or

c) a motor-assisted bicycle with a motor with less than 200 watts capacity.

'***recyclable material***' means any substances or articles declared by the ***Council*** or an ***authorised officer*** to be '***recyclable material***' for the purposes of this Local Law from time to time.

'***registered***' in relation to any ***vehicle*** means that the ***vehicle*** is registered in accordance with the *Road Safety Act 1986*.

'residential zone' - means a ***residential zone*** under the Nillumbik Planning Scheme;

'retailer' means a person or business that sells goods to the public.

'***road***' has the same meaning as in Part 2 of the ***Road Safety Road Rules 2017,*** and the phrase '***road*** (including a ***road*** reserve, footpath or nature strip)' is used interchangeably and is not intended to expand or vary the meaning of '***road***'.

'***rural zone'*** - means a ***rural zone*** under the Nillumbik Planning Scheme, which includes the Green Wedge and Rural Conservation Zones

'***sell***' include -

a) sell by means of any machine, electronic device or mechanical device; or

b) barter or exchange; or

c) offer or expose for sale; or

d) keep or have in possession for sale; or

e) agreeing to, directing, causing or attempting to do any of such acts or things.

'shipping container' means a container with strength suitable to withstand shipment, storage and handling.

'***shopping trolley***' means a ***vehicle*** used primarily for the carriage of goods by customers.

'***single use plastic***' means plastic items intended to be used only once before they are thrown away or recycled and includes plastic bags, straws, cutlery, plates, drink-stirrers, expanded polystyrene food and drink containers, balloons and cotton bud sticks.

'smoke' **-** means to:

(a) smoke, hold or otherwise have control over an ignited tobacco product; or

(b) light a tobacco product; or

(c) a visible suspension of carbon or other particles in air, typically one emitted from a burning substance.

'stormwater system' means a system which provides for the conveyance of stormwater run-off including kerb and channel, open channels, underground pipe systems and natural waterways.

'***substantial tree'*** means vegetation that has a trunk circumference greater than 0.5m at one metre above ground level

'***toy vehicle***' means a ***vehicle*** designed to be propelled by human power and includes a scooter, a skateboard, roller skates, roller blades and similar toys and includes vehicles propelled by a motor of less than 200 watts but does not include:

a) a motorised wheelchair used by a person of impaired mobility, or

b) a pram or pusher when used for its intended purpose.

'***traffic control item***' means any sign, mark, structure or device displayed, placed or erected for the purpose of controlling, directing, guiding, regulating or warning drivers or pedestrians, and includes a device, however operated, which uses words symbols or lights to control or regulate traffic.

'***tree protection zone'*** means the area surrounding a ***substantial tree's*** trunk, being a circular area below the tree extending at equal distances from the tree base in all directions, the radius of which is 12 times the trunk diameter measured at 1.5 metres above ground level, to a maximum of 15 metres.

'unsightly land' - means ***land*** which contains one or more of the following features

i. unconstrained waste; or
ii. excessive vegetation growth that is not consistent with the appropriate ecological vegetation class of that area; or
iii. a source of infestation; or
iv. a haven for vermin; or
v. a haven for environmental or ***noxious weeds***; or
vi. a disused excavation, or
vii. ***waste*** material, or
viii. graffiti on exterior walls or fences; or
ix. a ***building*** which is incomplete and not currently being constructed, or
x. a ***building*** or other structure or thing which is detrimental to the amenity of the area; or
xi. second-hand timber or second-hand building materials; or
xii. no more than two unregistered, derelict or abandoned vehicles;
xiii. any other item or combination of items that in the opinion of an authorised officer is detrimental to the amenity of the area.

'***unregistered***' in relation to a ***motor vehicle***, has the same meaning as the *Road Safety Act* 1986.

'***vehicle crossing***' includes all land and ***works*** between a ***property*** and the carriageway of an adjoining ***road***, used or designed to be used for access by vehicles.

'***vehicle***' includes any conveyance propelled or drawn by human, ***animal***, mechanical, electrical or other power.

'***waste'*** includes any of the following—

a) matter, including solid, liquid, gaseous or radioactive matter, that is deposited, discharged, emitted or disposed of into the environment in a manner that alters the environment;

b) a greenhouse gas substance emitted or discharged into the environment;

c) matter that is discarded, rejected, abandoned, unwanted or surplus, irrespective of any potential use or value;

'**works'** means any excavation or the introduction of fill (soil) that alters the natural topography of the land.

Part 2. The Common Seal

11. Use of the Common Seal

The Common Seal is the corporate signature of ***Council***, and exists in the form of a stamp. It evidences and authenticates decisions taken by ***Council***.

12. Authority for use of Common Seal:

The Common Seal may be used only on the authority of ***Council***.

13. Keeping of the Common Seal

a) The Chief Executive Officer must keep the Common Seal securely at the Council's offices.

b) The Chief Executive Officer must keep a register of documents to which the Common Seal has been affixed.

14. Signatures to accompany Common Seal

Every document to which the Common Seal is affixed must be signed by one Councillor and the Chief Executive Officer or some other senior officer authorised by the Chief Executive Officer.

15. Unauthorised use of the Common Seal

Any person who uses the Common Seal or any device resembling the Common Seal without authority is guilty of an ***offence***.

Part 3. Municipal Places, Buildings and Reserves

16. Behaviour in municipal places

A person must not:

a) create a nuisance in a ***municipal place***;
b) interfere with another person's use and enjoyment of a ***municipal place***;
c) act in a manner which endangers any other person in a ***municipal place***;
d) remain in a ***municipal place*** while under the influence of ***alcohol*** or any prohibited drug;
e) without a permit, sell alcohol in a ***municipal place***;
f) use indecent, insulting, offensive or abusive language in a ***municipal place***;
g) behave in an indecent, offensive, insulting or riotous manner in a ***municipal place***;
h) destroy, damage, interfere with or deface a ***municipal place*** or anything located there, without the written consent of the ***Council***;
i) remove any thing from a ***municipal place***, without the written consent of ***Council***;
j) act in a manner contrary to any restriction, prohibition or direction contained in the inscription on a sign in a ***municipal place***;
k) deposit or discard any litter or used syringe in a ***municipal place***, except in a receptacle provided for that purpose;
l) without a ***permit***, ***sell*** any goods or services in a ***municipal place***;
m) without a ***permit***, erect, affix or place any advertisement in a ***municipal place***;
n) without a ***permit***, erect, operate or cause to be erected or operated any amusement in a ***municipal place***;
o) obstruct, hinder or interfere with any member of staff of the ***Council*** in the performance of his or her duties at a ***municipal place***;
p) use or interfere with any lifesaving or emergency device located within a ***municipal place***, unless using the device in an emergency or participating in instruction or maintenance approved by the ***Council***;
q) act in a manner that is likely to interfere with the reasonable use and enjoyment of the ***municipal place*** by other persons.

17. Access to municipal places

a) The ***Council*** may:

i) determine the hours when a ***municipal place*** will be open to the public;
ii) restrict access to a ***municipal place*** or part of a ***municipal place***;
iii) authorise any person to occupy a ***municipal place*** or to restrict access to the ***municipal place***;

iv) close a ***municipal place*** or part of a ***municipal place*** to the public; and
v) charge fees, or authorise any other person to charge fees, for admission to or the use of a ***municipal place*** or part of a ***municipal place***.

b) The ***Council*** may establish:

i) conditions applying to and fees or charges for admission to or the hire or use of a ***municipal place*** or part of a ***municipal place***; and
ii) conditions applying to and fees or charges for hire or use of any ***property*** of the ***Council*** in connection with a ***municipal place***.

c) A person must not, without the consent of the ***Council***:

i) enter a ***municipal place*** other than through an entrance provided for that purpose;
ii) enter or remain in a ***municipal place*** during hours when the ***municipal place*** is not open to the public;
iii) enter or remain in a ***municipal place*** without the applicable fee or charge having been paid.
iv) organise, conduct or hold any function or ***event*** in a ***municipal place.***

18. Behaviour in municipal buildings

A person must not, without the written consent of the ***Council***:

a) organise, conduct or hold any function or ***event*** in a ***municipal building***;
b) bring any ***animal*** into, or allow any ***animal*** under his or her control to remain in, a ***municipal building***, except for an ***assistance animal*** being used by a person with a disability;
c) bring any ***vehicle*** or ***toy vehicle*** into a ***municipal building***,
d) ***smoke*** any tobacco product inside or within 10 metres of any entry or exit of a ***municipal building;***
e) bring into a ***municipal building*** any substance, liquid or powder which may:

i) be dangerous or injurious to health, or
ii) have the potential to foul, pollute or soil any part of the ***municipal building***; or
iii) cause discomfort to persons.

19. Activities prohibited in a municipal reserve

A person in a ***municipal reserve*** must not:

a) enter upon or remain on any area set aside as a playing ground during the course of an organised sporting match or gathering, unless they are a player or official or a competitor at the sporting match or gathering;
b) destroy, damage, climb on, remove or interfere with any flora;
c) destroy, damage, climb on, remove or interfere with any structure;
d) throw any stones or missiles;
e) use any children's playground equipment other than for the purpose for which it was designed;
f) Enter a ***municipal reserve***, or a part of a ***municipal reserve***, in contrary to signage placed clearly prohibiting access to the ***municipal reserve*** or part of the ***municipal reserve***;
g) swim, paddle, dive or jump into or enter any wetland, lake, pond or fountain;
h) throw, place or cause or allow to be thrown or placed any liquid or waste into any wetland, lake, pond or fountain;
i) play, engage in or practice any game, sport or activity, or use any facilities or spaces, (whether or not a ***permit*** has been issued under this Local Law), in a manner that is:
    i) dangerous to any person or ***property***; or
    ii) likely to interfere with the reasonable use and enjoyment of the ***municipal reserve*** by any other person;
j) walk on or damage any plot, bed, border, closed track, replanting area or other area set aside for plants;
k) post bills or advertisements on any
    i) fence, gate, wall, seat, or other structure, or
    ii) vegetation

    without the written consent of the ***Council***.

20. Activities which may be permitted in *municipal reserves*

In a ***municipal reserve***, a person must not without a ***permit***:

a) ride or drive a ***vehicle*** or horse except for -
    i) parking a ***vehicle*** in a ***parking area*** established for that purpose;
    ii) wheeling a bicycle, pram, baby or child carriage, wheelchair or children's toy along a footpath;
    iii) riding a bicycle or horse in a manner that does not interfere with the use or enjoyment of the ***municipal reserve*** by any other person;

iv) on a ***road*** or bicycle path in accordance with any applicable Acts or regulations;

b) light a fire or allow any fire to remain alight except in a barbecue provided by the ***Council***;

c) pitch, erect or occupy any camp, tent, ***caravan***, ***mobile dwelling*** or temporary structure;

d) hold a circus, carnival, festival, fete or other ***event*** likely to be attended by members of the public

i) No ***permit*** will be granted for any circus that uses ***animal***s in its performances;

ii) No ***permit*** will be granted for a circus, carnival, festival, fete or other ***event*** unless it can be shown that no ***single use plastics*** will be utilised during the circus, carnival, festival, fete or other ***event.***

e) operate any device that has a predominant purpose of amplifying voice, music or noise;

f) Drive, allow to be driven, fly or allow to be flown any drone or other type of flying ***vehicle***, whether or not equipped with a camera, in or over a municipal land, unless in a reserve designated for that activity;

g) conduct activities connected with a fitness, exercise or personal training business, group or organisation;

h) otherwise engage in any organised activity which may interfere with the reasonable enjoyment of the ***municipal reserve*** by any member of the public.

21. Council Signs

Without a ***permit*** a person must not do anything on ***Council*** land contrary to a sign erected by the ***Council***

Part 4. Consumption Of Liquor In Public Places

22. Liquor

a) Without a ***permit***, a person must not consume liquor, or be in possession of liquor in an open container, in a prescribed area (as described in Clause 23) during a 'no ***alcohol***' period for that area (as described in Clause 23).

b) A person who is in or on a ***vehicle*** is to be taken to be in a prescribed area only if that ***vehicle*** is stationary.

23. Prescribed areas

a) The ***Council*** may by resolution, or by a delegate if this matter is the subject of delegation, specify areas of the municipality to be prescribed areas for the purposes of Part 4 of this Local Law.

b) The ***Council***, or a ***Council*** delegate, may at the time of specifying an area to be a prescribed area specify in relation to that area:

   i) periods of the year; or
   ii) periods of the week; or
   iii) periods of the day, or
   iv) specified days that are to be 'no ***alcohol***' periods.

c) If no period is specified in relation to an area, the 'no ***alcohol***' period for that area is every day and 24 hours a day.

d) If the ***Council***, or a ***Council*** delegate, prescribes an area to be a prescribed area, it shall:

   i) give public notice accordingly; and
   ii) ensure that a description of the area is available for inspection at the offices ofthe ***Council*** during normal business hours.

24. Exemptions under Part 4

This Part does not apply to:

a) 'authorised premises' or 'licensed premises' within the meaning of the *Liquor Control Reform Act 1998*; or

b) Consumption of liquor at an organised ***event*** for which a ***permit*** under this Local Law has been granted.

Part 5. Specific Activities

25. Signs, goods and furniture

a) A person must not, without a ***permit***:

i) erect, fix or place any ***advertising sign***
ii) stop, stand or leave any ***vehicle*** for the purpose of displaying on the ***vehicle*** any ***advertising sign***
iii) display or allow to be displayed any goods on a ***road*** or footway;
iv) place or allow to be placed a seat, umbrella, table, chair, planter box, heater or other items on a ***road*** or footway;

b) A person who has placed, allowed to be placed, displayed or allowed to be displayed:

i) goods; or
ii) an advertising sign; or
iii) a seat, umbrella, table, chair or other furniture -

on a ***road*** (including a road reserve, footpath or nature strip) or ***public place***, (whether or not in accordance with a ***permit***), must move or remove it or them if directed to do so by:

iv) an authorised officer; or
v) a member of an emergency service.

c) an authorised officer may impound any:

i) goods; or
ii) advertising sign; or
iii) seat, umbrella, table, chair or other furniture-

placed or left in contravention of this Local Law or a condition of a ***permit*** issued under this Local Law.

26. Open air performances and busking

A person must not undertake any open air performance or busking activities on a ***road*** (including a road reserve, footpath or nature strip), or ***public place***, without a ***permit***.

27. Aerosol spray paint containers

A person who:

a) offers an aerosol spray paint container for sale; or

b) owns, operates or manages a business from ***premises*** on which an aerosol spray paint container is offered for sale;

must not allow any aerosol spray container to be stored or displayed unless the aerosol spray paint container is in a locked display cabinet which is not accessible to the public without the assistance of a person employed by the business.

28. Clothing recycle bins

a) A person must not place a clothing recycling bin on ***municipal place*** without a ***permit***.
b) A person must not place a clothing recycling bin on any ***private land*** without a ***permit.***
c) An ***authorised officer*** may ***impound*** a clothing recycling bin which is placed on any land contrary to clause 28 a) or 28 b).
d) A person must not:

i) interfere with a clothing recycling bin; or
ii) deposit goods near or around a clothing recycling bin; or
iii) remove the contents of a clothing recycling bin;

unless the person is an employee, agent or contractor of the person who placed the bin.

29. Charitable collections

Without a ***permit*** a person must not in a ***public place*** solicit or collect money or any articles from any person, or cause or authorise another person to do so.

30. Distribution of notices, advertising material

a) Without a ***permit*** a person must not on a ***road*** or ***municipal place***:

i) distribute any handbill or any other unsolicited material;
ii) broadcast any advertising material; or
iii) ***sell*** any goods or services.

b) Clause 30 a) does not apply to electoral material for any election of the ***Council*** or any State or Commonwealth election in an electorate, encompassing any part of the ***municipal district*** for a period of four weeks before the election

31. Shopping trolleys

a) A person must not leave a ***shopping trolley:***

i) on a ***road*** (including a road reserve, footpath or nature strip), or

ii) in a ***public place***, or
iii) in a car park vested in the ***Council***

except in an area designated for the leaving of shopping trolleys.

b) An ***authorised officer*** may ***impound*** any ***shopping trolley*** left contrary to paragraph a).

c) If a ***shopping trolley*** is left on a ***road*** or ***Council land*** in contravention of paragraph a), the ***owner*** of the ***shopping trolley*** is also guilty of an ***offence***.

32. Trading activities

a) Without a ***permit*** a person must not ***sell***, barter or trade from any car, ***caravan***, trailer or any other ***vehicle*** on:

i) a ***road*** (including a road reserve, footpath or nature strip); or
ii) a ***public place***;

b) The ***Council*** may exempt from the application of paragraph a):

i) a person; or
ii) a body corporate-

33. Scare guns

a) Without a ***permit*** the ***owner*** or ***occupier*** of land which is in a ***rural zone*** must not use or allow the use of scare guns (including scatter guns and gas guns) on the land.

b) The ***owner*** or ***occupier*** of land which is not in a ***rural zone*** must not use or allow the use of scare guns (including scatter guns and gas guns) on the land.

Part 6. Animals

34. Collection and disposal of animal excrement

a) A person who is in charge or control of any ***dog*** in or on a ***public place*** must:

i) not allow any part of the excrement from the ***dog*** to remain on any ***road*** (including a road reserve, footpath or nature strip) or ***public place*** or any other land not occupied by that person; and

ii) ensure that the appropriate means by which to collect and dispose of the dogs excrement are carried by any person in apparent control of the dog; and

iii) carry a minimum 3 receptacles for the disposal of that dogs excrement; and

iv) for the purposes of paragraph (a)(ii), a person in apparent control of the dog must produce the receptacle(s) to an authorised officer when requested.

b) A person who is in charge or control of any ***livestock*** in or on a ***public place*** must not allow any part of the excrement to remain on a paved surface specifically designed for pedestrian use.

c) A person must not allow any ***animal*** excrement to be moved (whether by washing, sweeping or otherwise) from any ***property*** on to a ***road*** (including a road reserve, footpath or nature strip).

35. Keeping animals

a) Without a ***permit***, an owner or occupier of:

i) any land having an area less than or equal to 1,000m^2 must not keep or allow to remain on the land more ***animals*** than the amount specified in ***Column 2 in Table 1***, of the kind of ***animal*** specified in ***Column 1 of Table 1***, and must not keep more than 20 ***animals*** of any kind, and

ii) any land having an area less than or equal to 4,000m^2 must not keep or allow to remain on the land more ***animals*** than the amount specified in ***Column 3 in Table 1***, of the kind of ***animals*** specified in ***Column 1 of Table 1***, and must not keep more than 20 ***animals*** of any kind, and

iii) any land having an area greater than 4,000m^2 must not keep or allow to be remain on the land more than the amount of ***animals*** specified in ***Column 4 in Table 1***, of the kind of animals specified in ***Column 1 of Table 1 and***

iv) any land having an area less than 1,000m^2 must not keep ***livestock***, or allow any ***livestock*** to remain on the land, and

v) any land having an area less than or equal to 4000m^2 must not keep a rooster, or allow a rooster to remain on the land.

b) Clause 35 a) does not apply to any land used to conduct a pet shop in accordance with a valid Domestic Animal Business ***permit***, within the meaning of the *Domestic Animals Act* 1994.

c) All ***permits*** issued under Clause 35 a) for the keeping of excess dogs and cats will only be approved if all dogs and cats associated with the ***permit*** are desexed prior to the issue of the ***permit***. Dogs or cats are exempt if registered with an applicable organisation in accordance with the Domestic Animals Act 1994, have an approved Domestic Animal Business Permit or for health reasons approved by veterinarian.

Column 1 – Type of animals	**Column 2 – Land less than 1000m2**	**Column 3 – Land sized 1000m2 to 4000m2**	**Column 4 – Land greater than 4000m2**
Dogs	2	2	2
Cats	2	2	2
Large birds	5	10	10
Poultry	5	10	24
Roosters	Not permitted	Not permitted	Permit required
Other livestock	Not permitted	Permit required	Not limited by this Local Law
MAXIMUM TOTAL OF ANIMALS OF ANY KIND	20	20	Not limited by this Local Law

Table 1. Maximum permitted animals without a permit

d) For the purposes of paragraph a), any of the following animals are not counted:

i) any ***large bird*** or ***poultry*** that is less than 12 weeks old,

ii) any dog or cat that is less than 3 months old.

Explanatory note:

In addition to this Local Law, the Nillumbik Shire Planning Scheme and other external acts and regulations may affect a person's right to keep and use animals on land.

36. Animal buildings and cleanliness

a) A person must not:

i) erect or use, or
ii) allow the erection or use,

of a kennel, ***poultry house*** or ***pigeon loft*** unless it is:

iii) in the case of a ***kennel***, at least 1 metre from the boundary of any adjoining land, and
iv) in the case of a ***poultry house*** or a ***pigeon loft***, at least 10 metres from any neighbouring ***dwelling***.

b) A person must not keep:

i) any poultry other than in a ***poultry house***; or
ii) any pigeons other than in a ***pigeon loft***.

c) An ***owner*** or ***occupier*** of any land on which an ***animal*** is kept must ensure that the part of the ***property*** in which the ***animal*** is kept or which is used by the ***animal*** is:

i) maintained in a clean, inoffensive and sanitary condition; and
ii) maintained so as not to cause a ***nuisance*** to any person or to be offensive, injurious to health or dangerous; and
iii) provided with adequate clean drinking water; and
iv) provided with adequate sustenance; and
v) provided with adequate shelter

to the satisfaction of an ***authorised officer***.

d) An ***owner*** or ***occupier*** of land on which any ***animal*** is kept must ensure that all food for consumption by animals (except hay) is kept or stored in rodent-proof receptacles or rodent-proof buildings.

37. Animal noise

a) An ***owner*** or ***occupier*** of any land must take all ***reasonable steps***:

i) to prevent any ***animal*** making ***unreasonable noise*** on the land or to prevent any noise caused by an ***animal*** being emitted from the land which in the opinion an ***authorised officer*** is:

A) unreasonable or objectionable to a person on other land or premises or;

B) adversely ***affects the amenity*** of any person on other land or premises.

b) For the purposes of paragraph a), in determining whether noise is ***unreasonable***, ***objectionable or adversely affecting the amenity***, regard must be had to:

i) its volume, intensity or duration; and
ii) the time, place and other circumstances in which it is emitted.

c) For the purposes of paragraph a), ***reasonable steps*** to prevent the noise include (but are not limited to):

i) identifying and modifying stimuli or conspicuous causes of the animal's behaviour, and
ii) controlling or modifying the physical environment in which the ***animal*** is kept, and
iii) (where the ***animal*** causing the noise is a dog) the ***owner*** and the dog participating in dog behavioural training, and
iv) obtaining advice from a veterinarian or ***animal*** behaviourist and implementing that advice, and
v) securing the ***animal*** within a ***dwelling*** unless supervised by a person capable of preventing the ***animal*** from making ***unreasonable or objectionable noise***, or noise ***adversely affecting the amenity*** of any person on other land or premises, and
vi) considering removal of the ***animal*** from the land or ***dwelling***, and
vii) keeping records of any steps taken, including the dates and times that steps were taken and the effectiveness of such steps, and providing those records to the ***Council*** upon request by an ***authorised officer***.

38. Feeding of wild birds on private land

a) An ***occupier*** of land must not:

i) Feed or continue to feed; or
ii) Allow or cause to be fed

b) Any bird on that land if:

i) that bird is not ordinarily kept on the land; and
ii) the circumstances in which the bird is fed are likely to or do interfere with the material comfort of any other person or the enjoyment by any other person of their land; and
iii) it may affect the health of the bird

Explanatory Note:

Feeding animals inappropriate food can cause them dietary problems. This can make them sick and die a premature or painful death.

When birds 'gorge' themselves on white bread they stop eating their natural foods, which are more nutritious. The birds can then become malnourished. Birds can also choke on wads of bread.

Food left lying around can become stale and grow fungi that are poisonous to wildlife. It can also encourage rodents to infest areas.

It can encourage introduced animals to the area where native wildlife then have to compete for the habitat.

Artificial feeding can alter the natural balance between life and death. This can lead to sick animals being kept alive and possibly transmitting their disease throughout their population or into other populations.

Artificial feeding can make wildlife an easy target for predators such as foxes, dogs and cats.

Young birds are not taught by their parents how to forage for natural foods – they then risk starvation

39. Use of Council land for movement or grazing of livestock

a) A person must not allow any ***livestock*** to be at large in any ***public place***.
b) A person must obtain a ***permit*** to graze allow any ***livestock*** under their control to graze on a ***road*** or ***Council land***.

40. Bees and Wasps

a) An ***owner*** or ***occupier*** of land who keeps or allows bees to be kept on that land must do so in accordance with the Apiary Code of Practice.

    i) Clause 40 a) does not apply to a person who keeps or allows bees to be kept on the land where a planning ***permit*** has been issued for such use.

b) An ***owner*** or ***occupier*** of land must not allow or suffer any bees on the land to cause a ***nuisance*** to any person.
c) An ***owner*** or ***occupier*** of land must not allow or suffer English wasps or European wasps to nest on the land, and, upon becoming aware of the existence of a wasp nest on the land, must take reasonable steps to cause the nest to be destroyed.

41. Dead Livestock

a) A person must not dispose of dead livestock, or part thereof, in a manner that is likely to cause a nuisance, be offensive, or be a detriment to the environment or to the health of any person.

b) A person must not allow any dead livestock or part thereof to remain on any road or Council land.

Part 7. Land Use and Amenity

42. Alarm systems

a) The ***owner*** or ***occupier*** of any land must not cause or ***permit*** any audible or visual alarm system installed on that land or in a ***vehicle*** left on that land:

i) to activate unless there is an emergency situation or an intruder is on the land; or

ii) to sound or omit a bright light longer than is reasonably necessary to attract attention to such land (where a total period of alarm, whether continuous or intermittent, of 10 minutes is considered as being a reasonably necessary time if the land is in a ***residential zone*** or 15 minutes if the land is in a ***commercial zone*** or ***industrial zone***);

except where such alarm is being repaired or tested.

b) Where an ***authorised officer*** determines that the ***owner*** or ***occupier*** has:

i) contravened paragraph a); and

ii) the intruder alarm is sounding; and

iii) the ***authorised officer*** cannot, after reasonable efforts, locate the ***owner*** or ***occupier*** of the *premises,*

the ***authorised officer*** may enter onto the ***premises*** and do what is reasonably required to abate the intruder alarm noise.

43. Unsightly land

a) An ***owner*** or ***occupier*** of any land must not allow the land to be kept in a manner which is ***unsightly***.

b) For the purposes of this clause, ***unsightly*** includes any land containing:

i) unconstrained waste, or

ii) excessive vegetation growth that is not consistent with the appropriate ecological vegetation class of that area, or

iii) a source of infestation; or

iv) a haven for vermin; or

v) a haven for environmental or ***noxious weed***s; or

vi) a disused excavation, or

vii) ***waste*** material, or

viii) graffiti on exterior walls or fences, or
ix) a ***building*** which is incomplete and not currently being constructed, or
x) a ***building*** or other structure or thing which is detrimental to the amenity of the area, or
xi) no more than two unregistered, derelict or abandoned vehicles;
xii) any other item or combination of items that in the opinion of an ***authorised officer*** is detrimental to the amenity of the area.

c) For the purposes of Clause 44.1, a ***property*** or ***building*** may be detrimental to the amenity of the area if, in the opinion of an ***authorised officer***, it has substantial adverse visual impact in the context of the surrounding area:

i) taking into account its appearance to the street, neighbouring properties or any ***public place***, but
ii) not taking into account the intended design or siting of a ***building***.

d) An ***authorised officer*** of ***Council*** may require an ***owner*** or ***occupier*** of any land in contravention of this clause to erect temporary fencing around the boundary of land.

44. Environmental Weeds

a) A person must not ***sell*** or possess for sale any ***environmental weed***.
b) An ***owner*** or ***occupier*** of land must not allow the land to support the growth of any ***environmental weed***.

45. Dangerous land

a) The ***owner*** or ***occupier*** of any land must not allow the land to be;

i) kept in a manner which is dangerous or likely to cause danger to health, life or ***property***, or
ii) used for the storage of any substance which is dangerous, or
iii) in any other condition which in the opinion of an ***authorised officer*** is likely to cause danger to health, life or ***property***.

b) Paragraph a) does not apply to any danger to health, life or ***property*** arising:

i) from the condition of vegetation, unless the vegetation poses a risk to persons or ***property*** in a ***public place***, or
ii) from the threat of fire.

c) Paragraph a) does not apply to any ***land*** use where:

i) a ***permit*** for the use is issued under this Local Law, or

ii) a ***permit*** for the use is issued under the *Planning and Environment Act* 1987.

46. Obstruction to visibility

The ***owner*** or ***occupier*** of any land within 9 metres of an intersection of two or more ***roads*** must not allow a tree, shrub or hedge located on the land to grow, or a structure, container, bin, ***building*** materials or any other object to be placed, so that there is an obstruction to the clear view:

a) by a driver, of a pedestrian, ***motor vehicle*** or ***traffic control item***; or
b) by a pedestrian, of a motor vehicle or traffic control item.

Explanatory note:

9 metres is measured from the intersection ***property*** boundary

47. Overhanging and encroaching vegetation

An ***owner*** or ***occupier*** of land must not allow a tree, shrub, hedge or other vegetation on that land:

a) to overhang a ***road*** (including a road reserve, footpath or nature strip), at a height of less than four metres from the surface of the ***road***, or
b) to encroach upon any ***road*** (including a road reserve, footpath or nature strip), or ***public place***.

48. Nuisance

a) A person must not:

i) cause a noise; or
ii) knowingly allow or suffer a noise;

to emanate from any land owned or occupied by that person which in the opinion of an ***authorised officer*** is unreasonable or which would cause discomfort to other persons.

b) A person must not:

i) cause or ***permit*** any ***chimney*** on the land to discharge dust, grit, ashes, ***smoke***, effluvium or odour

to emanate from any ***land*** owned or occupied by that person to such an extent that it is dangerous to health or which in the opinion of an ***authorised officer*** is unreasonable or which would cause discomfort to other persons.

c) A person must:

i) prevent the escape of odours, dust or particles of fertiliser or compost;
ii) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or becoming a breeding place for flies or other vectors of disease to the satisfaction of an ***authorised officer***

d) A person must not install or use floodlighting on ***private land*** which may result in the spill of light onto adjoining land unless in compliance with the following requirements:

i) the floodlighting must be shielded with such devices as ***Council*** may from time to time require to prevent glare from the floodlighting causing a ***nuisance*** outside the boundary of the land on which the floodlight exists;
ii) the level of illumination emitted by the floodlights must not exceed 8 lux measured at a distance of 1.5m outside the boundary of the land on which floodlights are erected whether the illumination is as a result of direct, reflected or other incidental light emanating from the land; and
iii) the measurement of illumination for the purposes of this clause must be conducted by an ***authorised officer*** or in a manner approved and supervised by an ***authorised officer***.

e) An ***authorised officer*** may serve a ***notice to comply*** to the ***owner*** or ***occupier*** of the ***land***, directing the ***owner*** to take reasonable steps to prevent emission or reflection of light where:

i) floodlights or other exterior lights shine directly onto any other premises;
ii) artificial light is emitted or reflected from anything on the land so as to illuminate ***premises*** outside the land to more than 50 lux or so as to cause or be a ***nuisance*** to any person; or
iii) natural light is reflected from anything on the land so as to create or cause a ***nuisance*** to the ***occupier*** of any other ***premises*** or to a person lawfully using a thoroughfare,

f) The notice referred to in paragraph e) may direct that:

i) floodlights or other exterior lights are used only during the hours specified in the notice;
ii) the direction in which the lights shine be altered as specified in the notice; or
iii) any reflective surfaces be painted or otherwise treated so as to abate the ***nuisance***,
iv) or any combination of above.

g) Paragraph e) does not apply where a planning ***permit*** has been issued under the *Planning and Environment Act 1987* in respect of the floodlighting of a tennis court.

49. Containment and disposal of swimming pool wastewater

a) Wastewater and backwash water from swimming pool filtration systems must be disposed of:

i) via sewer where a sewer is available; or
ii) must be contained within, and disposed onto or into the allotment on which the swimming pool is located.

b) For the purposes of paragraph a)ii), an onsite retention system having a minimum capacity of 140 litres, and located a minimum of 1.8m away from any ***building*** and allotment boundaries satisfies the requirement for containment and disposal onsite.

50. Incinerators

a) A person must not cause or permit any ***incinerator*** on the land owned or occupied by that person to be lit or to allow such to remain alight.

51. Open air burning

a) The following restrictions apply on a***llotments*** less than 0.4 hectare

i) a person must not, without a ***permit***: engage in open air burning during the ***fire danger period***, on total fire ban days or at any other time the ***CFA*** declares fire restrictions.

b) Conditions applied to open air burning. A person may engage in, or authorise another person to engage in, open air burning or burning material provided that all of the following conditions are met:

i) must have a **permit**;
ii) the person has given prior notification to ***ESTA***;
iii) the burning is for the purpose of fuel reduction for fire prevention;
iv) the fuel is not noxious or offensive;
v) reasonable measures are taken by the person to advise neighbouring landowners and occupiers at least 24 hours beforehand;
vi) the fire must not exceed one cubic metre in size and must be lit only in an area away from other combustible material and overhanging trees, shrubs, etc;

vii) only one fire to be alight at any one time and fully extinguished by 6.00pm or upon direction of an authorised officer;

viii) materials not to be burnt include plastic, rubber, chemicals, petroleum-based products, painted/ treated timber, furniture, strippers, resins, batteries, glues and aerosol cans, green or wet vegetation;

ix) materials must not be brought onto the ***property*** for the purposes of burning off;

x) the wind at the site of the fire does not exceed 19 kilometres per hour;

xi) there is an adequate number of attendees and supply of tools and adequate water supply available to hand at all times to control the fire and prevent it spreading or escaping; and

xii) the ***smoke*** and/or odour from the fire does not cause offensive ***smoke*** to enter another ***property*** or create a ***smoke*** hazard, especially for traffic on a ***road***.

c) The following restrictions apply on ***allotments*** 0.4 hectare or more

i) Burning is allowed for fuel reduction purposes. A person must not, engage in open air burning during the ***fire danger period***, on total fire ban days or at any other time the ***CFA*** declares fire restrictions.

ii) Conditions applied to open air burning. A person may engage in, or authorise another person to engage in, open air burning or burning material provided that all of the following conditions are met:

A) the person has given prior notification to ESTA;

B) the burning is for the purpose of fuel reduction for fire prevention;

C) the fuel is not noxious or offensive;

D) reasonable measures are taken by the person to advise neighbouring landowners and occupiers at least 24 hours beforehand;

E) the distance from the outer extremity of the fire to any other fuel is at least three metres, including above the fire;

F) the wind at the site of the fire does not exceed 19 kilometres per hour;

G) adequate measures are taken to ensure the open air burning is confined to the property;

H) materials not to be burnt include plastic, rubber, chemicals, petroleum- based products, painted/ treated timber, furniture, strippers, resins, batteries, glues and aerosol cans, green or wet vegetation;

I) materials must not be brought onto the property for the purposes of burning off;

J) there is an adequate number of attendees and supply of tools and adequate water supply available to hand at all times to control the fire and prevent it spreading or escaping; and

K) the smoke and/or odour from the fire does not cause offensive smoke to enter another ***property*** or create a ***smoke*** hazard, especially for traffic on a ***road***.

d) Exemptions

i) a barbeque or a manufactured fireplace designed and used for the purpose of outdoor cooking, heating or comfort is exempt except where:

A) a total fire ban or other ***CFA*** or ***FRV*** restrictions apply; or

B) offensive materials are burnt or offensive ***smoke*** or a ***smoke*** hazard is caused.

ii) a fire lit by a member of ***Council*** staff, a ***CFA*** member, or an employee of ***FRV***, ***DWELP***, Parks Victoria or other relevant statutory authority in the course of their functions and duties.

52. Large fires and multiple fires

a) On an allotment of allotment of less than one hectare, large or multiple fires are prohibited.

b) On an allotment of one hectare or more, a person may engage in, or authorise another person to engage in, open air burning, or the burning of large or multiple fires provided that:

i) all conditions listed in clause 51 b) are adhered to;

ii) any large fire or multiple fires must not pose a danger to any person or neighbouring property before, during or after burning;

iii) any large or multiple fires must have adequate supervision, tools and water supply to control the fire and prevent it from spreading or escaping at all times;

iv) reasonable measures are taken by the person to advise neighbouring landowners and occupiers at least 24 hours beforehand.

v) the person has given prior notification to ***ESTA***.

53. Bulk waste containers

a) A person must not leave or allow to be left any -

i) bulk waste container that encroaches on a ***road*** (including a road reserve, footpath or nature strip), or obstructs the free use of a ***road*** or that reduces the breadth, or confines the limits, of the a ***road***, without a ***permit***.

b) A bulk waste container must have

i) the companies name; and
ii) contact phone number

legibly and permanently displayed on the body of the bin.

c) An authorised officer may ***impound*** any -

i) bulk waste container that is left contrary to Clause 53 a), b) or contrary to the conditions of a ***permit*** issued under this Local Law.

d) The Council or an authorised officer may exempt -

i) a person;
ii) a class of persons; or
iii) a body corporate-

from the application of Clause 53 a)

54. Parking of vehicles

a) The ***Council*** from time to time may, by resolution, or by a delegate if this matter is the subject of a delegation, fix the days, hours and conditions under which a ***vehicle*** maybe left in or on:

i) any ***road***;
ii) any ***parking area*** under the control of the ***Council***; or
iii) ***Council land***;
iv) and may erect appropriate signs.

b) Without a ***permit*** a person must not park a ***vehicle*** on any park, garden or reserve under the control of the ***Council***.

55. Parking Schemes

The ***Council*** from time to time may, by resolution, introduce a ***permit*** parking scheme which:

a) exempts any ***vehicle*** of a resident or specified person or specified class of person from the restrictions of time limited parking; or
b) prohibits parking in specified areas by persons other than ***permit*** holders.

56. Use of recreational vehicles

a) A person must not use a ***recreational vehicle*** on ***Council land*** or a ***municipal reserve***, without a ***permit***.
b) A person must not ride any unregistered ***recreational vehicle*** in a ***public place.***
c) A person who owns an unregistered ***recreational vehicle*** must not knowingly allow another person to ride the ***recreational vehicle*** in a ***public place***.
d) A person must not use a rec***reational vehicle***, or allow a ***recreational vehicle*** to be used on ***private land*** within the ***municipal district:***
    i) unless a ***permit*** has been issued in accordance with this Local Law, or
    ii) contrary to a ***permit*** issued in accordance with this Local Law.
e) An ***owner*** or ***occupier*** of ***private land*** must not knowingly allow a minor to use a ***recreational vehicle*** on the ***land*** unless it is in accordance with this Clause.
An authorised officer may ***impound*** a ***recreational vehicle*** being used in contravention of this Local Law in accordance with paragraphs a), b), c), d) or e).
f) A ***permit*** to use a ***recreational vehicle*** is required on all ***private land*** within the ***municipal district*** that is less than 2 hectares in area.
g) Permits for the use of a ***recreational vehicle*** may be subject to conditions.

57. Toy vehicles

A person must not:

a) use or leave a ***toy vehicle*** on a ***road*** (including a road reserve, footpath or nature strip), or ***public place***;
    i) in a manner which interferes with the passage of, causes a ***nuisance*** to or endangers any person on the ***road*** (including a road reserve, footpath or nature strip), or ***public place***; or
    ii) in an area where the use of ***toy vehicles*** is prohibited by the inscription on a sign erected by the ***Council***.
b) allow another person under his or her care and control to use or leave a ***toy vehicle*** on a ***road*** (including a road reserve, footpath or nature strip), or on ***public place*** contrary to paragraph a).

58. Repair and sale of vehicles on roads and council land

Without a ***permit*** a person must not on any ***road*** or ***Council*** land:

a) park or cause a ***vehicle*** to be parked or left for the purpose of exposing or displaying that ***vehicle*** for sale; or

b) dismantle any ***vehicle*** (except where necessary to enable it to be removed therefrom) or paint or repair any ***vehicle***.

59. Identification of Premises

a) ***Council*** may from time to time allot a number to an allotment and may from time to time change the numbering.

b) The ***owner*** or ***occupier*** of an allotment to which a number has been allotted by the ***Council*** must mark the land with the number in a form and of sufficient size and in an unobstructed position so as to be clearly visible and legible from the adjacent ***road***.

c) The ***owner*** or ***occupier*** of an allotment must ensure that all numbers marking the an allotment are:

   i) made of durable materials;
   ii) kept in a good state of repair; and
   iii) renewed as often as may be necessary.

d) A person must not display a number on or in connection with any allotment unless the number has been allotted to the allotment by the ***Council***.

60. Caravans, movable and temporary dwellings

a) A person must not occupy:

   i) a caravan; or
   ii) a ***movable dwelling***; or
   iii) any other temporary structure or ***dwelling***

on private land for longer than 30 calendar days without a ***permit*** and without making available on site suitable contained toilet facilities for the use of those camping.

b) A person may apply for a ***permit*** to place and occupy a ***caravan*** or ***movable dwelling*** on the ***property*** for the purpose of residing in while they construct a ***dwelling*** on a vacant ***property***, or for any other reason.

c) A ***permit*** to place and occupy a ***caravan*** or ***movable dwelling*** must not be granted unless, in the opinion of an ***authorised officer***, adequate sanitary facilities are in place.

d) A person who has been granted a ***permit*** under this Local Law must remove the ***caravan*** or ***movable dwelling*** from the land to which the ***permit*** relates, immediately upon:

i) the expiration of the ***permit***, or
ii) otherwise as required by the conditions of ***permit***.

e) Paragraph a) does not apply to any ***private land*** that is ***caravan park*** within the meaning of the *Residential Tenancies Act* 1997.

61. Camping

a) A person must not camp or occupy a tent, ***caravan***, ***moveable dwelling*** or temporary structure, in any ***public place*** (except within a ***camping area***) without a ***permit.***
b) A ***permit*** to camp or occupy a tent, ***caravan***, ***moveable dwelling*** or temporary structure must not be granted unless, in the opinion of an ***authorised officer***, adequate sanitary facilities are in place.
c) Paragraph a) does not apply to any ***private land*** that is a ***caravan park*** within the meaning of the *Residential Tenancies Act* 1997.

62. Shipping containers

The ***owner*** or ***occupier*** of any land must not cause or allow a shipping container to be placed on the ***land***, without:

a) a ***permit*** issued in accordance with this Local Law, or
b) a ***permit*** issued in accordance with the *Planning and Environment Act* 1987.

63. Protection of Amenity Trees

a) For avoidance of doubt, this clause does not apply to such part of a tree that is above or below Land which is not private land.
b) This clause applies to:

i) any substantial tree located in a residential zone or commercial zone or activity centre zone; and
ii) where the tree, as described above, is:

A) not otherwise protected by a zone or overlay or any other provision applied by the ***Nillumbik Planning Scheme***;
B) situated on any ***private land***, whether or not the tree extends beyond the boundary of that ***private land***.

c) A person must not without a ***permit***:

i) remove, damage, kill or destroy or direct, authorise or allow to be removed, damaged, killed or destroyed a ***substantial tree***.

ii) carry out, or direct, authorise or allow to be carried out, the construction of a ***building*** (***building work***) or carry out ***works*** within the ***tree protection zone*** of a ***substantial tree***.

iii) remove, damage, kill or destroy or direct, authorise or allow to be removed, damaged, killed or destroyed a tree required to be planted as a condition of a ***permit***.

d) Paragraph c) does not apply to the pruning of trees in accordance with the Australian Standard for the Pruning of Amenity Trees (AS4373) and where pruning is undertaken by a qualified arborist.

e) This clause does not apply to any species identified as an ***environmental weed.***

64. Earthworks

a person must not without a permit conduct ***earthworks*** which involve the receipt, importation, stockpiling or placement of more than 100 cubic metres of soil.

65. Prohibition of Fireworks

A person must not discharge any fireworks on or from any land outside the **urban growth boundary**.

Explanatory note:

Clause 65 applies to

(a) all land outside the urban growth boundary within the Nillumbik Shire; and

(b) all land within the township of St Andrews and the township of Panton Hill within the Nillumbik Shire.

"township of Panton Hill" means all land holdings located within the township of Panton Hill as defined in the Victorian Register of Geographic Names

"township of St Andrews" means all land located within the township of Queenstown as defined in the Victorian Register of Geographic Names.

"urban growth boundary" – means the boundary defined in the Nillumbik Planning Scheme identifying the scope of urban growth within the municipality and identified on the plan in Schedule 1

Part 8. Waste Disposal

66. Commercial Waste Collection

The collection of commercial ***waste*** by any person must be carried out in accordance with the following provisions:

a) Waste bins should be located at sites that provide minimal annoyance to residential premises;
b) Compaction should be carried out while the ***vehicle*** is moving;
c) Bottles should not be broken at a collection site;
d) Routes which service predominately residential areas should be altered regularly to reduce early morning disturbances;
e) Where a residential area is impacted by noise from the collection of waste, collection should be restricted to the times contained within the following schedule

    i) one collection per week 6:30 am – 8 pm Monday to Saturday 9 am – 8 pm Sunday and public holidays
    ii) two or more collections per week 7 am – 8 pm Monday to Saturday 9 am – 8 pm Sunday and public holidays

67. Domestic waste collection, and recyclable materials

a) An ***occupier*** of any ***dwelling*** or other land in the ***municipal district*** must comply with any standards, ***policy*** or guidelines of ***Council*** applicable to a ***landfill***, recycling or green (garden and food) ***waste*** service.
b) A person must not deposit landfill waste or other matter in a ***bin supplied by council*** to any ***dwelling*** or land of which the person is not resident.
c) A person must not deposit:

    i) hazardous ***waste*** or chemicals
    ii) hot ashes, or hot material likely to damage the bin
    iii) a gas bottle or any container of pressurised gas
    iv) ***building*** or renovation ***waste***
    v) soil, bricks or rubble
    vi) medical ***waste***, veterinary ***waste*** or syringes
    vii) e-waste, including computers and electrical components
    viii) batteries
    ix) tyres

    in any ***bin supplied by council.***

d) A person must not damage or destroy any ***bin supplied by council***.

e) A person may be guilty of an ***offence*** against this clause 67 d), regardless of which ***dwelling*** or land has been allocated the bin that has been damaged or destroyed.

f) A person must not remove or interfere with any recyclable material left out on a ***road*** or at any other collection point to be collected in accordance with an instruction of ***Council***.

g) A person must ensure that all domestic landfill, green (garden and food) ***waste***, ***hard waste***, recyclable and other ***waste*** materials which they place on a ***road*** (including a road reserve, footpath or nature strip) for collection is placed in accordance with any standards, ***policy*** or guidelines of ***Council***.

h) A person shall divert recycle materials into the recycle bin.

i) A person must not place a ***bin supplied by council*** in a ***public place*** in a location that:

   i) Obstructs the free use of the ***road*** (including road reserve, footpath or nature strip) by ***motor vehicles***, or
   ii) Obstructs the free use of a footpath by pedestrians.

j) A person must not deposit domestic ***landfill waste***, green (garden and food) ***waste***, ***hard waste***, recyclable materials and other ***waste*** materials except:

   i) in a bin supplied by council, or
   ii) in accordance with a ***hard waste*** collection advertised by, or on behalf of, ***Council***.

k) An ***occupier*** of any ***dwelling*** or other land in the ***municipal district*** must ensure that:

   i) any ***bin supplied by council*** is kept in good order and in a clean, sanitary and inoffensive condition, and
   ii) any ***bin supplied by council*** is used in a manner that does not cause a ***nuisance*** to other residents.
   iii) any ***bin supplied by council*** is stored within the ***property*** to which it is allocated
   iv) material placed in a bin does not exceed a volume which prevents the lid being closed; and
   v) they remove any waste from a road or Council land which has spilled from the bin supplied to the occupier

l) ***Council*** or an ***authorised officer*** may, by notice in writing, direct the ***owner*** or ***occupier*** of land to:

   i) install;
   ii) repair;
   iii) replace; or
   iv) modify -

a fence or other means of screening a landfill or recycling or green (garden and food) waste bins or trade ***waste*** skip on the land from public view if ***Council*** or an ***authorised officer*** forms the opinion that the landfill, recycling or green ***waste*** bins or trade ***waste*** skip are unsightly, dangerous, or detrimental to the general amenity of the neighbourhood in which it is located

m) Emptied bins shall be retrieved to within the ***property*** boundary within 24 hours after collection.

68. Transportation of waste

A person must not convey or cause to be conveyed in any ***motor vehicle*** on any ***road*** in the ***municipal district***, any ***noxious weeds***, manure, dead ***animal*** or remains, offal, bones, hides, skins, offensive matter, refuse, rubbish or other ***waste*** unless the ***vehicle*** is constructed, fitted, loaded and covered so that:

a) no leakage occurs or material is dropped or deposited on any ***road*** or adjacent area from the ***vehicle***; and

b) the possibility of escape of offensive odours is minimized, to the satisfaction of an ***authorised officer***.

69. Use of municipal recycling centre

a) A person must not use the ***municipal recycling centre*** unless the person:

   i) pays any fees and charges applicable to the use of the service, and;

   ii) complies with the terms, conditions, directions and signs determined by the ***Council*** for use of the ***municipal recycling centre***.

b) A person who is not a Council employee must not remove material of any kind which has been deposited at the ***municipal recycling centre***.

70. Dumping of refrigerators, trunks or similar containers.

A person must not place, leave or allow to remain a disused refrigerator, ice- chest, ice-box, clothes washer or dryer, trunk, chest or any other similar article having a compartment which has a capacity of greater than 0.04 cubic metres at any ***municipal place***, ***public place*** or unfenced vacant land in the ***municipal district*** without first:

a) removing every door and lid; or

b) removing every lock, catch and hinge attached to a door or lid; or

c) otherwise rendering every door and lid incapable of being fastened.

71. Hard Waste Collections

a) Where the ***Council*** has notified ***occupier***s of a ***hard waste*** collection and an ***occupier*** of land proposes to leave material for collection, the material must be left for collection in accordance with the conditions contained in the notice to occupiers.
b) Where the ***Council*** has notified occupiers of a ***hard waste*** collection and an ***occupier*** of land proposes to leave material for collection, the material must be left for collection no earlier than the Sunday before the week of booked collection.
c) A person must not add to or take any material from, the contents of a land occupier's materials left out for a ***hard waste*** collection without the permission of the land ***occupier***.
d) ***waste*** collection operators may refuse to collect hard waste from any ***occupier*** who does not comply with a direction of the ***Council***, an ***authorised officer*** or the ***waste*** collection operator.

72. Dumping of waste

Without a ***permit*** a person must not:

a) cause or permit, litter or ***waste*** to be placed on any ***Council*** land, unless as part of a ***hard waste*** collection as described in Clause 71; or
b) dump household or business ***waste*** in any public litter bin.

Part 9. Protection and Management of Council Assets and Infrastructure

73. Actions affecting council land

Without a ***permit*** a person must not:

a) on any ***municipal place***:

i) occupy or fence off any part of the ***municipal place***;
ii) construct landscaping ***works*** or retaining walls;
iii) erect a hoarding or overhead protective awning;
iv) use a mobile crane or travel tower for any work;
v) make a hole or excavation or reinstate a hole or excavation;
vi) leave any ***building*** materials thereon;
vii) leave any ***waste*** or debris or other goods thereon;
viii) plant trees or vegetation;
ix) remove or damage any tree or vegetation;

b) on any ***municipal reserve***, drive on, park or use a ***vehicle*** to access ***private land*** through that ***municipal reserve*** for any purpose; or

c) otherwise cause any change to ***Council*** land or anything thereon, or otherwise occupy, plant or put anything on ***municipal place.***

74. Maintenance of drains

The ***owner*** or ***occupier*** of any land must ensure that any drain, gutter, downpipe or associated infrastructure on the land or which drains from the land and connects to a drain owned or managed by the ***Council*** is maintained:

a) in a condition that is not dangerous to health, unsightly or a ***nuisance***, and
b) in a working condition.

75. Stormwater drainage connections

a) An ***owner*** of land must ensure that all stormwater drainage outlets that discharge from that land to a ***Council*** drain are properly constructed and maintained at all times.
b) The ***owner*** or ***occupier*** of land must ensure that:

i) each ***building*** and or structure on the land is connected to a legal point of discharge nominated by ***Council*** through a properly constructed and maintained underground drainage system; and
ii) the land is a adequately drained to the satisfaction of an ***authorised officer***

76. Protection of drains

A person must not, -

a) destroy, or
b) damage, or
c) interfere with; or
d) tap into; or
e) cover or obscure-

any drain vested in the ***Council***, without a ***permit***.

77. Protection of roads

a) A person must not

i) occupy or fence off;
ii) erect a hoarding or scaffolding on;
iii) use a mobile crane or travel tower for any work on;
iv) make a hole or excavation in;
v) fill a hole or excavation in; or
vi) remove, damage or interfere with a temporary traffic signal, sign, barrier or other structure erected to protect pedestrians or regulate traffic on-

any ***road*** or part of a ***road*** under the control of the ***Council***, without a ***permit***.

b) Any person that undertakes work on a ***road*** or part of a ***road*** under the control of the ***Council***, must perform the work to the satisfaction of the ***Council***.

c) An ***authorised officer*** may ***impound*** any object or equipment being used in contravention of paragraph a) or in contravention of a ***permit*** issued under this Local Law.

d) The ***Council*** may exempt -

i) a person, or
ii) a body corporate-

from the application of this Clause.

e) A person who makes a hole or excavation in a ***road*** or part of a ***road*** under the control of the ***Council*** must ensure that appropriate signs are displayed in accordance with the applicable Australian Standard.

78. Protection of assets and land

a) A person must not:

i) damage, interfere with, destroy or deface
ii) undertake an activity which may damage, interfere with or destroy
iii) build or fill over, conceal or plant vegetation that may cause damage near

a bridge, fence, footpath, nature strip, ***road***, ***municipal reserve***, service conduit, fire plug, hydrant or other asset vested in or under the control of the ***Council***, without a ***permit***.

b) The ***Council*** may inspect:

i) any connection to a ***Council*** asset, or
ii) any ***works*** undertaken within a ***road*** or easement

and impose a fee for the connection or inspection.

79. Protection of Vegetation

a) Without a ***permit*** a person must not on any ***Council*** land remove any tree or vegetation, including dead trees and fallen timber, other than to prevent the spread of declared ***noxious weed***s pursuant to the provisions of the *Catchment and Land Protection Act 1994* and those weeds listed in th ***Council*** publication *'Live Local Plant Local'*.

b) Paragraph a) does not apply to the removal of material or vegetation from a ***road*** reserve if it is:

i) For the maintenance and mowing of nature strips comprising exotic vegetation that is vegetation which is not native to Australia, within urban areas, where thereis kerb and channel drainage construction; or
ii) Removal of vegetation that has fallen onto the ***road*** from abutting ***private land***; or
iii) Removal of fine fuels (which include dry grass, leaves, twigs and loose bark, but not larger logs or branches by abutting landowners for ***fire hazard*** reduction purposes; or
iv) Removal of dead vegetation (including dead indigenous vegetation) up to 1.5 m in height provided that the section of the ***road*** is not classified as High Conservation Significance; or
v) Removal of vegetation for ***fire hazard*** reduction purposes when in accordance with a fire prevention notice issued by the Municipal Fire

Prevention Officer or an Assistant Fire Prevention Officer under - section 41 of the *Country Fire Authority Act* 1958, or

vi) Activities undertaken by 'Friends Of', Landcare Groups and community fireguard groups in accordance with a land management agreement approved by ***Council***.

Explanatory Note:

For the purposes of sub-clause 79 b) iii) and iv), High Conservation Significance is identified on Council's High/Low Roadside Conservation Significance map which is available on Council's website or can be viewed at the Council Offices.

80. Vehicle crossings

a) The ***owner*** or ***occupier*** of any land must ensure that:

i) each point of ***vehicle*** access to that land from a ***road*** has a ***vehicle crossing*** constructed to the satisfaction of Council linking that ***road*** to the ***property***, and

ii) no ***vehicle*** is allowed to enter or leave the land except by using the ***vehicle crossing*** referred to in clause 80 a), or in accordance with an ***asset protection permit*** issued under clause 82, and

iii) a redundant crossing is removed where directed in writing by the ***Council***.

b) A person must not permanently or temporarily construct, remove or alter a ***vehicle crossing***:

i) without a ***permit*** issued in accordance with the *Planning and Environment Act* 1987, or

ii) without an ***asset protection permit*** issued in accordance with Clause 82, or

iii) in accordance with a ***permit*** or written consent provided by the **Council**.

c) A person who fails to comply with paragraph a) is guilty of an ***offence***, and must repair any damage caused to the asset or if the ***Council*** elects, pay to the ***Council*** the actual or reasonable estimated cost of repairing the damage.

d) Any work in respect of an asset must be performed to the satisfaction of the ***Council***.

81. Spoil on roads

a) An ***owner*** or ***occupier*** must not allow any soil, earth, mud, clay, rock, liquid ***waste*** or like substance to fall or escape onto a ***road*** from their ***property*** and cause a hazard or obstruct a ***road***.

b) An ***owner*** or ***occupier*** who fails to comply with paragraph a) must immediately remove the hazard or obstruction, to the satisfaction of the ***Council***, so that it is no longer likely to cause a hazard, or is no longer an obstruction.

c) A person must not allow any soil, earth, mud, clay, liquid ***waste*** or like substance to fall or escape onto a ***road*** from any ***vehicle*** which they are driving.

d) A person must not allow any grease, oil, mud, clay or like substance to run off a ***motor vehicle*** onto a ***road***, or into a drain.

e) A person must remove any soil, earth, mud, clay, or excrement deposited on a ***road*** by any animal under his or her effective control.

82. Asset protection permits

a) On the payment of an application fee, the ***Council*** may issue an ***asset protection permit*** in respect of any land where ***building work*** is to be carried out;

b) A ***property owner*** must not commence any ***building work*** without having an ***asset protection permit*** issued in respect of the ***building work***;

c) A person must comply with any condition on an ***asset protection permit***;

d) An ***asset protection permit*** may allow a person to enter land from a ***road*** other than by a permanently constructed ***vehicle crossing*** whether or not public assets or infrastructure are likely to be damaged;

e) The ***asset protection permit*** may be subject to such conditions as ***Council*** determines, including (but not limited to):

   i) requiring protection ***works*** to be done, or
   ii) requiring the payment of an ***asset protection bond***, or
   iii) requiring the erection of temporary fencing to the satisfaction of ***Council***, or
   iv) requiring that any public asset or infrastructure damage be repaired, replaced or reinstated within a specified time-

f) Unless it is renewed sooner, an ***asset protection permit*** expires on the date specified in the ***permit*** and if not specified, 12 months after the date of its issue;

g) The owner, builder or appointed agent must:

   i) notify ***Council*** in writing, of proposed ***building work*** at least 7 days before ***building work*** commences; and
   ii) provide ***Council*** with notice in writing of any prior damage to any ***road*** (including a road reserve, footpath or nature strip), or other asset at least 7 days prior to the commencement of any ***building work*** or the delivery of any equipment or ***building*** materials.

Explanatory note:

The ***owner***, ***builder*** or ***appointed agent*** must notify the ***Council*** in accordance with Clause 82 g), regardless of whether a ***building permit*** has been issued.

h) The ***owner***, ***builder*** or ***appointed agent*** responsible for ***building work*** must repair or reinstate any damaged ***road***, drain, nature strip, kerb, channel, ***vehicle crossing*** or other assets vested in ***Council*** adjacent to the land where the ***building work*** takes place or which is otherwise affected by the ***building work***, and any repair work must be performed to the satisfaction of the ***Council***;

i) The amount of any ***asset protection bond*** required under this clause may be determined by resolution of the ***Council***, and may take into account:

   i) The type, size and nature of the ***building work*** being undertaken; and
   ii) The total ***building*** cost of the work being undertaken; and
   iii) the likely impact of the proposed ***building*** on assets and infrastructure in the vicinity; and
   iv) any other factor-

j) Upon completion of the ***building work***, ***Council*** may:

   i) retain all or part of the ***asset protection bond*** to offset the costs of repairing any damage; or
   ii) refund to the person who lodged the ***asset protection bond***, upon Council's satisfaction that no damage has been caused, or that any damage caused has been repaired to Council's satisfaction-

k) For purposes of determining whether any damage to public assets has resulted from the execution of any ***building work*** on a ***property***, failure to provide notice under this clause is *prima facie* proof that there was no existing damage to such assets prior to the ***building work*** taking place;

l) The ***Council*** may accept an alternative form of security to an ***asset protection bond***;

m) Where an ***owner***, ***builder*** or approved agent has caused damage to assets vested in ***Council***, and the cost to repair the damage exceeds the amount of the ***Asset Protection Bond*** paid in respect of the ***building work*** associated with the damage, any person that is guilty of an ***offence*** arising from the damage may be ordered (in addition to any other penalty) to compensate the ***Council*** for an amount not exceeding the value of:

   i) the damaged asset; or
   ii) the cost of repairing or reinstating the asset to its prior state-

n) An ***asset protection permit*** may be cancelled if an ***owner***, ***builder*** or ***appointed agent*** is found guilty of an ***offence*** arising from a failure to comply with this Local Law.

83. Identifying damage to Council assets

a) Inspections of any ***Council*** assets by an ***authorised officer***, whether on ***private land*** or ***public land***, may be conducted at any reasonable time;

b) If ***Council*** identifies any damage that appears to result from non- compliance with this Local Law, an ***authorised officer*** may give a ***notice to comply*** to any person to reinstate the asset or repair any damage within a specified time;

c) An ***authorised officer*** may serve the responsible party with a ***notice to comply*** under Clause 83 b) specifying:

i) The time and date that the damage was observed, and
ii) a description of the damage to be repaired, and
iii) the date that the repair must be completed by (which must not be less than 28 days from the date of the notice).

Part 10. Requirements of Building Sites

84. Stormwater protection

Where any ***building work*** is being carried out on any land, the ***owner***, ***builder*** or ***appointed agent*** must ensure that the site is developed and managed to minimise the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments, ***animal*** wastes or gross pollutants, including (but not limited to) measures to:

a) minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting ***roads*** (including a road reserve, footpath or nature strip), or washed into the ***stormwater system***, and

b) prevent ***building*** clean-up, wash-down or other wastes being discharged offsite or allowed to enter the ***stormwater system***.

85. Containment of refuse

a) Prior to the commencement of any ***building work*** and continuing until the ***completion of the building work***, the ***owner***, ***builder*** or ***appointed agent***:

   i) must provide a closed ***facility*** for the purpose of disposal of ***builders' refuse*** that may be wind-blown, and
   ii) must place the ***facility*** on the ***land*** and keep it in place (except for such periods as are necessary to empty the ***facility***), and
   iii) must not place the ***facility*** on any ***Council land*** or ***road*** (including a road reserve, footpath or nature strip), without a ***permit***, and
   iv) must empty the ***facility*** whenever full and, if necessary, provide a replacement ***facility*** during the emptying process, and
   v) must prevent mud and dirt being carried out by vehicles from the ***building site*** onto adjoining ***roads*** (including a road reserve, footpath or nature strip), and
   vi) must ensure that any abutting nature strip remains tidy, and
   vii) must ensure that no materials, vehicles or items are placed on nature strips or other ***Council land***, without a ***permit***; and
   viii) must ensure that any footpath adjacent to the land affected by the ***building work***, is kept clear of mud and dirt at all times.

b) For the purpose of this Part, ***facility*** means a suitable receptacle for ***builders' refuse***, capable of restricting debris and ***waste*** from leaving the ***building site***.

c) The ***Council*** may exempt:

   i) a person; or

ii) a body corporate

from the application of this clause.

86. Disposal of builders' refuse

Prior to the commencement of any ***building work*** and continuing until the ***completion of the building work***, the ***owner***, ***builder*** or ***appointed agent*** must: -

a) ensure that all ***builders' refuse*** which is capable of being carried by wind is placed in the ***facility*** referred to in clause 86, and
b) ensure that ***builders' refuse*** that is not placed in the ***facility*** referred to in clause 86 a) is not deposited on any land other than the ***building site*** directly under their control, and
c) ensure that ***builders' refuse*** is not deposited in or over any part of the ***stormwater system***.

87. Removal of builders' refuse

An ***owner***, ***builder*** or ***appointed agent*** must remove all ***builders' refuse*** from a site where ***building work*** is undertaken, within 21 days of the ***completion of building work***.

88. Building site fencing

a) This clause only applies to ***building work*** on land that is in a residential zone, commercial zone, activity centre zone or industrial zone, and is less than 1500m2 in size.
b) An ***owner***, ***builder*** or ***appointed agent*** engaged in ***building work*** must ensure that the site has ***adequate site fencing*** that complies with clause 88.
c) ***Adequate site fencing*** means a fence or gate of a temporary or permanent nature, that:
    i) extends to a height of not less than 1500mm, and
    ii) is capable of preventing litter and ***builders' refuse*** from being blown from a ***building site*** by wind, and
    iii) has only one ***vehicle*** access opening that:
        A) has a width of no greater than 2800mm, and
        B) is fitted with a gate with a height of not less that 1500mm which prevents litter from being blown from a ***building site*** by wind, and
        C) is located to correspond with a ***vehicle crossing*** referable to the ***building site***, and
    iv) does not obstruct or encroach upon any ***road*** (including a road reserve, footpath or nature strip), and

v) is sufficiently secure to withstand strong winds, and
vi) otherwise does not pose a risk to persons, ***property***, vehicles or assets in the vicinity.

89. Sanitary facilities on building sites

a) Prior to the commencement of any ***building work,*** and continuing to the ***completion of building work***, the ***owner***, ***builder*** or ***appointed agent*** must provide a sewered toilet or a fresh water flushing portable toilet and ensure that it is serviced and available for the use of the persons on that site, to the satisfaction of an ***authorised officer***.

b) Notwithstanding paragraph a) an ***owner***, ***builder*** or **appointed agent** may provide a sewered toilet or a fresh water flushing portable toilet on an adjacent site under the control of the ***owner***, ***builder*** or ***appointed agent***, provided that:

i) no more than 3 adjacent building sites rely on the same sewered toilet or fresh water flushing toilet, and
ii) access to the sewered toilet or fresh water flushing toilet is available for any person working on any of the three adjoining sites.

c) The ***owner***, ***builder*** or ***appointed agent*** must advise ***Council*** within 7 days of the installation of a sewered toilet and obtain ***Council*** written consent prior to removing a portable toilet from the site.

90. Identification of building sites

a) Prior to the commencement of any ***building work*** and continuing to the ***completion of building work***, the ***owner***, ***builder*** or ***appointed agent*** must erect and maintain a sign at the main entrance of the ***building site*** which:-

i) is at least 600 millimetres in height and 400 millimetres in width, and
ii) is placed in such a location as to be clearly visible and legible from the ***road***, and
iii) contains the lot number of the site as described in the relevant certificate of title, and
iv) identifies the name, postal address and a business hours contact telephone number or numbers of the person in charge of the ***building work***, and
v) identifies the ***asset protection permit*** number applicable to the ***building work***.

b) If, prior to the completion of the ***building work***, there is a change of ***builder***, the ***owner*** must, within seven days of that change,

i) give written notice to the ***Council***, and

ii) cause any sign erected in accordance with paragraph a) to be replaced or amended so that the identification of the name, postal address and contact number or numbers of the person in charge of the ***building work*** is correct and up-to-date

c) The notice under paragraph b) must specify the date of the change of ***builder*** and be signed by the ***owner***, and the new ***builder***.

d) From the date of receipt of the notice under paragraph b), the new ***builder*** specified in the notice is deemed to be the ***builder*** for the purposes of this Local Law.

e) Despite any rule of evidence, the inclusion of a person's name on a sign erected in accordance with paragraph a), is *prima facie* proof that the person named is responsible for ***building works*** on the site within the meaning of this Local Law, unless the contrary is proven.

91. Equipment and materials delivery

a) A person must not deliver to a ***building site*** any equipment or materials unless an ***asset protection permit*** has been obtained.

b) A person must deliver to a ***building site*** any equipment or materials for the ***building works*** direct from the ***road***, over the ***vehicle crossing*** to the ***allotment*** and not across the nature strip or footpath.

c) In respect of any building work:

i) ***owner*** of any land;
ii) ***builder*** engaged to carry out ***building work*** on land;
iii) appointed agent; or
iv) demolition contractor engaged to carry out the demolition of a structure on the land, in the case of ***building work*** involving demolition,

must ensure that;

v) no materials are stored outside the ***building site*** on any ***Council*** land without approval from an ***authorised officer***; and
vi) entry takes place only across a ***vehicle crossing*** or ***vehicle crossing*** including a temporary vehicle crossing.

d) Unless written approval is obtained from the adjoining owners and submitted to ***Council***, a person must not deliver or store ***building*** materials on the adjoining ***allotments*** to the ***building site***.

Where there is evidence of a **vehicle** accessing a ***building site*** from any point other than over the ***vehicle crossing***, the ***owner*** is liable for any damage to ***Council*** assets unless such damage was recorded prior to ***works*** commencing, in accordance with Clause 82 (g)(ii).

Part 11. Council may issue permits

92. Council may issue permits

a) The ***Council*** may issue a ***permit*** under this Local Law, with or without any conditions, may renew or extend a ***permit***, or may refuse to issue a ***permit.***

b) The ***Council*** may from time to time prescribe:

i) the manner and form in which applications for ***permits*** under this Local Law should be made;

ii) any ***policy*** that may apply to ***permits*** being issued, or the refusal to issue a ***permit***

iii) the manner in which any ***permit*** under this Local Law should be issued; and

iv) the fee payable to apply for a ***permit*** or to renew or extend a ***permit***, and

v) any other matter related to issuing ***permits*** under this Local Law.

c) The ***Council*** may authorize staff members to issue ***permits*** under paragraph a).

d) The ***Council*** must keep a record of ***permits***.

e) The ***Council*** may request further information prior to issuing, or refusing to issue, a ***permit***.

f) The ***Council*** may require that notice of an application for a ***permit*** is publicized or otherwise bought to the attention of any affected person, at the expense of the applicant.

g) Unless it is extended sooner, a ***permit*** expires on the date specified in the ***permit*** or if no date is specified the ***permit*** will expire one year after the date of issue.

h) The ***Council*** may waive, reduce or alter any fee or charge with or without conditions, in respect of a class of ***permit***, a class of applicant or any other circumstances.

i) A ***permit*** may be issued subject to conditions, including (but not limited to):

i) the payment of a fee; or

ii) charge, or lodgement or a guarantee or bond; or

iii) a standard to be applied; or

iv) a time limit to be applied or specifying the duration, commencement or completion date; or

v) the happening of an ***event***; or

vi) the rectification, remedying or restoration of a situation or circumstance; or

vii) the consent of the ***owner*** of land, or any other person affected by the issuing of the ***permit; or***

viii) the currency of public liability insurance in respect of any activity or conduct related to the issue of a ***permit***; or
ix) the requirement to comply with any ***policy***, ***code*** of practice or guidelines that ***Council*** has in force from time to time, and
x) the granting of some other ***permit*** or authorization which may be required by ***Council*** whether under this Local Law or otherwise.

93. Considering applications for permits

a) In considering an application for a ***permit*** the ***Council*** or authorised staff member may consider:

i) any ***policy*** or guideline adopted by the ***Council*** relating to the subject matter of the application for the ***permit***;
ii) any submission that may be received in respect of the application;
iii) any comments that may be made in respect of the application by any public authority, Government department, community organisation or any other body or person; and
iv) the risk posed to public safety, ***property*** or ***Council*** assets by the proposed activity; and
v) any anticipated impact on other persons of the proposed activity; and
vi) whether the concerns or issues raised regarding the proposed activities can be adequately controlled by ***permit*** conditions, and
vii) the objectives of this Local Law, and
viii) any other relevant matter.

94. Correction of permit

a) The ***Council*** may correct a ***permit*** if the ***permit*** contains:

i) a clerical mistake or an error arising from any accident, slip or omission; or
ii) an evident and material miscalculation of figures or any evident and material mistake in the description of any person, thing or ***property*** referred to in the ***permit***.

b) The ***Council*** must note the correction in the record of ***permits***.

95. Grounds for cancellation of or amendment of permits

a) The ***Council*** may cancel or amend any ***permit*** if the ***Council*** considers that there has been:

i) a material misstatement or concealment of facts in relation to the application for a ***permit***; or
ii) any material mistake in relation to the issue of the ***permit***; or
iii) any material change of circumstances which has occurred since the issue of the ***permit***; or
iv) a failure to comply with the conditions under which the ***permit*** was issued; or
v) any breach of this Local Law, including a failure to comply with a ***notice to comply*** issued under this Local Law.

b) Prior to cancelling or amending a ***permit*** under Clause 94 a), the ***Council*** must notify the holder of a ***permit*** of:

i) the Council's intention to amend or cancel the ***permit***, and
ii) the basis of the intended decision, and
iii) the ***permit*** holder's right to make a written submissions within a specified period before the ***permit*** is amended or cancelled.

c) The ***Council*** or authorised staff member must consider any written submission made by the ***permit*** holder prior to making a decision to cancel or amend the ***permit***.
d) The ***Council*** must record the cancellation or amendment of the ***permit*** in the record of ***permits***, and must notify the ***permit*** holder in writing of the decision to cancel or amend the ***permit***.

Part 12. Enforcing this Local Law

96. Failure to comply with this Local Law, a permit or a notice to comply

a) A person is guilty of an ***offence*** if the person:

i) does something which a provision of this Local Law prohibits to be done; or
ii) fails to do something which a provision of this Local Law requires to be done; or
iii) engages in activity without a current ***permit*** where a provision of this Local Law prohibits a person from engaging in that activity without a ***permit***; or
iv) breaches of fails to comply with a condition of a ***permit*** issued under this Local Law; or
v) fails to comply with a ***notice to comply*** issued under this Local Law, including a failure to comply within the time specified in the ***notice to comply***, or
vi) fails to comply with any ***written direction*** issued under this Local Law.

b) The maximum penalty that may be imposed for any ***offence*** against this Local Law is:

i) the amount specified in schedule 1, and
ii) in any other case, 20 penalty units.

c) Upon finding a person guilty of an ***offence*** against this Local Law, any Court may order a person (in addition to imposing a penalty):

i) to undertake any ***works***, or to do any thing to rectify or remediate a contravention of any provision of this Local Law;
ii) to pay compensation to the ***Council*** for damage caused to assets vested in ***Council*** in breach of this Local Law;

97. Service of documents

a) A ***notice to comply*** to be served on, or given to, a person under this Local Law must be served on the person by—

i) delivering the notice to comply to the person; or
ii) leaving the notice to comply at the person's usual or last known place of residence or business with a person apparently not less than 16 years of age and apparently residing or employed at that place; or
iii) by sending it by post to the person at the person's usual or last known residential or business address.

b) If a notice to comply is to be served on or given to the owner or occupier of any land and their name is not known, the notice to comply may be addressed to "the owner" or "the occupier".

c) The notice to comply may be put up on a conspicuous position on the land if the name and address of the owner are not known and there is no occupier of the land.

d) If a notice to comply required to be served on or given to an owner or occupier of any land by a Council is properly served on or given to the owner or occupier of the land, the notice to comply is binding on every subsequent owner or occupier of the land.

e) Paragraph a) does not apply to any document required to be served in accordance with the:

i) *Criminal Procedure Act 2009*
ii) *Infringements Act 2006*
iii) *Road Safety Act 1986*
iv) *Local Government Act 1989*

98. Impounding and disposing of items

a) An authorised officer may:

i) ***impound*** any item that encroaches or obstructs the use of a ***municipal place*** or a ***road***, or any item which contravenes or is being used in contravention of this Local Law;
ii) release the item to its ***owner*** on payment of a fee determined by ***Council***, which does not exceed the reasonable costs to ***Council*** of *impounding*, keeping and releasing the item.

b) If an ***authorised officer*** impounds an item under this Local Law the ***authorised officer*** must serve on the ***owner*** a notice of seizure that complies with paragraph (f) as soon as possible after the item is impounded.

c) If the identity or whereabouts of the ***owner*** of an item impounded under this Local Law are unknown, the ***authorised officer*** must take reasonable steps to ascertain the owner's identity and or whereabouts prior to exercising its powers under clause 98 a).

d) If an impounded item is not retrieved within the time specified in a ***notice of seizure***, an ***authorised officer*** may take action to dispose of the impounded item according to the following principles:

i) where the item has no saleable value, it may be disposed of in the most economical way; and

ii) where the item has some saleable value the item may be disposed of either by tender, public auction or private sale but failing sale may be treated as in sub-clause 98 (d) (i);

iii) where the ***owner*** has advised the ***Council*** in writing that the ***Council*** may dispose of the goods because they do not intend to retrieve them, the ***Council*** may dispose of them by the method identified in sub- clauses 98 (d) (i) or 98 (d) (ii).

e) ***Council*** is entitled to retain out of the proceeds of sale of any impounded item, its reasonable costs incurred in impounding, keeping and selling the item.

f) A **notice of seizure** served under this Clause must contain the following particulars:

i) The name and address of the ***owner*** of the *impounded* item, to the best of the ***authorised officer***'s knowledge at the time of seizure, and

ii) The name and contact details of the ***authorised officer*** that impounded the item,

iii) A brief description of the item (or items) impounded, and

iv) The time and location that the item was impounded, and

v) A brief description of the reason for impounding (including the Clause of the Local Law that was breached) and

vi) The method of retrieving the ***impounded*** item, including any fees payable prior to recovery,

vii) Date and time by which the item must be retrieved (which must not be less than 14 days from the date of the notice), and

viii) instructions advising how the person may view the content of the Local Law; and

ix) A statement to the effect of the consequences for failure to recover the item prior to the specified date.

99. Notices to comply

a) The ***Council*** or an ***authorised officer*** may, by serving a ***notice to comply***, direct any ***owner***, ***occupier*** or other person apparently in breach of any provision of this Local Law to perform any action, cease doing any action, or otherwise remedy the breach of the Local Law.

b) A ***notice to comply*** must state the time and date by which the thing must be remedied and must contain the particulars listed in paragraph d).

c) The time required by a ***notice to comply*** must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account, if applicable:

i) the amount of work involved;
ii) the degree of difficulty;
iii) the availability of necessary materials or other necessary items;
iv) climatic conditions;
v) the degree of risk or potential risk; and
vi) any other relevant matter.

d) A ***notice to comply***, issued under this Local Law, must contain the following particulars:

i) The name of the person to whom the ***notice to comply*** is directed; and
ii) The last known address of the person that the ***notice to comply*** is directed to; and
iii) The address or particulars of the ***property*** that the ***notice to comply*** relates to; and
iv) The clause or clauses of the Local Law that are alleged to have been breached; and
v) The date that the alleged breaches were observed; and
vi) Clear instructions specifying what steps must be taken by the person to comply with the ***notice to comply***; and
vii) The date and time by which the person must comply; and
viii) The name and contact details of the ***authorised officer*** who issued the ***notice to comply***; and
ix) instructions advising how the person may view the content of the Local Law; and
x) A statement of further enforcement action that may be taken if there is a failure to comply with the notice, including a statement regarding potential maximum penalties that may apply, and
xi) a statement to the effect that 'If you do not understand this ***notice to comply***, or if you disagree with this notice, you should obtain legal advice immediately'.

e) If a person is served with a ***notice to comply*** fails to carry out any work stipulated in a ***notice to comply***, ***Council*** may approve the carrying out of the work by another person, or carry out the work itself and recover the cost of performing the work from the person who failed to comply with the ***notice to comply***.

100. Discretionary powers

a) On becoming aware of a contravention of this Local Law an ***authorised officer*** may, on considering all of the circumstances known at the time, do any of the following:

i) take no action,
ii) issue an ***official warning***,
iii) issue a ***notice to comply*** in accordance with Clause 99,
iv) issue an ***infringement***,
v) commence court proceedings,
vi) take any other action permitted by law.

b) An ***authorised officer*** who takes any action described in paragraph (a) may take any other action in respect of the same breach unless expressly prohibited by operation of law.

101. Power to act in urgent circumstances

a) Any ***authorised officer*** may in urgent circumstances arising as a result of a failure to comply with this Local Law, take action to remove, remedy or rectify a situation without serving a ***notice to comply*** provided:

i) the ***authorised officer*** considered the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a ***notice to comply***, may place a person, ***animal***, ***property***, asset or thing at risk or in danger; and
ii) details of the circumstances and remedying action are forwarded as soon as practicable to the person on whose behalf the action was taken.

b) The action taken by an ***authorised officer*** under clause 101 a) must not extend beyond what is necessary to cause the immediate abatement of (or to minimise) the risk or danger involved.

102. Infringement notices

a) Any ***offence*** against this Local Law is an ***infringeable offence*** as defined by the *Infringements Act* 2006,
b) An ***authorised officer*** may issue an ***infringement*** for any ***offence*** under this Local Law.
c) The penalty fixed for an ***infringement*** notices issued under this Local Law in relation to clauses referred to in *Column 1 of Schedule 2*, is the amount specified in *Column 2 of Schedule 2*, and in every other case is 2 penalty units.
d) The provisions of the *Infringements Act* 2006 apply to an ***infringement*** issued for an ***offence*** against this Local Law.

Explanatory note:

The *Infringements Act* 2006 sets out the procedure for:

a) the internal review of the decision to issue ***infringements***, and

b) payment and applications of payment plans, and

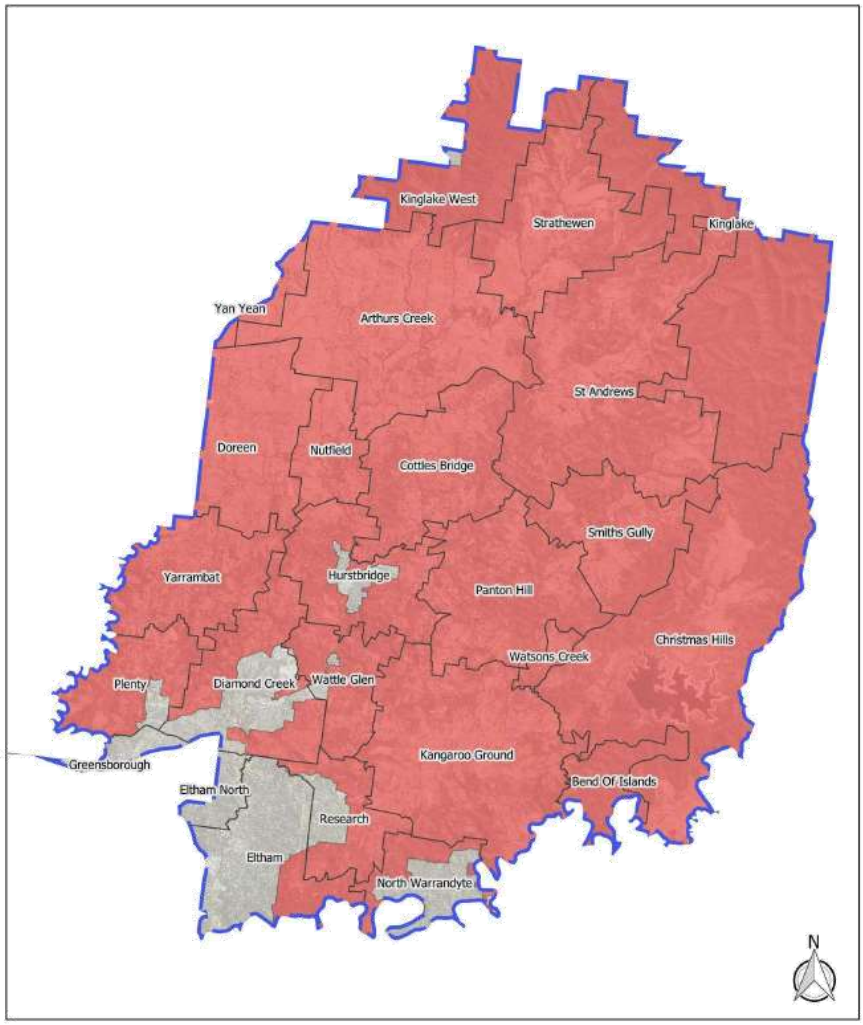
c) the enforcement of unpaid ***infringement***s.

103. Penalties

A person guilty of an ***offence*** under this Local Law is subject to the penalties set out in Schedule 2.

Part 13. Schedules

Schedule 1 – Urban growth boundary map for Clause 65 – Prohibition of Fireworks



Schedule 2 – Penalties

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ChatterBox Projects
voices shaping communities

Nillumbik Shire-Draft General Local Law

Consultation Findings Report

Final-9 February 2022

Acknowledgement



ChatterBox Projects respectfully acknowledges the Wurundjeri Woi-Wurrung people as the Traditional Owners and Custodians of the Country on which Nillumbik is located. We pay respect to Elders past, present and emerging; and extend that respect to all First Nations People.

Document information

Document title	Nillumbik Shire – Draft General Local Law: Consultation Findings Report
Version	Final
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1. Executive summary

ChatterBox Projects was engaged by Nillumbik Shire Council (Council) to plan, deliver and report on engagement activities to seek community feedback on the draft Local Law.

The purpose of the community engagement was to gather feedback on the provisions within the Draft Local Law, their effectiveness, and whether they are still fit for purpose for the Nillumbik community in 2022 and beyond. Feedback received will be used to inform the development of a final Draft Local Law which will go on public exhibition later in 2022.

People who live, work or play in Nillumbik were identified as the target population to engage in this public consultation.

Council's 'Participate Nillumbik' online engagement platform was used to support the consultation from 1 November to 5 December 2021. Community members could provide feedback by completing an online survey, attending an online workshop or providing a submission (uploaded online or via email).

1.1 Overview of participation profile

As shown in Table 1, the communications and engagement activities were effective in engaging 190 participants.

Table 1. Outline of engagement activities and level of participation

Engagement activity	Number of participants
Online survey	149
Submissions (online, written and email)	36
3 x Online information sessions	5
TOTAL	190

Demographic details were reported by most participants and the participation profile has been largely generated based on the characteristics reported by the 149 survey respondents:

- **Gender**: The majority of respondents identified as 'Female' (94 or 64.0%).
- **Residential suburb:** 145 survey respondents who provided a response and 18 submissions participants who indicated a suburb, reported living in Nillumbik.
- **Relationship to Nillumbik (live, play, work and other)**: The majority of survey respondents reported living in Nillumbik (140 or 94.0%) and 2 (or 1.3%) of respondents reported they play or work in Nillumbik. Not all respondents who indicated a residential suburb answered this question.

It is noted that:

- 5 participants with the same email account and name completed two online surveys each
- 2 participants with the same email account and name completed three online surveys each
- 2 participants with the same name submitted two submissions each

1.2 Key findings

The findings presented in this report may be regarded as accurately reflecting the views of the participants. There is some evidence of consistently recurring themes as well as mixed views on some aspects of the Local Law provisions within the responses.

Overall, the community feedback received regarding the draft Nillumbik General Local Law is not supportive. The majority of respondents (101 or 69.7%) indicated they 'Do not support' the draft Local Laws, while 18 (or 12.4%) indicated 'Support'. Many participants indicated concerns regarding the Local Law in relation to some areas of the document being overly prescriptive, inflexible or an unnecessary duplication of other existing regulations or legislation.

Personalised feedback was provided by 128 of the 149 survey respondents and 36 submissions. Many participants commented on the overall Local Law and/or specific provisions. Most participants referred to one or multiple topics therefore the tally counts in the findings tables exceed the number of responses. Most feedback was constructive, commending the Shire on this initiative, providing suggestions and seeking clarification. An unsupportive tone was also apparent in the feedback on specific provisions and other aspects relating to the Local Law. The topics that attracted the most feedback were:

- **Overall sentiment about the draft Local Law and processes** which was referenced by 99 participants. Aspects that particularly attracted attention were: Mixed views on the draft Local Law (referenced by 82 participants, mostly unsupportive); Consider the Nillumbik Shire context in the local law making process (18 participants); and Communication and consultation processes (13 participants).
- **Part 7. Land Use and Amenity** which was referenced by 67 participants. Aspects that particularly attracted attention were: 63. Protection of amenity trees (referenced by 27 participants, mostly supportive); 62. Shipping containers (20, mostly unsupportive); 43. Unsightly land (15, mixed views); 51. Burning open air (12, mostly unsupportive); 44. Environmental weeds (11, variety of comments); and 60. Caravans, movable and temporary dwellings (10, mostly unsupportive).
- **Parts 11-13. Permits, Enforcement and Penalties** which was referenced by 42 participants. Aspects that particularly attracted attention were: Mixed views on implementation approach (referenced by 19 participants); Many of the draft local laws are not enforceable (11); and Mixed views on penalties and revenue (8).
- **Part 6. Animals** which was referenced by 41 participants. Aspects that particularly attracted attention were: 35. Keeping animals (referenced by 20 participants, unsupportive); 37. Animal noise (18, mostly unsupportive); 34. Collection and disposal of animal excrement (15, unsupportive); 36. Animal buildings and cleanliness (12, unsupportive); and 38. Feeding of wild birds on private land (11, mostly unsupportive).
- **New Local Law suggestions and other comments** which were referenced by 41 participants. An idea that particularly attracted attention was: New idea - Wildlife friendly fencing (referenced by 32 participants).

1.3 Consultant observations and recommendations

The engagement was very successful in encouraging thoughtful and considered feedback from the community.

Given the high number of comments and concerns expressed in relation to Council's Draft Local Law including being overly prescriptive, inflexible, limiting and potentially unenforceable as well as comments relating to people being confused and needing more information and clarity, it may indicate the need for increased community engagement and education on the purpose and role of Nillumbik's General Local Law.

It is recommended that a Local Law 'Guidelines' document be developed to sit alongside the General Local Law to explain and outline the internal processes undertaken before any local law is enacted. This 'Guidelines' document could also include more community friendly language about each local law, why they exist and what they are trying to achieve. This will assist address many of the concerns raised during the consultation process.

It is important for the community to have this information to provide clarity around process and give assurances that Council does not just relay on the local laws and fines to rectify issues and change unwanted behaviour.

It is also recommended that further community education is undertaken to inform the community about the purpose of the General Local Law laws.

2. Project background and engagement overview

2.1 Background and purpose

From pets to parking, from weeds to waste, Nillumbik Shire's local laws help Council address local issues to ensure community safety and wellbeing and to protect public spaces for everyone to enjoy.

Nillumbik currently has four Local Laws:

1. Amenity Local Law
2. Infrastructure Assets Local Law
3. Fireworks Local Law
4. Meeting Procedure Local Law

The Nillumbik Amenity Local Law and Infrastructure Assets Local Law are set to expire in 2023. The review of the Amenity Local Law and Infrastructure Assets Local Law represent an opportunity for Council to ensure the provisions within these Local Laws are appropriate, lawful, meet the needs of the Nillumbik community and are easy to understand and use. Many of the provisions within both Local Laws have been largely unchanged in content since 2003, with a minor review carried out in 2013. The review of these two Local Laws also represents an opportunity to modernise the structure of Council's Local Laws, combining them into a single document.

The Amenity Local Law currently regulates:

- Behaviour in Public Places
- The consumption of Liquor in Public Places
- Specific Activities: Advertising Signage, Clothing Bins, Collections, Busking and Solicitation, Shopping Trolleys, Trading, Actions to Council Land and Scare Guns
- Animals: Dog Excrement, Confining livestock, Number of animals on land, Livestock noise and Dogs prohibited in markets
- Amenity: Alarm Systems, Chimneys, Incinerators, Waste Collection, Trade Waste, Motorised Toy Vehicles, Identification of Premises, Camping, Unsightly land, Encroaching/Overhanging Vegetation,

Open Air Burning, Waste Containers, Parking of Vehicles, Repair and Sale of Vehicles on Roads, Caravans, and Circuses, Carnivals and Festivals

The Infrastructure Assets Local Law currently regulates:

- Asset Protection
- Inspections
- Equipment and Materials Delivery
- Fencing: Site fencing, Site Identification sign
- Stormwater: Stormwater protection, Drains and water courses, and Stormwater drainage connections
- Vehicle Crossings: Construction of a Vehicle Crossing
- Control of Builders refuse: Containment of refuse, Disposal of Builders refuse, and Removal of Builders refuse
- Sanitary Facilities Building Sites: Sanitary Facilities

Under State legislation, the Local Law needs to be reviewed at least every ten years. The draft Nillumbik General Local Law was developed to achieve three main aims:

- Review and revise the existing provisions within the four existing local laws
- Consolidate the four existing local laws into a single general local law document
- Develop new provisions aimed at addressing issues relevant to the community in 2021 and over the next ten years, that may not have been relevant when the local laws were last reviewed

A list of 10 new proposed local law ideas and discussion paper were developed by Council based on previous community and Councillor input and complaints to Council. These 10 new proposed local law ideas considered the following:

- introducing permits for use of drones over Council land and prohibiting drones over private property (without landowners consent)
- prohibiting the use of fencing that could be harmful to wildlife
- restricting helicopters landing away from approved landing sites
- prohibiting single use plastics at Council and Council-endorsed events, markets and festivals etc
- restricting political election signage on Council buildings or land
- improving barking dogs controls (as existing provisions are lacking)
- introducing coin mechanism or wheel locks for supermarkets that provide shopping trolleys
- stopping the display of, or locking away spray cans at point of sale in shops so people have to asak for them
- prohibiting smoking around Council buildings
- restricting the use of Glyphosates and other harmful chemicals and or prohibiting the sale of Glyphosates in Nillumbik

Council undertook an early round of community consultation in May and June 2021 to seek feedback on these ideas before deciding what should be included in an updated draft version of the Local Law document.

As a result of the consultation, eight of the 10 proposed new local law ideas were included in the updated draft Local Law for community comment.

In addition to these new proposed local laws, the, the draft Nillumbik General Local Law put forward a range of revised provisions aimed at addressing the following:

- More specific controls in relation to behaviours and uses of municipal places
- Control of clothing bins
- Revised animal keeping controls
- Management of dead livestock
- Nuisance including light, noise and odour
- More specific controls in relation to unsightly properties
- Containment of pool wastewater
- Revised burning off provisions
- Revised caravan and mobile dwelling (tiny home) controls
- Control of shipping containers
- Protection of amenity trees
- Earthworks controls
- Revised waste controls
- Greater protection of council assets
- Revised controls for building sites
- Expanded governance regarding the issue of permits
- Expanded governance regarding the enforcement of the local law
- Revised schedule of penalties

Feedback received will be used to inform the development of a draft Local Law which will go out for final exhibition and consultation in 2022.

2.2 Engagement and communications activities

The consultation program involved activities led by ChatterBox Projects and Council from 1 November to 5 December 2021 (refer to Table 2). ChatterBox Projects planned and delivered an online survey and three online information and feedback sessions. Council's 'Participate Nillumbik' online engagement platform was used to share information about the consultation, engage the community and capture feedback and ideas via an online survey. The online engagement platform tools permitted people to be informed and get involved in a time of uncertain COVID-19 restrictions. Participants could also provide written and email submissions via Council.

Table 2. Schedule of engagement activity with timeframes

Engagement activity	Timeframes
Consultation opened	**1 November 2021**
Online engagement platform (Online survey)	1 November until 5 December 2021
Online information sessions	17 and 24 November and 4 December, 2021
Submissions (online, written and email)	1 November until 5 December 2021
Consultation closed	5 December 2021

As shown in Table 3, the communications and engagement activities were effective in engaging 190 participants. Participation and engagement comprised:

- 1,294 visitors to Council's 'Participate Nillumbik' project page with 1,971 visits and 2,445 views

Table 3. Outline of engagement activities and level of participation

Engagement activity	Number of participants
Online survey	149
Submissions (online, written and email)	36
3x Online information sessions	5
TOTAL	190

3. Description of participation profile

People who live, work or play in Nillumbik were identified as the target population to engage in this public consultation. Council's 'Participate Nillumbik' online engagement platform was used to support the consultation from 1 November to 5 December 2021. Community members could provide feedback by completing an online survey or providing a submission (uploaded online, emailed or written).

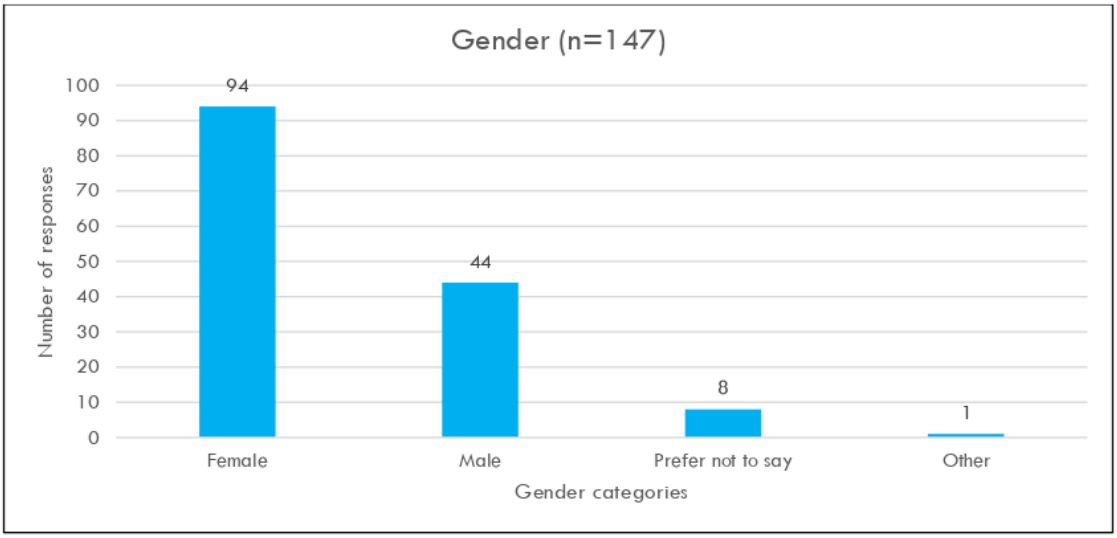
The communications and engagement activities were effective in informing approximately 2,000 people via the 'Participate Nillumbik' website with 190 people providing their feedback via engagement activities. All survey respondents reported living in a suburb or township within Nillumbik Shire municipality.

The findings presented in Part 4 of this report may be regarded as accurately reflecting the views of the participants. There is some evidence of consistently recurring themes as well as mixed views in the responses. Overall, the community feedback received regarding the draft Nillumbik General Local Law is not supportive.

3.1 Gender of participants

Online survey respondents were asked to indicate their gender. As shown in Graph 1, the majority identified as 'Female' (94 or 64.0%).

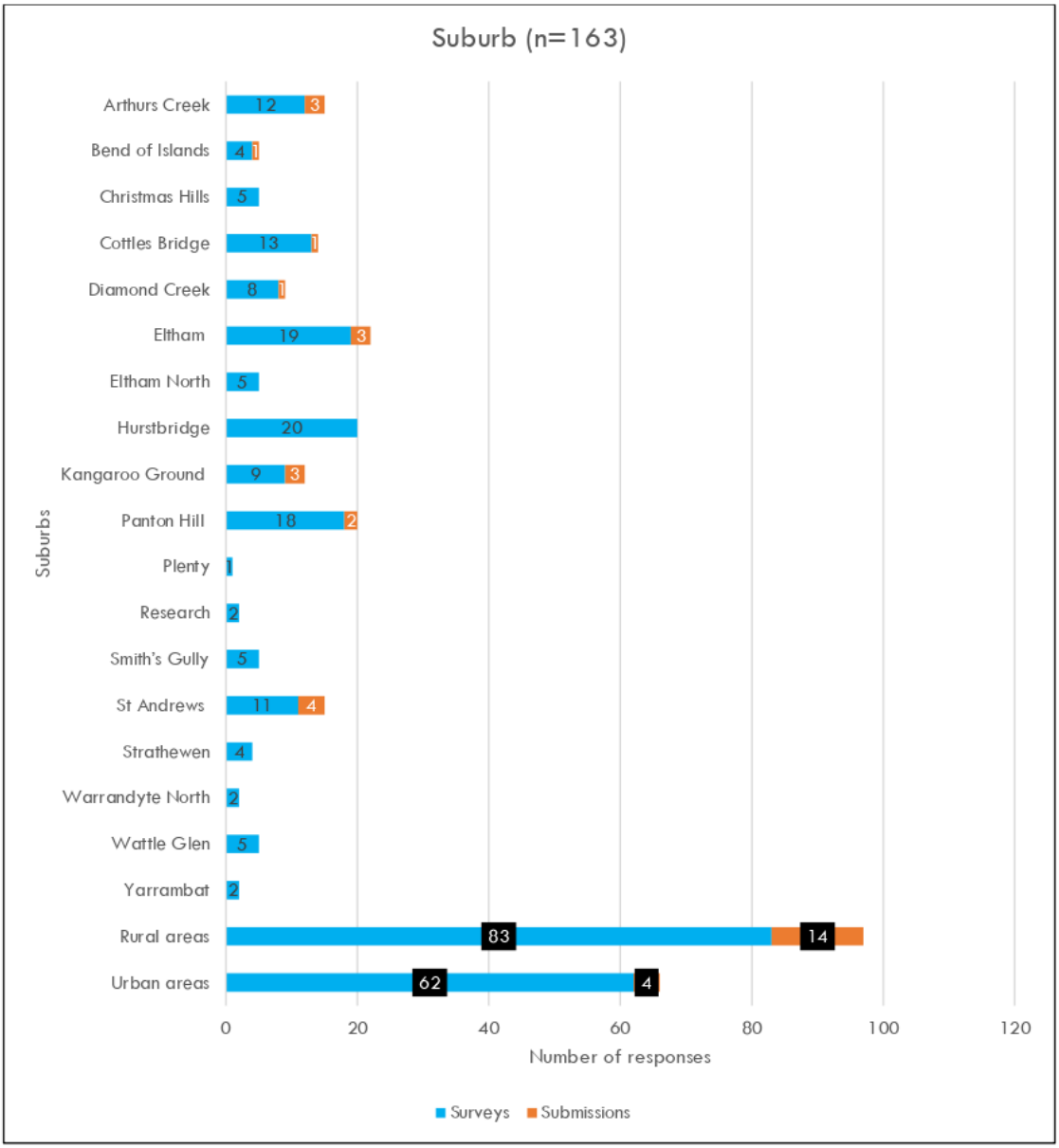
Graph 1. Gender (Online survey)



3.2 Residential suburb of participants

Online survey respondents were asked to indicate their Suburb and some **submission participants** provided a suburb. As shown in Graph 2, 145 survey respondents and 18 submission participants reported living in a suburb/township within the Nillumbik Shire municipality. 97 participants identified as living within the Rural area and 66 participants identified as living within the Urban area.

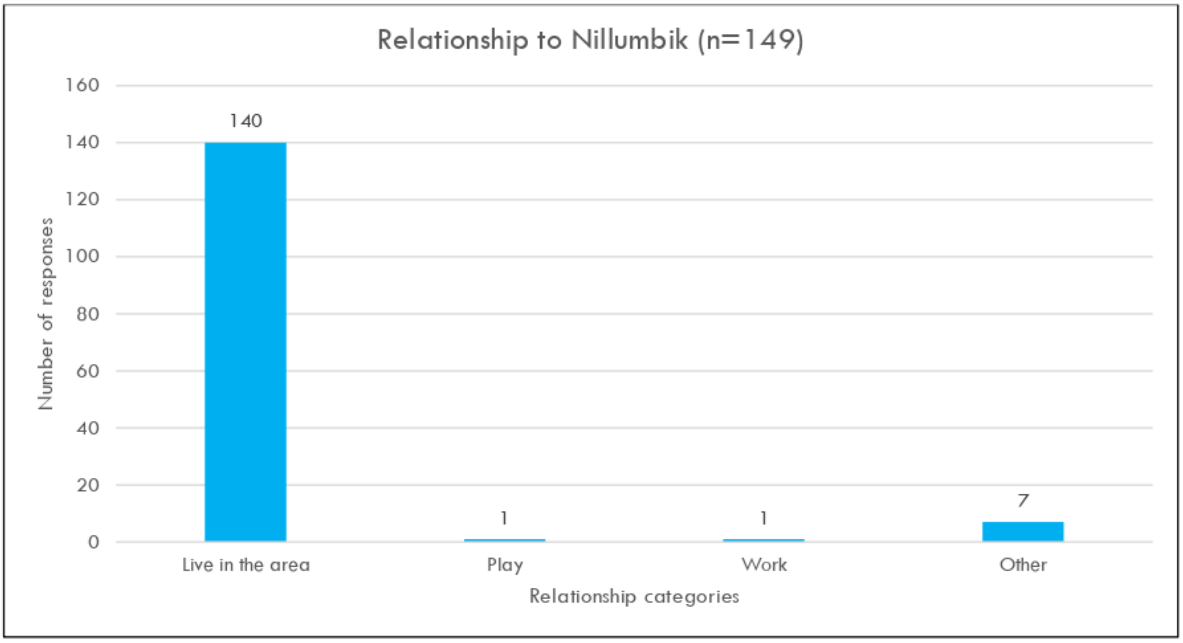
Graph 2. Residential suburb (Online survey and Submissions)



3.3 Participants' relationship to Nillumbik

Online survey respondents were asked to indicate their relationship to Nillumbik (from live, play, work and other). As shown in Graph 3, the majority reported living in Nillumbik (140 or 94.0%) and 2 (or 1.3%) of respondents reported they play or work in Nillumbik. The respondents who reported 'Other' provided the following responses: *Live in the area, work and play (5); I live, work and play in Eltham (1); and I live, work and play in the Shire (1).*

Graph 3: Relationship to Nillumbik (Online survey)



Five submission participants indicated they were representing one of the following community organisations:

- Eltham Community Action Group
- Nillumbik Horse Action Group Inc.
- Nillumbik Proactive Landowners (PALs)
- Nillumbik Ratepayers Association Inc.
- Wildlife Advocates of Nillumbik

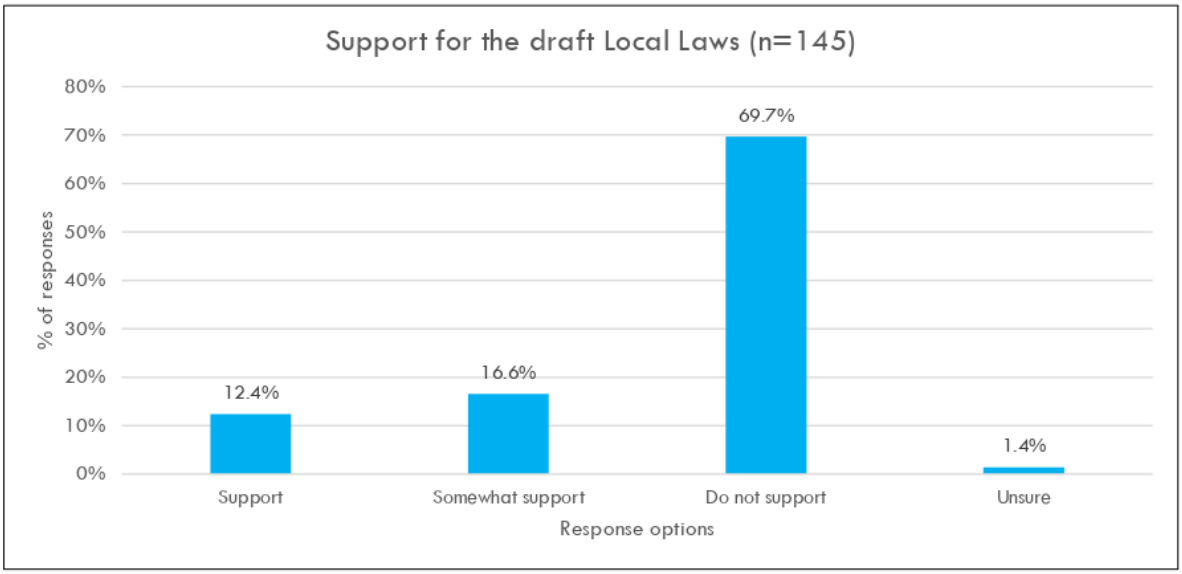
4. Findings from the analysis of the community feedback

This section reports the findings from the analysis of the community feedback gathered via the online survey and submissions.

4.1 Level of support for the draft Nillumbik General Local Law

Online survey respondents were asked "Do you support the draft Local Laws?" As shown in Graph 4, the majority of respondents (101 or 69.7%) indicated they 'Do not support', while 18 (or 12.4%) indicated 'Support'.

Graph 4. Support for the draft Nillumbik General Local Law (Online survey responses)



4.2 Overall feedback on the draft Nillumbik General Local Law

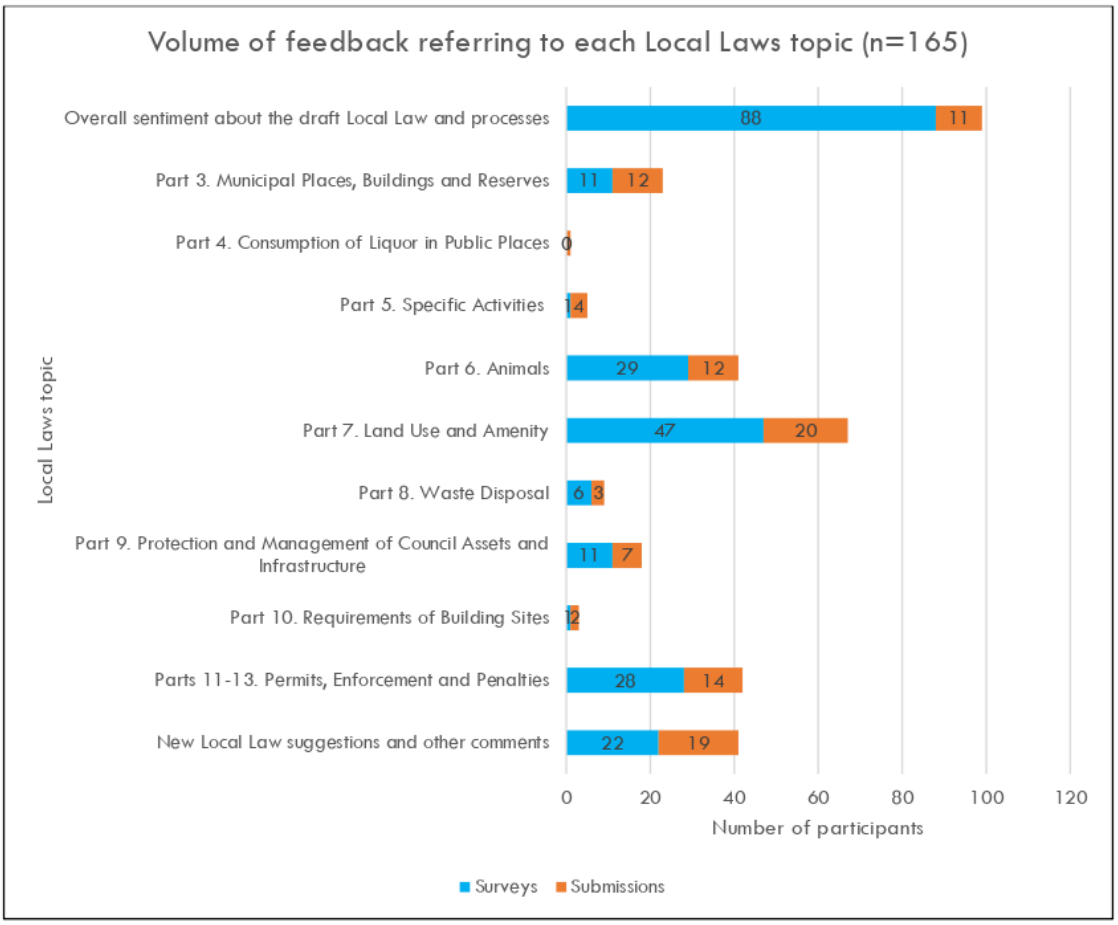
Online survey respondents were invited to provide "Comments" with 128 respondents and 36 submission participants provided a personalised response which referred to one or multiple topics. Each response was analysed at the word or sentence level and allocated to the most relevant topic. The 165 participants referred to a total of 349 topics.

As shown in Graph 5, participants outlined their overall sentiment about the draft Local Law and processes and commented on Parts of the draft Local Law to varying degrees. The topics that attracted the most feedback were:

Overall sentiment about the draft Local Law and processes (referenced by 99 participants)

- Part 7. Land Use and Amenity (referenced by 67 participants)
- Parts 11-13. Permits, Enforcement and Penalties (referenced by 42 participants)
- Part 6. Animals (referenced by 41 participants)
- New Local Law suggestions and other comments (referenced by 41 participants)

Graph 5: Overview of topics referenced in personalised responses



A total of 99 participants provided comments indicating their overall sentiment about the draft Local Law as well as feedback on the municipal context and consultation process. As shown in Table 4, personalised comments on the draft Local Law largely reinforced the responses previously shown in Graph 4. Each response referred to one or multiple topics therefore the tally counts in Table 4 exceed the number of participants.

Table 4. Summary table of overall sentiment regarding the draft Local Law and processes

Themes in feedback	Number of responses referenced
Mixed views on the draft Local Law (76 surveys, 6 submissions): The Local Law is an over-reach: some aspects are overly prescriptive, inflexible and limiting, other aspects are covered by State and Federal laws, would prefer Council focuses on the delivery of core services The Local Law is good, supported in principle or support most aspects	 73 9
Consider the Nillumbik Shire context in the local law making process: Consider the property size, use, location and rural versus suburban contexts (17 surveys, 1 submission)	18
Communication and consultation processes: Would like more information and transparency on the need for the laws. Would prefer the local law is less bureaucratic, clearer and is more inclusive and has a focus on education,	13

Themes in feedback	Number of responses referenced
facilitation and collaboration. Would like to see greater efforts to inform and consult those who will be affected such as residents, stakeholders and local equestrians (10 surveys, 3 submissions)	
Thank you for the opportunity to comment and for listening to the community (3 surveys, 1 submission)	4

4.3 Comments about Part 3. Municipal Places, Buildings and Reserves

References to *Municipal Places, Buildings and Reserves* were apparent in 23 responses. The comments have been synthesised and summarised and are presented in Table 5. Each response referred to one or multiple topics therefore the tally counts in Table 5 exceed the number of responses.

Table 5. Summary table of comments about Municipal Places, Buildings and Reserves

Topic	Sentiment in feedback
16. Behaviour in municipal places (5 surveys, 4 submissions)	Do not support, overly prescriptive, repetitive and onerous (6) Activities prohibited in a municipal reserve have never been enforced, and riding of a bicycle or horse in a manner that does not interfere with the use or enjoyment of the municipal reserve by another person are unnecessary (2) this means to create a nuisance, unnecessary (1)
17. Access to municipal places (5 surveys, 1 submission)	Do not support, overly prescriptive, repetitive and onerous (6) Seems to indicate a significant shift in Council policy relating to public land, more information and impact statements required (1)
18. Behaviour in municipal buildings (5 surveys, 1 submission)	Do not support, overly prescriptive, repetitive and onerous (1)
19. Activities prohibited in a municipal reserve (5 surveys, 1 submission)	Do not support, overly prescriptive, repetitive and onerous (1)
20. Activities which may be permitted in municipal reserves (10 surveys, 6 submissions)	Do not support, overly prescriptive, repetitive and onerous. Controlling horse and bike riding on public reserves is unnecessary and reference to 'interfere' is confusing. Address specific sites instead of having a one-size-fits-all rule (11) Do not support, unnecessary, discrimination of bike and horse riders (2) Do not support, unenforceable, prefer a Code of conduct or education (1) Do not support, in a rural area this does not allow groups such as CFA who may need to use an oval for training purposes or vehicle access for Landcare groups (1) Support bans on single use plastics as broadly as possible (1)

Topic	Sentiment in feedback
21. Council signage (1 survey, 2 submissions)	Install promised public signage so Victoria Police can charge/act against offenders (1) Do not support, overly prescriptive (1) Do not support (1)

4.4 Comments about Part 4. Consumption of Liquor in Public Places

References to *Consumption of Liquor in Public Places* were apparent in 1 response. The comment is presented in Table 6.

Table 6. Summary table of comments about Consumption of Liquor in Public Places

Topic	Sentiment in feedback
22. Liquor	No feedback
23. Prescribed areas (1 submission)	Consider tightening the link with public places and municipal places where Council is the responsible authority (1)
24. Exemption under Part 4	No feedback

4.5 Comments about Part 5. Specific Activities

References to *Specific Activities* were apparent in five responses. The comments have been synthesised and summarised and are presented in Table 7. Each response referred to one or multiple topics therefore the tally counts in Table 7 exceed the number of responses.

Table 7. Summary table of comments about Specific Activities

Topic	Sentiment in feedback
25. Signs, goods and furniture (1 submission)	Overly prescriptive, suggest reducing and re-wording (1)
26. Open air performances and busking	No feedback
27. Aerosol spray paint containers (1 survey, 2 submissions)	Not required, people will shop elsewhere (2) May be problematic for a few (1)
28. Clothing recycle bins (1 submission)	Do not support, a school should not be required to get a permit to have a MONDO recycling clothing bin on school grounds (1)
29. Charitable collections	No feedback
30. Distribution of notices, advertising material	No feedback
31. Shopping trolleys	No feedback
32. Trading activities	No feedback
33. Scare guns (1 submission)	May not be relevant as scare guns are not often used (1)

4.6 Comments about Part 6. Animals

References to *Animals* were apparent in 41 responses. The comments have been synthesised and summarised and are presented in Table 8. Each response referred to one or multiple topics therefore the tally counts in Table 8 exceed the number of responses.

Table 8. Summary table of comments about Animals

Topic	Sentiment in feedback
34. Collection and disposal of animal excrement (9 surveys, 6 submissions)	Do not support the requirement to carry a defined number of dog poo bags, if bags are used they cannot be shown to an Officer, could carry 3 bags and not use them. Support encouraging responsible pet ownership without this law (7) Poorly defined, clarify if this applies to horses or native animals (4) Do not support, picking up livestock or horse poo in public is unrealistic, limits manure for peoples gardens sold for pocket money at farm gates (3) Support (1)
35. Keeping animals (13 surveys, 7 submissions)	Do not support permit being required for keeping roosters (or chickens) and land size requirements are excessive in rural areas, review permit fee (8) Do not support, current horse regulations are sufficient, former animal rights are being removed, equine pursuits in rural areas are legitimate and enjoyable activities (3) Do not support, unclear why a permit is required for a rooster and not drake, gander, gobbler, pigeon, peacock when State laws do not require a permit for up to 100 chickens (2) Do not support, should be able to keep any animal (3) Do not support limit of 2 dogs on large acreage (1) Land greater than 4000m2 should not be limited (1)
36. Animal buildings and cleanliness (5 surveys, 7 submissions)	Do not support, mostly an over-reach and duplication of the Prevention of Cruelty to Animals Act 1986 (8) Do not support, it is impossible to provide rodent proof feed storage and buildings (2) Do not support, requiring chicken coops to be at least 10m from a neighbour's house is unrealistic in semi-urban area (1) Do not support interference on animal housing choice and feed storage, consider better practice guidance as an alternative (1)
37. Animal noise (8 surveys, 10 submissions)	Do not support, unreasonable, cannot tell wildlife, donkeys or sheep to be quiet, judgement of noise is subjective, majority of animal noise problems are dogs in urban areas and livestock noises in rural areas, including when calves are weaned (10) Do not support, most semi-rural rural properties have livestock, animals or wildlife that make legitimate noises at times (such as cows, horses, roosters, geese). Livestock noise provisions are subjective so if a neighbour complains, unclear how this can be enforced and monitored (10)

Topic	Sentiment in feedback
	Do not support, if most of the animal noise problems relate to dogs in urban areas then make this local law more specific (4) Do not support (2) Support (1) and somewhat support (1) Support, although implementation may require an after-hours noise assessment service (1) Farms must be allowed to operate without these restrictions (1) Take dog barking more seriously (1) Clarify whether this applies to boarding kennels and animal shelters other similar facilities (1)
38. Feeding of wild birds on private land (5 surveys, 6 submissions)	Do not support, hard to control and unenforceable (8) Do not support, requires significant rewording to clarify (1) Support (1) Support, although effective implementation relies on establishing discomfort of a person (1)
39. Use of Council land for movement or grazing (2 submissions)	Do not support, requires rewording, hard to control and unenforceable (2)
40. Bees and Wasps (1 survey, 2 submissions)	Do not support, rural land owners have limited knowledge of the location of wasp nests and native bees and therefore little control, bees travel so they are difficult to control and monitor (2) Somewhat support (1) Local law to differentiate honeybees from European honeybees (1) Do not support, conflicts with the apiary code of practice, is subjective (1)
41. Dead livestock (1 survey, 4 submissions)	Do not support, disagree with not moving dead animals on roads or animals being put to sleep being taken away (1) Do not support, requires rewording, hard to control and unenforceable (3) Do not support (1)

4.7 Comments about Part 7. Land Use and Amenity

References to *Land Use and Amenity* were apparent in 67 responses. The comments have been synthesised and summarised and are presented in Table 9. Each response referred to one or multiple topics therefore the tally counts in Table 9 exceed the number of responses.

Table 9. Summary table of comments about Land Use and Amenity

Topic	Sentiment in feedback
42. Alarm systems (1 submission)	Clarify the meaning of "reasonably required" and the actions that can be taken by a Council officer to stop the alarm (1)

Topic	Sentiment in feedback
43. Unsightly land (8 surveys, 7 submissions)	Support, keep properties clean, unhappy with several nearby properties having car bodies, clean up two unsightly properties in Glenister Drive now (4) Do not support (4) Exercise caution about how things look to ensure it does not compromise artistic expression and Council to tidy up public land (2) Support, include building materials stored as well as waste material (1) Somewhat support, unsightly is subjective, making this law difficult to enforceable (1) Do not support number of unregistered vehicles, may be race cars, tractors or work related (1) Consider size, use and location of unused vehicles (1) Clarify if this applies to Council land (1)
44. Environmental weeds (7 surveys, 3 submissions)	When grown appropriately, agapanthus provide soil retention, green breaks and habitat (2) Support, control of weeds is good (1) Concerned about use of herbicides and pesticides on some public land where native animals graze and flora is impacted (1) Use round-up and remove onion weed (1) Community education program first (1) Do not support being fined for agapanthus (1) Offended by the requirement to control environmental weeds on private property when Council does not adequately control weeds on public land (1) Delete or include public land and revise the list of environmental weeds (remove agapanthus) (1) Clarify if this applies to Council land (1)
45. Dangerous land (5 surveys, 4 submissions)	Do not support, rural properties often have chemicals stored and used, dams, machinery and heavy equipment and their private property should not be open to the scrutiny and opinions of Council authorised officers (9)
46. Obstruction to visibility (2 submissions)	Clarify if this applies to Council land (1) Clarify whether responsibility for public land box clearing sits with the public land manager (Council or VicRoads) (1)
47. Overhanging and encroaching vegetation (2 submissions)	Given the strict rules around trimming/lopping it needs to be made clear that the land owner does not need a permit to undertake this work in this specific instance, more collaborative approach would be better received (1) Clarify whether responsibility for public land box clearing sits with the public land manager (Council or VicRoads) (1)
48. Nuisance (2 surveys, 6 submissions)	Do not support (3) Support, neighbourhood has many noisy cars and motorcycles (Arthurs Creek and Kangaroo Ground) (2) EPA documentation on noise is commendable, need stronger enforcement by Council (1)

Topic	Sentiment in feedback
	Support, strongest possible limits on control of environmental noise also see State Environmental law from 2008 (1) Unclear how the objectives will be achieved in the suburban setting where people have a right to make noise until 11pm, combustion fires are used for heating and will emit smoke and compost bins attract flies, mice and even rats (1)
49. Pool water (1 survey, 2 submission)	Do not support (2) This local law may be problematic for a few residents to abide by (1)
50. Incinerators (1 submission)	If this law including chimneys it would be hard to comply with especially in rural areas (1)
51. Burning open air (5 surveys, 7submissions)	Most conditions are already requirements of CFA and ESV, remove inconsistences, emphasise focus on self-reliance (3) Burning off is an essential activity on acreage and for rural land owners especially in a bush fire zone (2) Do not support (2) Do not support, 24 hours' notice of a burn is impractical, hard to predict best time (2) Do not support, community education program first (1) Do not support changes to burning off on property over 8 hectares, particularly volume restrictions, 24 hours' notice, precise wind conditions (1) Free and unlimited green waste disposal at the reuse centre should be available to larger rural properties and may reduce need for burning off (1)
52. Large fires and multiple fires	No feedback
53. Bulk waste containers (2 submissions)	Clarify who is responsible for correct labelling the bin to identify the company and phone number (1) Amend to allow a 24 hour period for a bulk waste container to be emptied (1)
54. Parking of vehicles	No feedback
55. Parking schemes	No feedback
56. Use of recreational vehicles (3 surveys, 4 submissions)	Do not support, my quad and trailer are crucial, should permit any motorised equipment on private land for pleasure or to manage property (2) Do not support (2) There are motorcycle tracks on private property and many noisy motorcycles on nearby properties (1) Clarify the term recreational vehicles, circumstances under which permits will be granted and whether a permit is not required for land more than 2 hectares in area (1) Clarify whether a car is a recreational vehicle (1) Overly prescriptive (1)
57. Toy vehicles (1 survey, 3 submissions)	Support (1) Do not support, young people should be permitted to have some fun riding a mini bike around their rural property (2)

Topic	Sentiment in feedback
	Do not support, covered by Vicroads on the road and banning them on other locations is overreach (1)
58. Repair and sale of vehicles on roads and council land	No feedback
59. Identification of premises	No feedback
60. Caravans, movable and temporary dwellings (5 surveys, 5 submissions)	Do not support (4) Support (1) Do not support, should be permitted to store own caravan on own acreage land when not in use (1) Consider size, use and location (1) Some properties have caravans with residents and no apparent toilet facilities (1) Clarify that a person is allowed to keep a caravan but not live in it (1) Suggest 90 days to replace 30 days (1)
61. Camping (1 submission)	This section to not apply to camping on private land (1)
62. Shipping containers (13 surveys, 7 submissions)	Do not support (6) Do not support, containers provide solid and secure storage for property assets and offer significant protection of stored items from fire, water and rodents (5) Need to justify costs versus benefits or explain the reason for the permit requirement, fee structure and impoundment arrangements (3) Support (1) Provide more information about permit, is it proposed as a one off permit, paid yearly or time restricted (1) Multiple containers are unsightly and detrimental to the rural aspect of Arthurs Creek area. If required during house build/relocation permit should be time stamped for six months (1) Consider size, use and location of shipping container (1) Minimise the permit conditions as there is the cost of a planning permit and allotments over 4000m2 to be exempt (1) Shipping containers are permitted under Planning Scheme, permits are not required where matter is already regulated (1)
63. Protection of amenity trees (22 surveys, 5 submissions)	Support, protect trees, tree canopies, vegetation and bush and environment, from developers and generally (11) Support (5) Support strengthening the protection of amenity trees such as residents nominating significant trees, creating a tree register, enforcement and significant fines for removing/damaging (5) Support, essential for climate change and wildlife habitat purposes (2) Abuse of Council powers, many trees were planted by ratepayers, not Council (1) Support and accompanied by a public information campaign (1)

Topic	Sentiment in feedback
64. Earthworks (6 surveys, 3 submissions)	Support (2) Somewhat support, duplicated by current amendments to the Planning scheme (1) Illegal volumes of earthworks and landfill need to be addressed (1) Permit or applications for landscaping is illogical (1) Earthworks are important to ensure good drainage and areas around the house are safe to access (1) Do not give a permit for works involving the importation of more than 100 cubic metres of soil (1) Do not support, necessary for farms (recreational / business) to operate (1) Will be covered under the Planning Scheme, not required in local laws as well (1)
65. Prohibition of fireworks (2 surveys)	Support (1) Support, ban fireworks on private property and throughout Nillumbik (1)

4.8 Comments about Part 8. Waste Disposal

References to *Waste Disposal* were apparent in nine responses. The comments have been synthesised and summarised and are presented in Table 10. Each response referred to one or multiple topics therefore the tally counts in Table 10 exceed the number of responses.

Table 10. Summary table of comments about Waste Disposal

Topic	Sentiment in feedback
66. Commercial waste collection	No feedback
67. Domestic waste and recyclable materials (2 surveys, 3 submissions)	Inconsistent, public council bins are provided as a comingled general waste yet residents are to be penalised for mixing waste (2) Free green waste drop off would be more practical for larger properties than a green waste bin (1) In some areas Council does not provide waste collection services so it is unclear how this law applies (cannot be unsightly or visible) (1)
68. Transportation of waste (2 surveys)	Investigate the ongoing transport of demolition waste to a property on School Rd, St Andrews (1) Do not support, especially not moving dead livestock on roads (1)
69. Use of municipal recycling centre	No feedback
70. Dumping of refrigerators, trunks or similar containers (1 survey, 2 submissions)	Do not support, it is not okay to dump white goods if you door is removed, do not encourage (2) Somewhat support, implies a fridge can be dumped provided door has been removed, needs clarifying (1)
71. Hard waste collection (1 survey)	Requirement for hard rubbish being placed out on Sunday prior to pick-up is inflexible when assistance is required (1)
72. Dumping of waste	No feedback

4.9 Comments about Part 9. Protection and Management of Council Assets and Infrastructure

References to *Protection and Management of Council Assets and Infrastructure* were apparent in 18 responses. The comments have been synthesised and summarised and are presented in Table 11. Each response referred to one or multiple topics therefore the tally counts in Table 11 exceed the number of responses.

Table 11. Summary table of comments about Protection and Management of Council Assets and Infrastructure

Topic	Sentiment in feedback
73. Actions affecting Council land	No feedback
74. Maintenance of drains (1 survey, 1 submission)	Drainage does not consider situations where Council has created ad hoc drainage onto private property and/or rural land zones (1) Rural areas do not have drains, stormwater connections, roads, assets and land, this needs to be excluded from the requirements to pay for asset protection permits (1)
75. Stormwater draining connections (1 submission)	No feedback
76. Protection of drains (1 submission)	No feedback
77. Protection of roads (1 submission)	No feedback
78. Protection of assets and land (1 submission)	Rural areas do not have drains, stormwater connections, roads, assets and land, this needs to be excluded from the requirements to pay for asset protection permits (1)
79. Protection of vegetation (9 surveys, 4 submissions)	Support (6) Maintain the roadside vegetation in rural areas (3) Foster an appreciation of existing vegetation by provided ratepayers with a copy of the Live Local Plant Local guide (1) Does not permit removal of fallen timber from paths and trails on Council land and on road reserves, to ensure passable and safe (1) Address excessive vegetation growth that is inconsistent with the appropriate ecological vegetation class on Council and Parks land (1) Do not support (1) Disagree with approval being required to remove dead timber that is a fire hazard (1) Do not support, in direct conflict with State legislatures pertaining to fire safety (1)
80. Vehicle crossings (1 submission)	Rural areas to be exempt (1)
81. Spoil on road (1 submission)	Generally the responsibility of the driver who carries insurance to deal with spills (1)
82. Asset protection permits (1 survey, 1 submission)	Somewhat support, permit to be amended for rural land owners, where no or few Council assets need protection (i.e. curbs, footpaths, nature strips (1) Rural areas to be exempt (1)
83. Identifying damage to Council assets	No feedback

4.10 Comments about Part 10. Requirements of Building Sites

References to *Requirements of Building Sites* were apparent in three responses. The comments have been synthesised and summarised and are presented in Table 12. Each response referred to one or multiple topics therefore the tally counts in Table 12 exceed the number of responses.

Table 12. Summary table of comments about Requirements of Building Sites

Topic	Sentiment in feedback
84. Stormwater protection	No feedback
85. Containment of refuse	No feedback
86. Disposal of builders' refuse	No feedback
87. Removal of builders' refuse (1 survey)	Builders rubble visible at a number of properties around Arthurs Creek for over 12 months (1)
88. Building site fencing (2 submissions)	Do not support, unnecessary, covered in the Occupational Health and Safety Act 2004 (2)
89. Sanitary facilities on building sites (2 submissions)	Do not support, unnecessary, covered in the Worksafe compliance code (2)
90. Identification of building sites (2 submissions)	Do not support, unnecessary, covered in the Building Regulations S41(2)
91. Equipment and materials delivery	No feedback

4.11 Comments about Parts 11-13., Permits, Enforcement and Penalties

References to *Permits, Enforcement and Penalties* were apparent in 42 responses. The comments have been synthesised and summarised and are presented in Table 13. Each response referred to one or multiple topics therefore the tally counts in Table 13 exceed the number of responses.

Table 13. Summary table of comments about Permits, Enforcement and Penalties

Topic	Sentiment in feedback
Mixed views on implementation approach (14 surveys, 5 submissions)	Provide more explanation, be proactive, educate residents about why particular actions are/aren't good ideas as well as new local laws, collaborate with the community (8) Officers only required to respond if a community member reports a possible breach (5) Follow-up breaches, more enforcement officers and better education for officers and residents, especially for rural properties (1) Provide guidelines regarding the positioning of containers (1) Local Laws that protect and increase urban and rural tree canopy must be enforced, Officers to be available on weekends when vegetation is often removed (2) Strongly enforce the new Tree Amenity provision (1) Clarify training provided to authorised officer and whether more resources will be allocated (1)
Many of the draft local laws are not enforceable	Many of the draft laws are unenforceable or duplicate existing legislation, need to verify they are legally

Topic	Sentiment in feedback
(8 surveys, 3 submissions)	defendable and made in good governance as intended by the Local Government Act (11)
Mixed views on penalties and revenue (6 surveys, 2 submissions)	Proposed laws are intended to generate Council revenue (2) Reword to indicate penalties are the last resort (2) Some owners and developers are not deterred by the value of current fines, consider increasing fines to deter unlawful behaviours (1) Developers/builders to pay a landscape bond to ensure compliance with landscape plans (1) Tree removal without a permit and blocks cleared by an owner or developer should attract a heavy and meaningful financial penalty (1) Consider introducing some restrictions or limitations rather than asking residents to apply and pay for permits (1)
Permit conditions (3 surveys, 3 submissions)	Insert clause on a service level agreement to fee paying customers such as permits will be issued within 1 business day of receipt by Council (2) It is unclear whether permits proposed as a one-off permit, paid yearly or time-based. Require more information on permits for containers (1) It is unclear what will be the amount for one rooster under the new local laws, current permit fee to keep more than one rooster is $110 (1) The reason for requiring a permit for a container and the fee structure for the impoundment of a container if the fee is not paid, are unclear (1) It is unclear whether policies or guidelines will be developed to enable local residents to understand the permit requirements (1)

4.12 New Local Law suggestions and other comments

References to new local laws ideas and general comments were apparent in 41 responses. The comments have been synthesised and summarised and are presented in Table 14. Each response referred to one or multiple topics therefore the tally counts in Table 14 exceed the number of responses.

Table 14. Summary table of comments on other topics

Topic	Sentiment in feedback
New idea: Wildlife friendly fencing (16 surveys, 16 submissions)	Local law with supporting guidelines that requires all new fencing to be as wildlife friendly as possible, especially on rural properties, avoiding barb wire. This law would not take priority over existing legislation contained in the Impounding of Livestock Act 1994 or Building Regulations 2018 (32)
New idea: Restrict use of drones (4 submissions)	Use of drones should be restricted to the property of the landowner or occupier as they are dangerous and scare livestock (2) Use of drones be permitted over public and private land, particularly where private assets require a true understanding of the situation and as necessary (2)

Topic	Sentiment in feedback
New idea: Ban use of glyphosate (1 survey, 1 submission)	Ban use of glyphosate for health, safety and environment reasons (2)
New idea: Ban sale and use of plastic bags (1 survey)	Ban sale and use of plastic bags for environment reasons (1)
New idea: Ban use of black-coloured timber garden mulch (1 survey)	Ban use of black-coloured timber garden mulch, for local character and environment reasons (1)
New idea: Restrict any new non-indigenous planting (1 survey)	Restrict any new non-indigenous planting to, say, 10% of any site area, excluding environmental reserves and waterways where no new non-indigenous planting should be allowed for local character and environment reasons (1)
New idea: Restrict helicopter landing sites (1 survey)	Restriction of helicopter landing sites supported (1)
Other (5 surveys, 1 submission)	Developers/builders landscape plans should be adhered to and a landscape bond held to ensure compliance, micro climate on our property has changed due to the removal of trees on adjoining properties (1); We need the strongest environmental laws we can possibly have right throughout Nillumbik (1); The roads are extremely unkempt. It is an effort to follow up to have my road graded even just once a year, while adjoining roads are graded by Yarra Ranges Council 2-3 times a year (1); 2. Some properties operating excavation-type businesses have machinery, bulldozers and excavators operating non-stop from early morning until 9/10. Trees are being cleared at a fast rate, concrete and buildings are occurring and the habitats of wildlife is being destroyed with suburban style homes and land clearing. Destroying the environment should not be allowed (1); Elected councillors to remain impartial as per local election laws (1); and With respect to the Meeting Procedure Local Law, we ask for individual circumstances to be taken into consideration. There must be room for compassion, understanding and flexibility in dealing with all ratepayers who ask to contribute to meetings via questions and submissions (1)

22/11/2021	Good morning Peter, I would like to show my support for the proposal for amenity tree protection in the revised Nillumbik Local Laws. As well as defining an amenity tree, could we add a definition of a significant tree into the revised Local Laws? This addition to the regulatory framework would assist the council to establish a Significant Tree Register. With tree canopy such an important aspect in the Shire of Nillumbik, a survey of amenity trees and significant trees should be essential elements in the Climate Action Plan currently under review, and in a Biodiversity Action Plan which should also be drafted. A survey and a register is essential for both Plans so we know what assets we need to protect. I am not sure if you are aware that Banyule Council has a 'Significant Trees and Areas of Vegetation Register' which forms Schedule 4 to the Environmental Significance Overlay (ESO4) of the Banyule Planning Scheme. Without a Significant Tree Register, Nillumbik Shire has long been stymied to prosecute irresponsible developers and landowners who are prepared to accept any possible fine from the council as a minor risk to their overall development costs and recklessly remove vegetation and trees without planning permits The draft law is a fantastic first step but on its own it is unlikely to stop tree canopy loss in urban areas. It will help but Planning Scheme amendments, similar to Banyule's insertion of the Significant Tree Register into its Planning Scheme, will provide further help to substantially protect tree canopy. Thank you for your consideration and good luck in your endeavours on council, [redacted]	[redacted]

30/11/2021	Dear Councillors and CEO . I'm writing to once again urge Council to include a local law that protects wildlife when new fencing is erected. • Certain kinds of fencing DO harm wildlife and causes considerable distress to the individual animal which is caught in the fence, and also to the people involved in witnessing and rescuing the animal. A local law would assist and provide guidance to landowners and serve to reduce the risk of distressing situations from occurring in the future. • I understand that this law would not take priority over existing legislation contained in the Impounding of Livestock Act 1994 or Building Regulations 2018. • This would only apply to newly erected fences and, as is the case with all other local laws, Council Officers would be required to only respond if a member of the community brings a possible breach to their attention. Enforcement would not place an extra burden on Council Officers, but rather a Local Law regarding new fencing would provide Officers the tool to better manage community expectation. Thankyou for taking time to read this email . Regards . [redacted] .	[redacted]

1/12/2021	Dear Carl, I request Council to include a local law that protects wildlife when *new* fencing is erected. I don't believe this would be an unreasonable impost on landholders. The last federal election, & Nillumbik's polling both show there is growing community acknowledgement that we owe greater consideration to the animals we live amongst. • Certain kinds of fencing DO harm wildlife and causes considerable distress to the individual animal which is caught in the fence, and also to the people involved in witnessing and rescuing the animal. A local law would assist and provide guidance to landowners and serve to reduce the risk of distressing situations from occurring in the future. • I understand that this law would not take priority over existing legislation contained in the Impounding of Livestock Act 1994 or Building Regulations 2018. • This would only apply to newly erected fences and, as is the case with all other local laws, Council Officers would be required to only respond if a member of the community brings a possible breach to their attention. Enforcement would not place an extra burden on Council Officers, but rather a Local Law regarding new fencing would provide Officers the tool to better manage community expectation. With respect, [redacted]	[redacted]

1/12/2021	Dear Councilors, happy holiday season, I hope you are all well. I would like to ask if you would consider adding a local law to help protect wildlife when new fences are erected? I appreciate there is already some legislation covering fences such as Building Regs and stock enclosures but there will be many other situations where people are unaware of the impact of the fences they are installing. I am sure most people would not wish to harm wildlife or impede their corridors but here is nothing currently in place to prevent this inadvertently happening. I understand many people asked for this during community consultation so it seems worth reconsidering and finding a way that would work rather than reasons it wouldn't. I'm sure we all want a safe outcome for neighbours and animals. Thanks for all you do. Best wishes, [redacted]	[redacted]

29/11/2021	Good morningI am very concerned that the new by-laws have not considered seriously enough the situation with fencing and it's detrimental effects on wildlife across the rural sections of the ShireIt is my understanding that The majority of the community supported improvements to making fencing more wildlife friendly (55.8%) support, compared to (36.5%) who oppose. There were also a majority (17) of written submissions in favour, and a minority (9) against.I request Council consider the inclusion of a local law that protects wildlife when new fencing is erected. • Certain kinds of fencing DO harm wildlife and causes considerable distress to the individual animal which is caught in the fence, and also to the people involved in witnessing and rescuing the animal. The most obvious example of this is barbed wire which is unnecessary and harmful when used (particularly on the top wire) when a kangaroo attempts to jump a fence and catches its foot or leg. The barb spins and locks around the animal's leg, getting tighter and tighter and making it impossible for the animal to escape unless it has a spare pair of wirecutters in its pouch. A local law would assist and provide guidance to landowners and serve to reduce the risk of distressing situations from occurring in the future.• There is a recent example of high pool barrier fencing being used extensively on a property along Eltham -YG Road in Kangaroo Ground, making it impossible for wildlife to travel safely across the road and into surrounding properties (a known and frequently used natural wildlife crossing). This type of fencing not only is too high for young roos to jump – it is also impossible for small wildlife like turtles, echidna, wombats, etc. to cross because the bars are too close together. Currently there is no bylaw to disallow this type of inappropriate fencing. It also looks terrible• I understand that this law would not take priority over existing legislation contained in the Impounding of Livestock Act 1994 or Building Regulations 2018. • This local law would only apply to newly erected fences and, as is the case with all other local laws, Council Officers would be required to only respond if a member of the community brings a possible breach to their	[redacted]

	attention. Enforcement would not place an extra burden on Council Officers, but rather a Local Law regarding new fencing would provide Officers the tool to better manage community expectation, and likely reduce the need for callouts of Rangers to assist injured animals or perform euthanasiaThank you for reading and consideringWarm regards[redacted]	

5/12/2021	We the Nillumbik Ratepayers Association Inc. object to these Draft Local Laws'Nillumbik has the least threatened, most abundant native vegetation type, with over 70% remaining since European settlement, in Victoria! This majority vegetation type is also the most fire prone in Victoria (if not Australia)We object to these Local Laws changes, for but not limited to the following reasons.* bushfire management must be the highest priority for this fire prone Shire, Agapanthus are a well known protection against fire, and have been used for this reason within the shire for decades, to ban Agapanthus is depriving property owners of a 'fire defense' that could be considered unethical if not worse, * these changes are NOT needed and are not wanted* This document is reminiscent of the failed Eltham Shire's 'pest plant laws' prior to amalgamation that document also wanted to treat all areas (of Eltham, incl Kinglake etc) as the same.* consolidation of Local Laws presumes every part of the Shire has the same needs & desires! This cannot be further from the truth as; the needs/wants of city dwellers; those living in the suburbs of (mainly) Eltham, Diamond Creek & Greensborough, cannot compare to the needs/wants of people living on Acreage outside the Urban Growth Boundary (UGB)!* as (about) 80% of the people of Nillumbik live in the 20% suburban (within the UGB) areas of Nillumbik, developing local laws as a 'one size fits all' fails to recognize, and I suggest discriminates against, rural Lifestyle & Farming population and townships, that sit outside the UGB.* Council it seems is 'poking its nose' into areas of personal opinions, eg; 'unsightly properties', which cannot be defined, so comes down to the 'whim of the Council Officer 'and how that Officer feels at the particular time or on that particular day! There are many other parts of this document which we object to, as said at the start, we object to this draft document 'for, but not limited to', the reasons given [redacted]5/12/2021	Nillumbik Ratepayers Assosiation - [redacted]

5/12/2021	Good morning Councillors and Mr Cowie,I am writing to request Councillors give serious consideration for safe fencing in Nillumbik.We currently have the opportunity to make Nillumbik better. Our greatest asset is the natural environment including our native animals. With the ability to upgrade council by-laws to put the spotlight on wildlife friendly fencing, we can foster a more sensitive and respectful relationship with our natural environment. Council are already involved in many ecologically sound initiatives. It makes sense to add this matter to the suite of pro-active measures.Some commentators in the community are using this issue as an 'us and them' argument. I disagree with that dichotomy. Sensible, balanced rules that give council the freedom to educate, support and where necessary enforce, appropriate fencing makes rational sense. Wildlife safe fencing can appear a complex issue, and it is. However, with ease of accessibility to suitable evidence-based information, the issue becomes easy to implement. Supporting property owners to build suitable fences to meet their needs (if needed at all), or inexpensive retrofits for problematic areas can represent a win/win situation for everyone.I hope common sense prevails.Best wishes to you all for a safe and happy Christmas.Kind regards[redacted]	[redacted]

2/12/2021	I request Council to include a local law that protects wildlife when new fencing is erected. • Certain kinds of fencing DO harm wildlife and causes considerable distress to the individual animal which is caught in the fence, and also to the people involved in witnessing and rescuing the animal. A local law would assist and provide guidance to landowners and serve to reduce the risk of distressing situations from occurring in the future. • I understand that this law would not take priority over existing legislation contained in the Impounding of Livestock Act 1994 or Building Regulations 2018. • This would only apply to newly erected fences and, as is the case with all other local laws, Council Officers would be required to only respond if a member of the community brings a possible breach to their attention. Enforcement would not place an extra burden on Council Officers, but rather a Local Law regarding new fencing would provide Officers the tool to better manage community expectation. Yours Cincerely [redacted]	[redacted]

5/12/2021	Dear Carl, Heath and Karen,Please see the attached Nillumbik Horse Action Group response to the draft Local Laws consultation for your reference; I have also uploaded this via Participate Nillumbik.Thank you for the opportunity to make comment.Kind regards [redacted], NHAG [redacted]	[redacted] NHAG [redacted]

5/12/2021	we object to a number of proposed laws We object to number 20, activities which may be permitted in municipal reserves A) III) riding a bike or horse in a manner that does not interfere with the use or enjoyment of the municipal reserve by any other person. Part 3 item 16 behaviour in municipal places already cover this, there is no need for this proposed law. This is discrimination of bike and horse riders. As a member of the recreational trails committee I was shocked at this proposed law. We are all for inclusive shared use of the trails and it completely goes against the values the trails committee stand for inclusive shared use. Is the person who proposed not aware of the Nillumbik shared use trails? This is extremely concerning and needs to be removed. The net proposed law regarding operate any device that has a predominate purpose of amplifying voice, music or noise. we object to this. Seriously are we living in Iraq! People should be able to play music in the parks. It goes beyond reasonable to restrict someone using their iphone and a portable Bluetooth speaker . We should be encouraging everyone to get outdoors and use our parks. These draconian rules are appalling. This will affect sporting clubs to be able to run their regular sport days and events and this law should be removed. 35 Keeping Animals . We object to rosters not being permitted. 37 Animal Noise . In semi -rural and rural areas there will be cows bellowing and other stock noises so We object to the way the proposed law is written at the moment and it needs to allow for farm animals normal behaviour. Farms must be allowed to operate without these restrictions. 44. Environmental weeds . B an owner or occupier of land must not allow the land to support the growth of any environmental weed. we object to this proposed law. Most established gardens have	[redacted]

	agapanthus. This is an unreasonable condition to place on owners and occupiers to remove these established gardens and plants. These are drought resistant, easily managed; hold the ground against erosion and proven time and time again to be fire retardant and slowing down the fire to enable property to be saved. 56 use of recreational Vehicles D. A person must not use a recreational vehicle , or allow a recreational vehicle to be used on private land with in the municple district : i) unless a permit has been issues in accordance with this local law or ii) contrary to a permit issues in accordance with this local law 60. Caravans, movable and temporary dwelling. We object to the proposed laws. 62. Shipping containers, We completely objet to the proposed laws. 64. Earthworks. we completely object to these proposed laws. How on earth are farms (recreational / business) meant to operate?. [redacted]	

5/12/2021	Please find attached Eltham Community Action Group's submission on Draft Local Laws, Protection for Amenity Trees.	Eltham Community Action Group [redacted]

5/12/2021	hello following on to our previous submission and feed back we have just become aware of this and whole heartedly object to this draft law as well. Part 7 - Land Use and Amenity P.38 Proposed Local Law 45 (Dangerous Land) prescribes how land is to be used and managed, referring to danger of health, life and property. This is truly problematic as rural properties often house large animals, have chemicals stored and used on them, have dams, machinery and heavy equipment etc. and so can be inherently 'dangerous'. These laws provide for council's Authorised Officers (likely without the skill, knowledge and experience to make reasonable and balanced judgement) to enter private property, inspect all internal and external elements and make determinations of actions a landowner is required to do or not to do as the case may be. We do not believe that this Local Law should leave rural property owners open to the scrutiny of council through its authorised officers according to their 'opinion' and the potential for harassment, fines and compliance enforcement with potentially unfeasible, unreasonable and expensive conditions and controls. Further, what potential ramification would the declaration of a resident's land as 'dangerous' be for them gaining property, asset and public liability insurance going forward? Has council considered this? And what is the process of review going forward if a resident's property has had this declaration made against it? police need a warrant to enter private property and we are appalled that this be suggested by Nillumbik. it must be removed. We do not have strong enough words to object to this. It is an over react of power.	[redacted]

	the same organisation that struggles to maintain a road and fill pot holes is trying to be given the legal right to enter anyone propoerty when police can even do that. Who on earth came up with this and thinks this is acceptable. shame on Nillumbik. we fully support NHAG objection to this which is worded better. [redacted]	

5/12/2021	I have three items for public feedback. In general the laws seem very reasonable and in line with public expectations However 1 During the C101 debate proposals were made for fencing kind to wildlife. We have all seen dead kangaroos “hanging”on a fence especially barbed wire and can only imagine their slow death from thirst, pain and worse after getting tangled in the top wires of a farm fence. It is basic humanity to try and spare our kangaroos and other animals from this kind of lingering torture. I would like (farm) fences to have mandates on the use of barbed wire and be built to minimise animal suffering. 2 I want trees and especially mature trees to be strongly protected in urban areas. Only two years ago I had to watch as a developer crushed a number of large eucalypts next door (5m from fence) for his house project. Council officers arrived too late and possibly issued notices but paying fines is just part of the game for these cowboy types. 3 Local Law 48 a ii mandates law on noise nuisance. I understand State Environmental law from 2008 also provides controls on noise. Is there not a principle whereby State Law overrides council? In any case I support the strongest possible limits on control of environmental noise. [redacted]	[redacted]

4/12/2021	Submission on Draft Local Laws: Animal-friendly Fencing I write in order to make this brief submission specifically about the need to be aware of animal-frierndly fencing in Nillumbik for the purpose of helping protect wild animals. As a Green Wedge Shire Nillumbik is not only known for its wide-open spaces, sensitive rural areas and bio-diversity, but also its commitment to preserve each of these in the interests of maintaining the environmentally sensitive parts of the Shire for all those who live within it. One area that the council may not have considered relates to fencing that is wild-life friendly. Whilst fencing is essential there are measures that can be taken–such as banning barbed wire–with the aim of enabling wild creatures to pass through fences without receiving injuries, which causes great distress to them and to those people who find them. A local law about more wildlife-friendly fencing for new fences would reduce the risk of potentially distressing situations from occurring in the future. How, often does one see a joey that has tried and failed to get though a fence and ends up hanging from it until it dies? As is the case with all other local laws, Council Officers would be required to only respond if a member of the community brings a possible breach to their attention. Enforcement would not place an extra burden on Council Officers, but rather a Local Law regarding new fencing would provide Officers the tool to better manage community expectation. I do not have all the answers about this problem, but I am sure some	[redacted]

	council officers do have expertise in dealing with animal-friendly fencing. Thank you for the opportunity to make a decision. [redacted]	

6/12/2021	Thank you for the opportunity to comment on these draft local laws. As I have only just become aware of this matter and the deadline for submissions is only a few hours away I will confine my comments to a few areas of particular problems at the moment. 43 Unsighted land This should include building materials stored as well as waste material. This is particularly so if said items are visible from the roadside. It would be helpful if the issue of "the opinion of an authorised officer" were not so subjective as it seems that rarely will council officers deem any such situation detrimental to the amenity of the area – "if it was twice as bad I might do something about it". 48 Nuisance a) - Noise - see above – "we don't think the noise is a problem" is not acceptable. The EPA documentation on noise is commendable. What a pity that dealing with the problem then falls to council officers who do as little as possible and believe whatever the offender says in their defence. 56 Use of recreational vehicles The term recreational vehicles is not defined. Does this mean powered wheeled vehicles like the dirt bikes that tear around on private land for hours and hours, revving their engines constantly? Does it also include cars being driven like rally cars around the bush? If a permit is required to use a recreational vehicle on all private land within the municipal district that is less than 2 hectares in area, does this mean that a permit is not required for land more than 2 hectares in area? If so I strongly oppose this being allowed – the noise does not stop at the boundaries	[redacted]

	of a property. And if permits are to be required for any of these activities – we need to know under what circumstances that would be granted and under what circumstances they would definitely not be granted. 62 Shipping containers The blight on our landscape! As above, we need to know under what circumstances a permit for a shipping container would be granted and under what circumstances they would definitely not be granted. They should not be allowed to be sited within view of any public road within the shire. And will this local law be used to remove the many many many containers already littering properties in Nillumbik? 64 Earthworks Simple – do NOT give a permit for works involving the importation etc of more than 100 cubic metres of soil. [redacted]	

5/12/2021	Hi Thank you for the opportunity to comment on the proposed Nillumbik General Local Law 1 please find attached our comments This was sent on Sunday 5th December at 12.17pm. [redacted]	[redacted]

4/12/2021	Dear Nillumbik Council Recently we have had many of the wombats and many wallabies / kangaroos killed in [redacted] road and [redacted] road due to the high impenetrable fence constructed at [redacted] and others in our area. I recommend the council implement a safer fences By-law in Nillumbik Shire. The fence above is extremely unsafe because the wild life cannot escape the road way thru the fence when cars speed along [redacted] and motorcycles have hit wombats – extremely unsafe for rider and wombat Far too many fences in Nillumbik shire harm our wildlife which causes considerable distress to the animal and us who live in the Nillumbik area. It is most distressing for the community to see wildlife injured from wildlife unfriendly fences and dead wildlife scattered by the sides of our roads in the area. Please implements humane and wildlife friendly fence laws. I believe the present law requiring fences to be safe should be enacted by the council and request the residents at [redacted] modify their fence to be safe to car drivers and wildlife. All new fencing should be constructed to meet safer fencing codes to enable a safer environment for people and wildlife. Regards [redacted]	[redacted]

	H [redacted]	

4/04/2021	Dear Sirs I attach my submission in relation to the above proposed local laws. Please acknowledge receipt. Regards [redacted]	[redacted]

6/12/2021	Good evening Nillumbik Team, In short, I do NOT support these laws. below is why. Summary My assessment overall is that the proposed local laws as they currently stand are: 1. Not compiled in accordance with the Local Government Act Section 72 process for developing and implementing local laws and are non-compliant. 2. Not compiled in accordance with the Commissioner for better regulation November 2016 guidance for subordinate legislation/regulation and are non-compliant. 3. Not consistent with current Victorian government policy covid recovery priorities which require empowerment of citizenry, enablement of self-determination and providing self-license to all citizens by all levels of government in Victoria (with as little interference as possible). 4. Not compiled in accordance with current council policy and plans including the council vision, council plan and council health and wellbeing plan. 5. Demonstrable evidence of council's attempt to significantly over-reach it's lawful authorities. 6. Not fit for purpose. 7. Council's distribution of the discussion paper as the initial community engagement process to inform the second (current) phase of proposed local laws leaves council vulnerable to action from citizens in areas of failures in governance, due diligence, probity, and potentially corrupt conduct should these be reported. Council's options are: 1. To re-start the process of developing proposed local laws from scratch. 2. To continue with this process, revising proposed local laws within	[redacted]

	the lens of 1 through 6 above, acknowledging 7 above remains an issue, and this issue will carry forward into the future. 3. To ignore non-compliance and press on. It is noted that this option is high risk for council. 2. My initial comparator or current and proposed local laws Current Proposed Comment Is this acceptable and fit for purpose Consistent broadly with Victorian law Duplicates and/or is not consistent with: Local Government Act, Prevention of cruelty to Animals Act, Human Rights Charter, Planning and Environment Act, Victorian Planning Provisions, and other key pieces of Victorian law Over and above these inconsistencies Victorian government policy changed 7 weeks ago. Victorian government directives to all funded agencies now insists agencies focus on empowering Victorians to achieve self-determination and ensure people are given license to exercise their own control and responsibility over their own circumstances. It appears council did not receive, did not understand, or did not action this notice. Refer this to your public health team, referencing communications from the Victorian and Australian Chief Psychiatrist. No - requires significant revision Objectives – prioritise safety, fairness, and reasonableness for Shire peace, order, and good government Objectives - only discuss peace, order, and good government through a lens of prohibiting, regulating, and controlling. Objectives are not consistent with Council Vision, Council Plan or Health and Wellbeing Plan. Language is inappropriate for local government in a democracy and is disrespectful to all residents and visitors to the Shire. Language prioritises plants over people and punishment over safety. This is bad lawmaking. No - requires revision Definitions - Allotment – land in separate ownership in the municipal	

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	Animal Buildings and Cleanliness Table 4 – why is a permit required for a Rooster? Not a drake, gander, gobbler, pigeon, peacock – just a rooster? Why? There are state laws in place that don't require a permit for upto 100 chickens (hen, rooster) ? why is this permit required in properties that are large in nature? Animal buildings and cleanliness – that which is not duplicated is not enforceable – needs to be deleted. What business is it of council's how poultry is kept to the exclusion of housing choice and feed storage choice of all animals? Food, water clauses need to be deleted – these are incorporated in Prevention from Cruelty to Animals Victorian Law and are duplicating – so need to be deleted. In rural areas the Victorian planning provisions already determine animal numbers – so irrelevant – delete. Does council honestly believe they know more about animal husbandry than rural people? How disrespectful. Upskilling may benefit from education as a substitute for local law. No – Delete permit for rooster Table 4. Delete Interference on animal housing choice & feed storage. Delete duplicate laws. Consider better practice guidance as an alternative. Control of noisy livestock Animal noise Majority of animal noise problems are dogs in urban areas. Livestock noise provisions are	

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25/11/2021	Hello councillor I write to you again to say how disappointed I am that our wildlife were not considered in your recent council law review. Here is my previous email sent to all councillors. Unfortunately I didn't receive a reply from you on this matter at all, so just incase, I am forwarding it to you again. Something needs to be done in our shire to protect the incredibly diverse wildlife that calls our shire home. Fences not only effect kangaroos, they also effect flying foxes, microbats, gliders, all kinds of bird species, owls and more. It's very, very disappointing that council did nothing despite many people (myself included) voicing concerns over this and showing instances of the destruction fences can do. Since my email, two more kangaroos have lost their lives in the fence in the first picture I shared. So as far as I know- 3 have died thanks to this new, unsafe fence in our shire. This property owner has no stock on this property. Maybe he's getting some giraffe's? Who knows. It's totally unnecessary and should not be allowed, especially at a known wildlife crossing. Please, please do something about our fencing laws. I'd love to hear your thoughts on it. I look forward to hearing from you soon Regards [redacted]	[redacted]

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	Protection of drains Protection of roads Protection of assets and land Asset protection permits Most rural areas do not have drains, stormwater connections, roads, assets, and land – please confirm these areas are excluded from the requirement to pay for asset protection permits No – limit the scope of this law to areas with made roads, drains, assets and land Animal Noise An owner or occupier of any land must take all reasonable steps: i) to prevent any animal making unreasonable noise on the land or to prevent any noise caused by an animal being emitted from the land which in the opinion an authorised officer is: A) unreasonable or objectionable to a person on other land or premises or; Most rural properties have animals. Animals make noises at times. Cows bray, horses neigh, roosters cock-a-doodle-do. If a neighbour complains because they don't like the neighbor or they don't want an animal next to their property – how is that enforced? Please remove. Thanks, [redacted]	

4/12/2021	Dear Councillors, As a community group of people living in Nillumbik who are concerned about the welfare of our precious local wildlife, we would like to draw your attention to a distressingly common cause of their injury and death and our thoughts about how this problem could be alleviated with the aid of an appropriate new law. WAN strongly urges Nillumbik Shire Council to make an additional provision for a new local law, one that pertains to new fencing in the rural areas of Nillumbik. We do so for three reasons. Firstly we believe that such a local law is required in order to comply with the Prevention of Cruelty to Animals Act 1986 (Parliament of Victoria). As this Act states: "The purpose of the Prevention of Cruelty to Animals Act 1986 is to: (a) Prevent cruelty to animals; and (b) To encourage the considerate treatment of animals; and (c) To improve the level of community awareness about the prevention of cruelty to animals." Certain kinds of fencing are well-known to harm native wildlife by entrapment. Wildlife rescuers and indeed, many of us who reside in rural Nillumbik, can attest to this fact and can provide categorical evidence. When a fence is new, the risk is magnified enormously because wildlife naturally tries to move through the fence as it always has done. Entrapment results in a slow, agonising death if not discovered. If found, "hangers" (kangaroos hanging upside down, with their hind legs caught in the top wires) generally have to be euthanised. Occasionally there is a successful rescue with the animal surviving its injuries. However this is not usually the consequence of a new fence that has been erected out of certain kinds of wire. A local law that stipulates and details the ways in which new fences need to be made more wildlife-friendly, will assist in preventing wildlife from suffering a cruel death by becoming entangled. With such a law in	[redacted]

	place, over time more fences will be replaced by wildlife- friendly fencing, which will further reduce the numbers of wildlife dying in the future. This law will also serve to raise community awareness about the dangers of certain kinds of fencing and will be proactive in preventing cruelty to animals from inadvertently occurring when the wrong kind of fence is erected. Secondly, research conducted by Council through a recent community consultation process clearly demonstrates that the majority of Nillumbik's community is concerned about certain kinds of fencing and that the community wants fencing that does not harm wildlife. It is important that Council takes steps to act on these concerns and develops a new local law accordingly, in line with community expectation. Thirdly, there are numerous associated costs and consequences that arise from poor fencing, which a local law would help avoid. Wildlife Rescuers and Carers incur significant costs in the rehabilitation of injured wildlife and expend countless hours in this endeavour, and indeed during their numerous call-outs. They are called upon to render help at all times, day and night, and then personally pay for providing on-going caring for Nillumbik's injured wildlife – just imagine if they provided this as a fee-for-service! Frequently too, fences have to be cut in order to extricate an animal, which then incurs costs for the landowner. There is also a terrible emotional cost borne by the community, for indeed it is an extremely distressing experience – not just for the individual animal but also for the people who bear witness to the struggling animal, desperately trying to extricate itself. A local law about better wildlife-friendly fencing for new rural fences would assist and provide guidance to landowners, minimise the workload and costs for Wildlife Rescuers and serve to reduce the risk of potentially distressing situations for Nillumbik's rural community. For the above reasons, WAN strongly urges Council to include an	

	additional local law about new rural fencing. We recommend that Council adopts the following: Draft Local Law • This is in accordance with the Prevention of Cruelty to Animals Act 1987 (Parliament of Victoria) • When installing new rural fencing, reasonable steps must be taken to minimise potential harm to native wildlife. • Reasonable steps may include but are not limited to: Avoiding ring lock fencing where unnecessary. Avoiding barbed wire where unnecessary, and where necessary, avoiding using barbed wire on the top 3 strands of the fence and on the bottom wire. Installing flaps in the fencing at wildlife crossing points. Making the top wire very visible (eg white tape). Ensuring the height of the fence is appropriate for its purpose and that there is a minimum of 40cm between the ground and the bottom wire (including electric hot wire) to enable native wildlife to pass over and under the fence. • Reasonable steps do not take precedence over anything required or allowed by legislation including Building Regulations 2018 or Impounding of Livestock Act 1994. • If a council officer feels that reasonable steps have not been taken and a fence is found to be harming wildlife, the council officer may issue the landowner with instructions to remove, replace or retrofit the fence by a given deadline. • A penalty applies if the deadline is not met. Thank you for taking the time to consider our concerns and our recommendations. Kind regards [redacted] for Wildlife Advocates of Nillumbik	

5/12/2021	Good evening Frances, I am writing to you about the regulation of fencing in Nillumbik. I understand that there has been consultation on this subject and that most of the community supports fencing that does not cause the terrible situation of our local native animals, such as the young animal pictured, being caught up in fencing and possible suffering a painfully prolonged death. However, I gather nothing has yet been done to regulate fencing. I am asking therefore that the shire does introduce legislation in the shape of a local law that requires new fences to be constructed along wildlife-friendly lines. This would give council officers a tool to enforce the kind of standards the community requires. Thank you for your attention. Sincerely yours, [redacted]	[redacted]

1/12/2021	Hi everyone Please find attached my say on the proposed local laws. I have forwarded this to the email address provided, to the CEO and to the rural Councillor - as time has taught me that my feedback goes astray more than is easily understandable. I have cc'd in Councillor Duffy as I know that language, engagement, fairness and reasonableness are important to her, and hope to discuss this with her soon (subject to her availability of course). Feedback includes: 1. written summary, communications and comments (summary proposed local laws.doc) and 2. marked up version of the proposed local laws - noting that as they are currently written they are so duplicative, indecipherable and inappropriate that unfortunately my commentary ended up being the same - apologies in advance for this. The themes are easily identified and actioned. Noting it is now over 100 pages in length, I have no expectation the mark ups are published in the public domain - the last council meeting papers with attachments were over 1900 pages and were unwieldy - how councillors are expected to read and respond to this volume is beyond me. Happy to answer any questions directly and am available on [redacted] to discuss, subject to availability. Kind regards [redacted] (rural resident and ratepayer on behalf of myself, my family, property, amenity, lifestyle and future)	[redacted]
7/12/2021	Received via post	[redacted]

8/12/2021	Good evening Ms Mayor, Councillor Egan, Carl, Rosa and Participate Nillumbik, together with PALs Working Group members Further to the recent email from Rosa which allowed an extension of time for the submission attached by Nillumbik PALs on the Draft Nillumbik General Local Law review, we would like to thank you and also request a meeting as soon as possible to discuss the matters contained in it as a matter of urgency PALs considers the current process (acknowledging its draft status) to be of the utmost importance to landowners and residents of rural Nillumbik and look forward to working closely with council to ensure a fair and reasonable outcome in due course We will make the specifics of PALs concerns clear when we meet in person. Kind regards [redacted] Chair Working Group Nillumbik PALS [redacted]	[redacted] PALS WORKING GROUP [redacted]
10/12/2021		[redacted]

5/12/2021	Hello Please see my attached feedback and objections to the draft local laws Kind regards Privacy Obligations Privacy Obligations	[redacted]



Local Laws Submission

Corporate Info Rec...
07 DEC 2021
Nillumbik Shire Co...

I am writing to encourage you to implement the wildlife safer/friendly fences By-law in Nillumbik Shire.

In the recent By-laws community consultation by Nillumbik Shire an over whelming majority of the community 55.8 % supports fencing that does not harm wildlife, compared to the 36.5% members of the community that oppose, as recorded in the survey. There was also a majority (17) written submissions in favour and a minority (9) against wildlife friendly fencing.

Many established fences in Nillumbik shire Do great harm to our wildlife which causes considerable distress to the animal and may cause their eventual death. It's also very distressing for members of the community seeing wildlife injured from hideous fences and dead wildlife scattered by the sides of our roads in our area

I live in [redacted] and have many examples of unfriendly wildlife fencing along this road. I have attached two incidences of Kangaroos unable to move through the valley down to the Yarra River because of the Hideous inappropriate fencing at [redacted] (ring lock and 1065mm high). The dead carcasses of two beautiful kangaroos lay slumped near the fence. I have witnessed this, and it is very upsetting seeing the Kangaroos frightened, scared, and displaced.

I believe we do need to have a local law that is clear and concise in what is appropriate fencing wise especially in our beautiful Green Wedge Shire. When people move into this area, they need guidelines in suitable fencing.

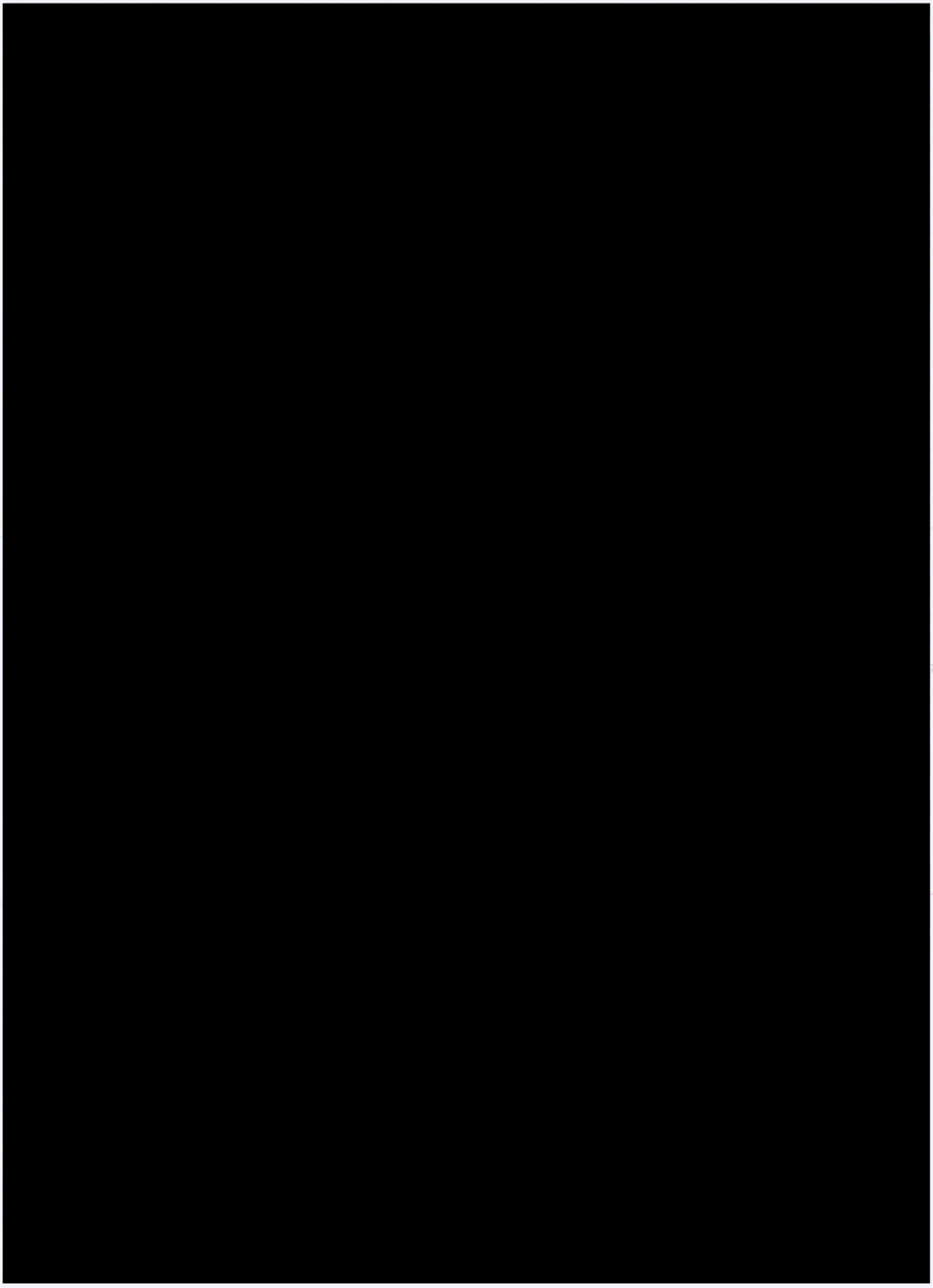
As in the case with all other local council laws, Council Officers would be required to only respond if a member of the community brings a breach to their attention. Enforcement would not place an extra burden on Council officers but rather a local Law regarding new fencing and therefore provide officers the tools to manage community expectations.

Also, any new development fencing should be included in safe wildlife friendly fencing codes.

Yours Sincerely

[redacted]





Nillumbik General Local Law 1

General Local Law 1 was made by resolution of the Nillumbik Shire Council on X.

This version is effective from X

This document is version 1.1

VERSION HISTORY

Version number		Effective dates
1.1.0	Consultative draft versions	October 2021
2.0.0	Authorised for formal exhibition by Nillumbik Shire Council	X
3.0.0	Adopted by Nillumbik Shire Council	
4.0.0	Final Local Law	

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Part 1. Introductions and definitions

1. Title

This Local Law may be referred to as *Nillumbik General Local Law 1*

2. Objectives

The principal objectives of this Local Law are to:

a) provide for the peace order and good government of the Nillumbik Shire Council; and

b) promote a physical and social environment ~~free from hazards to health,~~ in which the residents ~~of the *municipal district*~~ can enjoy a quality of life that meets the general expectations of the community; and

c) prevent and suppress nuisances ~~which may adversely affect the enjoyment of life or the health, safety and welfare of persons~~; and

~~d) prohibit, regulate and control activities which may be dangerous or unsafe or detrimental to the quality of life and the environment; and~~

~~e)~~d) ~~prohibit,~~ regulate ~~and control access to and~~ behaviour in ***municipal places***; and

~~f)~~e) ~~prohibit,~~ regulate ~~and control~~ the use of ***municipal recreation centres***, ***municipal buildings***, and ***municipal reserves***; and

~~g)~~f) protect public assets vested in ***Council*** from damage, accelerated deterioration or abuse ~~during the *building* process or at other times~~; and

~~h)~~g) ~~provide a physical environment which aims to minimize hazards to health and safety of persons attending building sites and those adjacent, opposite or passing building sites; and~~

~~i)~~h) ~~prohibit,~~ regulate ~~and control~~ the ~~presence of and~~ disposal of ***builders' refuse***, rubbish and soil on and from building sites within the ***municipal district***, particularly litter and stormwater pollution to protect receiving waterways; and

~~j)~~i) ~~define the standards to which persons engaged in *building work* should adhere; and~~

~~k)~~j) educate and induce persons involved in **building work** to act responsibly to reduce the extent and cost of infrastructure damage for the benefit of the wider community; and

~~l)~~k) provide for the consistent application and enforcement of this Local Law.

3. The power to make this Local Law

This Local Law is made under section 71(1) of the Local Government Act 2020 (***the Act)*** and Part 3 of the *Domestic Animals Act 1994*. (note(1) these powers have not been used as required by Section 72 of the Local Government Act and so this document requires significant review and deletion. Approximately 50 per cent of content (potentially up to 70 per cent) duplicates Victorian Laws, duplicates and in many cases is inconsistent with the planning scheme, and the content of this document duplicates significant content within

the document as well. This duplication and inattention to Plain English, the appropriate construction of law, and following legislative guidance has the effect of significantly undermining all local laws presented. Where is the legislative and regulatory impact statements? Where is the consultation process? These proposed local laws were not discussed in stage 1 of community consultation processes and are new. Resident and Small Business impact assessments are required, particularly since many proposed local laws have the effect of negatively impacting both residents and Small Business. These proposed local laws represent significant economic and social burdens on residents and business across Nillumbik. In some instances the collective impact is shire wide, some specifically impacts business, some specifically impacts urban residents and much specifically impacts rural residents. The collective economic and social impact is considerable. Refer the Commissioner for Better Regulation guides to preparing subordinate regulation. Laws are not able to be imposed retrospectively and yet the effect of much of the proposed local laws is retrospective. Has Commissioner Assessment and Certification been obtained prior to releasing these for public review?

4. Commencement

This Local Law comes into operation on the day after it is made.

5. Revocation

The following Local Laws are hereby revoked:

a) Infrastructure Assets Local Law 2013;
b) Amenity Local Law 2013;
c) Meeting Procedure Local Law 2017; and
d) Prohibition of Fireworks Local Law 2019.

6. Cessation

This Local Law ceases to operate on the tenth anniversary of the day on which it comes into operation.

7. Application

a) This Local Law applies and operates throughout the whole of the ***Municipal District***.
b) This Local Law does not apply where any act or thing otherwise prohibited is authorised by any Act, Rule, Regulation or Planning Scheme (note (2) where local proposed laws clearly breach existing Victorian (Australian) laws throughout this document they have been deleted in accordance with the Local Government Act S72. Council will need to ensure a council appointed legal specialist reviews the document and removes all duplicated impact laws as part of its own due diligence process. It is inappropriate a document is released for public comment that has not been submitted to this due diligence in the first instance. Council should make appropriate apology and reparation for this breach of manners, process and law.)

8. Exemptions from this Local Law

Nothing in this Local Law prevents any member, officer or employee of:

a) an emergency service, or
b) a State or Commonwealth government, or
c) any military or civil-defence organisation, or
d) the ***Council***, or
e) a contractor directly engaged by the ***Council*** to undertake ***works*** or to provide a service;

from performing any of the duties they are lawfully entitled or required to perform while engaging in those duties and any person acting accordingly is not guilty of any ***offence*** under this Local Law. Note (3) Are Nillumbik Council, *Parks Vic and Melbourne*

Water exempted from complying with these proposed local laws? Should this be specifically stated? In some instance these proposed local laws will create a significant and substantial burden on council that council is not funded to fulfill. This is most notable but not limited to proposed local laws pertaining to weed management, unsightly and dangerous lands.

9. Incorporated documents, codes and policies

a) This Local Law is to be read in conjunction with any document incorporated in accordance with section 76 of ***the Act***.

b) The following documents are incorporated into this Local Law, in accordance with section 76 of ***the Act***:

What about section 72 of the Act?

A) Nillumbik Live Local Plant Local

10. Definitions

a) In exercising its powers and performing its functions under this Local Law, ***Council*** may have regard to any guidelines, policies, ***codes*** or standards it has adopted for the purpose of the Local Law.

b) Unless the contrary intention appears in this Local Law, the following words are defined as follows:

'***the Act***' means the Local Government Act 2020.

'activity centre zone' means any land located within the ***activity centre zone*** as defined by the Nillumbik Planning Scheme

'advertising sign' means any placard, board, sign, card or banner, whether portable or affixed or attached to any land or ***building***, which:

a) provides information about the **occupier** of the land or ***building***, or a business or industry; or

b) advertises goods, services, an ***event*** or a competition. If council were to count the complaints about signage received in the last 8 years they would find a majority of complaints pertain to signage that is not included within this definition. Can council clarify the purpose of this definition and proposed local laws that surround it's use

'alcohol' means a beverage intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius.

~~***'allotment'***~~ ***"Title"*** means any land in separate ownership or occupation within the ***municipal district***.

'animal' includes any mammal, ~~and~~any bird, any reptile, any fish.

'appointed agent' means the person authorised in writing by an ***owner*** of a ***building*** or land to make an application, appeal, referral or representation on their behalf , or act on behalf of the ***owner*** in matters of **Council** enforcement.

'approved waste bins' - means household ***waste*** bin for landfill waste, recyclable materials, green (garden and food) waste or any future source separated waste stream introduced by C***ouncil***, supplied by, or on behalf of,

Council, or otherwise approved by **Council;**

'asset protection bond' - means a payment or guarantee made to ***Council*** for the purposes of securing public assets and infrastructure from the cost of damage during ***building work***; can council explain the legislative and regulatory authority to levy this bond? It is acknowledged many council's have this as a local law – but what is absent from these laws is the regulatory authority council has to levy it in the first instance. Can council also clarify that this bond will not apply to rural areas where there are no assets and public infrastructure in place (the specifically mentioned assets and infrastructure are roads, footpaths and drainage – and many rural areas do not have these things)

'asset protection permit' means a ***permit*** issued by ***Council*** for the protection of public assets and infrastructure during **building work**, in accordance with Clause 82 of this Local Law. See comments above. The permit requirements are not defined – this is substantive, as the economic and social effect of this new proposed local law has not been considered as is required.

'assistance animal' has the same meaning as the Disability Discrimination Act 1992.

'authorised officer' means any person appointed by the ***Council*** to be an Authorised Officer under section 224 of ***the Act*** and includes members of Victoria Police who are appointed under that section. There seems to be license applied to the delegated authorities of authorised officers. Authorised officers have specific delegated authorities. Exercising opinion, which is done frequently throughout this document, is not an appropriate delegated authority for an Authorised Officer – they are authorised by law to ensure compliance with law. Any opinion they have is irrelevant – if laws need to resort to ensuring they have opinions on things like health conditions, what is ugly, what is appropriate, what is pretty, what is dangerous, they are poorly considered and constructed laws.

'builder' means a person who:

a) carries out ***building work***, or

b) manages or arranges the carrying out of ***building work***, or

~~c) intends to carry out, or to manage or arrange the carrying out of, ***building work.***~~

'builders' refuse' includes any solid or liquid domestic or commercial ***waste***, debris or rubbish, and without limiting the generality of the above, includes ***waste*** material, ***waste*** substance or thing generated by or in connection with ***building***

work.

'building' includes any structure, whether temporary or permanent, or any part of such structure, and includes incomplete structures.

'building site' means the land on which building work is being undertaken. This definition requires specificity – is it the site of building work? Is it the area within 20 m of the building work? .

'building work' means work for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a ***building*** including landscaping, concreting and subdivision ***road*** construction. VBA is responsible for this – is council authorised by VBA ?

'bulk rubbish container' Includes trade ***waste*** storage bins, mini skips, shipping containers, pallets and any other structure designed to receive or store ***waste*** but does not include ***approved waste receptacles***.

'camping' means the use of any tent, ***caravan***, motor home or temporary structure for the purpose of accommodating people. Definition requires work – camping is an activity which families often partake of on land – it is an adventure and it is normal. Proposed local laws have the effect of regulating and controlling this normal activity. It could be that the intent is to regulate and control a different activity – in which case it is THAT activity that needs to be defined.

'camping area' means land which has been declared by the ***Council*** to be a ***camping area*** for the purposes of this Local Law.

'caravan' Means a structure, other than a ***building***, used on land for residential purposes and it includes a ***vehicle***, a movable dwelling, and a ***vehicle*** as defined under section 3 (1) of the *Road Safety Act* 1986. Residential purposes are not camping purposes – and yet the definition seems to cover both – so this section needs to be redrafted.

'CFA' means the Country Fire Authority.

'chimney' means a permanently fixed structure which provides ventilation for hot flue gases or ***smoke*** from the combustion of a fuel, such as wood.

'code' - means set of procedures or rules as adopted by ***Council***;

'commercial zone' - means a commercial zone under the Nillumbik Planning Scheme

'completion of the building work' means:

a) in relation to ***building work*** that requires an occupancy ***permit*** to be issued (or its equivalent), the date the occupancy ***permit*** is issued, ~~and~~or

b) in relation to ***building work*** that requires a certificate of final inspection to be conducted (or its equivalent), the date the final inspection is conducted~~, and~~

c) ~~in relation to **building work** that does not require an occupancy ***permit*** or a final inspection, the date the ***works*** being undertaken needs no further substantive work for it to be used or enjoyed for the purpose for which it is being constructed~~.

'Council' means Nillumbik Shire ***Council***.

'council land' - means any land which ***Council*** occupies, manages, has leased or licenced to another person or is otherwise under Council's control and managed, other than a ***road***;

'dwelling' means any ***building*** or portion of a ***building*** which is used, intended,

adapted or designed for use for living;

'DELWP means Department of Environment, Land, Water and Planning.

'earth works' means land forming, laser grading, levee banks, raised access roads and tracks, building pads, storage embankments, channel banks and drain banks and associated structures.

'emergency service' means

a) Victoria Police,

b) Fire Rescue Victoria,

c) Country Fire Authority,

d) Ambulance Victoria,

e) State Emergency Service,

f) any organization whose primary function is the provision of first aid response, and

g) any successor to any named organisation above,

and includes all members of the above organisations when engaged in *bona fide* operational activities. What about Melbourne Water and Parks Victoria? They may have Fire Officers too

'environmental weed' means any weed that ***Council*** has, in a public notice, declared to be an environmental weed.

'ESTA' means Emergency Services Telecommunications Authority.

'event' means an organised and planned activity, held on or within a ***Council*** owned or managed area or facility and publicised and open to the general public to attend where more people are usually found in that location at one time.

'fire danger period' - means the period declared pursuant to the *Country Fire Authority Act* 1958 to be a ***fire danger period***;

'fire hazard' - includes anything that, because of its flammable nature, its position or its quantity, exposes people, ***property*** or ***livestock*** to significant risk or harm,

damage or destruction by fire; (note (4) in rural Nillumbik the greatest fire hazards are vegetation which these local laws specifically exclude. This local law is of questionable usefulness because of this exclusion) consider deleting

'FRV' means Fire ~~and~~ Rescue Victoria. See above

'landfill waste' means all ***waste*** produced or accumulated in or on any ***property***, ~~but does not include,~~ to be disposed of in Council's approved landfill waste bin but does not include:

a) slops or liquid wastes,

b) ***recyclable goods*** or garden refuse of a type which ***Council*** disposes or collects on a regular basis,

c) ***waste*** generated from ***building work***;

d) ***waste*** generated from the restoration, repair or servicing of ***motor vehicles***,

e) ash, unless it is cold, dampened wrapped or contained in a manner which prevents its escape,

f) trade ***waste***,

g) oil, paints, solvents, herbicides and similar chemical substances (except paint residue contained in a sealed container),

h) hazardous chemicals,

i) volatile, explosive or flammable substances,

j) any ***waste*** that cannot be contained in an approved ***landfill waste*** receptacle due to its size, shape, nature or volume,

k) medical or veterinary ***waste***,

~~l) any other substance declared by the *Council* or an *authorised officer* not to constitute *'landfill waste'* for the purposes of this Local Law.~~

'graffiti' means inscriptions or drawings scribbled, scratched, sprayed or otherwise applied on a surface without authority.

'grazing' – ~~means to allow *livestock* to enter or remain on a *road* or *Council* Reserve for the purpose of feeding~~ means to feed on growing herbage. (Note (5) council does not *own* English – *grazing* is a word that has a meaning – *is council is to use this term too, it will need to add other words to meet the definition*)

'hard waste' means waste material placed out for collection in accordance with Council's hard waste service guidelines;

'impound' means the seizing or taking possession of any item and includes the holding of that item at any location until the item is returned, released or disposed of.

'Incinerator' an apparatus used for burning waste at high temperatures until it is reduced to ash – so is a fire place.....so what is the difference?

'***industrial zone'*** means an industrial zone under the Nillumbik Planning Scheme

'***Infringement***' has the same meaning as the *Infringements Act* 2006.

'Infringement notice - means a~~n~~ notice of infringement issued by an ***authorised officer*** in respect to an ***offence*** against the Local Laws;

'kennel' – housing, including internal fencing used to contain a dog.

'***large bird***' means any pigeon, cockatoo or other bird of similar or larger size of any age but does not include ***poultry***. (Note (6) Does it include geese, ducks, guinea fowl? Does it include peacock? Does it include pheasant? Quail? Need to be more specific here.)

'livestock' includes a cow, horse, pig, donkey, alpaca, llama and an ***animal*** of any species used in connection with primary production or kept for recreational purposes other than a dog or cat. Just to be clear this includes reptiles? Fish? Rabbit and guinea pigs?

'***motor vehicle***' has the same meaning as in the *Road Safety Act* 1986.

'***movable*** dwelling' means a ***dwelling*** that is designed to be movable, but does not include a ***dwelling*** that cannot be situated at and removed from a place within 24 hours.

'***municipal building'*** means a ***building***:

a) that is owned, occupied or controlled by ***Council***, or
b) that is under the care or management of ***Council***.

'***municipal district***' has the same meaning as in ***the Act***.

'***municipal place***' means land which is owned, occupied or managed by ***Council*** including any lake or watercourse on the land, but excluding a *road* and a public place.

'***municipal recreation centre***' means any ***municipal building*** containing or associated with a tennis court, pool, spa, sauna , public bathing facilities, and

This public land stuff is overly complicated – simplify it by separating municipal public land from non municipal public land and then being clear why it is public land needs to be treated differently if, in fact, it does need to be treated differently

includes all land and outdoor areas associated with or accessible from the ***municipal building***. (Note (7) What about football clubs? Netball clubs? Pony Clubs? Adult Riding Clubs? *Why are some sporting clubs (tennis) treated differently to others (reserves)? Municipal places is described here in about 12 different ways that adds little value – consolidate and simplify definitions)*

'***municipal recycling centre***' means the ***Council*** recycling centre

'***municipal reserve***' means any land within the ***municipal district*** that is owned, occupied or managed by the ***Council*** including any structure, fixture, fitting and garden on or at the land, but does not include a municipal building or ***municipal recreation centre***.

'***notice to comply***' means a ***notice to comply*** issued in accordance with Clause 99 of ***the Act***.

'***noxious weed***' has the same meaning as the *Catchment and Land Protection Act 1994*. Either or – not both

Explanatory note (Note (8) environmental weed or noxious weed – don't use both – pick one and stick to it)

The *Catchment and Land Protection Act* 1994 defines **noxious weed** to mean:

a) a State prohibited weed,

b) a regionally prohibited weed,

c) a regionally controlled weed or

d) a restricted weed.

A full list of noxious weed species can be obtained from ***Council***, or from DEWLP

'nuisance' - means any behaviour or condition which is or is liable to be dangerous to health or is noxious, ~~annoying~~ or injurious to personal health (Note (9) the burden of annoyance for legal nuisance is higher than typical nuisance and this is appropriate in an environment like Nillumbik where there is a culture of perpetual and personal offence widely practiced and where people routinely and inappropriately interfere in the business of others.)

'***occupier***' means the person who is for the time being in charge of the land and includes:

a) a person who manages any land on behalf of the land's ***owner***; and

b) a person who is responsible for the care and control of any land; and

c) a lessee or licensee of any land;

'offence' – means an ***offence*** against or a breach of a provision of this Local Law, or of a ***permit***, ***notice to comply*** or direction issued under this Local Law

'***official warning***' has the same meaning as in the *Infringements Act* 2006.

'owner' means: (Note (11) so far the term allotment, owner, occupier, resident appears to be used interchangeably. Pick 1. Note local laws exist for peace and good order for the benefit of residents..... it is appropriate for local laws to describe a singular term consistently so that everyone understands it - perhaps resident or visitor is the correct word?"

a) in relation to a ***building***, the ***owner*** of land on which the ***building*** is situated, and

b) in relation to a ***motor vehicle***

i. the ***registered owner*** of the ***motor vehicle***, and

ii. a person who has possession of the ***motor vehicle***, and

c) in relation to ***livestock***, means

i. a person who is entitled to legal or equitable possession of ***livestock*** whether solely or jointly, and

ii. a person who has custody of ***livestock*** on behalf of a person referred to in paragraph (c)(i).

'***parking area***' has the same meaning as in the *Road Safety Road Rules* 2017.

Explanatory note

The *Road Safety Road Rules 2017* defines a ***parking area*** to mean:

a length of road or area designed for parking vehicles

'***penalty unit***' has the same meaning as in section 110 of the *Sentencing Act* 1991.

'***permit***' (except in connection with an ***asset protection permit*** issued in accordance with Clause 82) means a ***permit*** in writing issued in accordance with Part 11.

'***policy***' means a document or set of procedures adopted to regulate the implementation of this local law. Reference those in force at the moment. It matters because there is no evidence current policy has had any part of the framing of these proposed local laws

'*poultry*' – excludes a rooster – so what does it include?

'***poultry house***' '***aviary***' and '***pigeon loft***' means any ***building*** or structure or part thereof for the housing or use of ***poultry***, birds or pigeons (respectively) and any area of land adjacent to it, which is used as the pen, compound or

yard for such ***poultry***, birds or pigeons. So can poultry be kept in a pigeon loft? Why be speciesist? What is the benefit of dictating what the specific housing choice option is for a particular species?

'premises' refers to a house or a building together with its land and outbuildings.

'***private land***' means any land which is not owed or occupied or under the control or management of a public body.(Note (12) see Title above – pick a word and use it consistently)

'***property***' means any land, ***building*** or ***dwelling*** in separate ownership or separate occupation within the ***municipal district*** and includes premises, crops, trees and other improvements. Note (13) see Title above – pick a word and use it consistently)

'***public land***' means any land to which the public has reasonable access.

Explanatory note (Note (15) Council is not the responsible authority for most public land and these laws will only apply to land is either the direct or delegated responsible authority for– so be specific and brief)

The *Summary Offences Act* 1966 defines public place as follows:

'***public place***' includes and applies to—

a) any public highway road street bridge footway footpath court alley passage or thoroughfare notwithstanding that it may be formed on private property;

b) any park garden reserve or other place of public recreation or resort;

c) any railway station platform or carriage;

d) any wharf pier or jetty;

e) any passenger ship or boat plying for hire;

f) any public vehicle plying for hire;

g) any church or chapel open to the public or any other building where divine service is being publicly held;

h) any state school or the land or premises in connexion therewith;

i) any public hall theatre or room while members of the public are in attendance at, or are assembling for or departing from, a public entertainment or meeting therein;

j) any market;

k) any auction room or mart or place while a sale by auction is there proceeding;

l) any licensed premises or authorised premises within the meaning of the *Liquor Control Reform Act* 1998;

m) any race-course cricket ground football ground or other such place while members of the public are present or are permitted to have access thereto whether with or without

(Note 14) No public land and public place – define this - it is a definable thing *and it is not all land defined in the Summary Offences Act at all because Council is not the responsible authority for these lands*) there are three pages of definitions for public land so far – which clearly means council is trying to achieve something – but what it is actually achieving is confusion '***public place***' has the same meaning as in the *Summary Offences Act* 1966.

n) any place of public resort;

o) any open place to which the public whether upon or without payment for admittance have or are permitted to have access; or

p) any public place within the meaning of the words 'public place' whether by virtue of this Act or otherwise.

'***recreational vehicle***' means any mini bike, trail bike, motor bike, motor scooter, go-cart or other ***vehicle*** propelled by a motor which is used for recreational purposes~~, but does not include~~:

~~a) a *vehicle* whilst engaged in legitimate farming activities, or~~

~~b)~~a) a motorised wheelchair, or

~~c)~~b) a motor-assisted bicycle with a motor with less than 200 watts capacity.

'***recyclable material***' means any substances or articles declared by the ***Council*** ~~or an authorised officer~~ to be '***recyclable material***' for the purposes of this Local Law from time to time. An authorised officer does not have the delegated authority to declare anything – an authorised officer has the delegated authority to uphold local laws.

'***registered***' in relation to any ***vehicle*** means that the ***vehicle*** is registered in accordance with the *Road Safety Act 1986*.

'residential zone' - means a ***residential zone*** under the Nillumbik Planning Scheme;

'retailer' means a person or business that sells goods to the public.

'***road***' has the same meaning as in Part 2 of the ***Road Safety Road Rules 2017,*** and the phrase '***road*** (including a ***road*** reserve, footpath or nature strip)' is used interchangeably and is not intended to expand or vary the meaning of '***road***'.

'rural zone' - means a ***rural zone*** under the Nillumbik Planning Scheme, which includes ~~the~~ Green Wedge and Rural Conservation Zones

'***sell***' include -

a) sell by means of any machine, electronic device or mechanical device; or

b) barter or exchange; or

c) offer or expose for sale; or

d) keep or have in possession for sale; or

e) agreeing to, directing, causing or attempting to do any of such acts or things.

~~***'shipping container'*** **means a container with strength suitable to withstand shipment, storage and handling**~~. Already covered in planning provisions – not relevant to local laws

'***shopping trolley***' means a ***vehicle*** used primarily for the carriage of goods by customers.

'***single use plastic***' means plastic items intended to be used only once before they are thrown away or recycled and includes plastic bags, straws, cutlery, plates, drink-stirrers, expanded polystyrene food and drink containers, balloons and cotton bud sticks.

'smoke' - means to:

(a) smoke, hold or otherwise have control over an ignited tobacco product; or

(b) light a tobacco product; or

(c) a visible suspension of carbon or other particles in air, typically one emitted from a burning substance.

'***stormwater system'*** means a system which provides for the conveyance of stormwater run-off including kerb and channel, open channels, underground pipe systems and natural waterways.

'***substantial tree'*** means vegetation that has a trunk circumference greater than 0.5m at one metre above ground level

'***toy vehicle***' means a ***vehicle*** designed to be propelled by human power and includes a scooter, a skateboard, roller skates, roller blades and similar toys and includes vehicles propelled by a motor of less than 200 watts but does not include:

a) a motorised wheelchair used by a person of impaired mobility, or

b) a pram or pusher when used for its intended purpose.

Except in the "may be permitted bit" it includes a pram or pusher……clarify

'***traffic control item***' means any sign, mark, structure or device displayed, placed or erected for the purpose of controlling, directing, guiding, regulating or warning drivers or pedestrians, and includes a device, however operated, which uses words symbols or lights to control or regulate traffic.

'***tree protection zone***' means the area surrounding a ***substantial tree's*** trunk, being a circular area below the tree extending at equal distances from the tree base in all directions, the radius of which is 12 times the trunk diameter measured at 1.5 metres above ground level, to a maximum of 15 metres.

'***unsightly land***' - means ***land*** which contains one or more of the following features

i. unconstrained waste; or
ii. excessive vegetation growth ~~that is not consistent with the appropriate ecological vegetation class of that area~~; or
iii. a source of infestation; or
iv. a haven for vermin; or
v. a haven for ~~environmental or~~ ***noxious weeds***; or
vi. ~~a disused excavation, or~~
~~. *waste material*, or~~
vii. graffiti on exterior walls or fences; or
viii. a ***building*** which is incomplete and not currently being constructed, or
~~ix. a ***building*** or other structure or thing which is detrimental to the amenity of the area; or~~
~~x. second hand timber or second hand building materials; or~~
~~xi.~~ix. ~~no more than two unregistered, derelict or abandoned vehicles~~;
~~xii.~~x. ~~any other item or combination of items that in the opinion of an authorised officer is detrimental to the amenity of the area~~.

'***unregistered***' in relation to a ***motor vehicle***, has the same meaning as the *Road Safety Act* 1986.

'***vehicle crossing***' includes all land and ***works*** between a ***property*** and the carriageway of an adjoining ***road***, used or designed to be used for access by vehicles.

'***vehicle***' includes any conveyance propelled or drawn by human, ***animal***, mechanical, electrical or other power.

'***waste***' includes any of the following— (Note (16) this definition includes every single product, byproduct and thing in the universe – define waste from the point of view of the local laws it

relates to – or delete the word and it's definition)

~~a) matter, including solid, liquid, gaseous or radioactive matter, that is deposited, discharged, emitted or disposed of into the environment in a manner that alters the environment;~~

~~b) a greenhouse gas substance emitted or discharged into the environment;~~

~~c) matter that is discarded, rejected, abandoned, unwanted or surplus, irrespective of any potential use or value;~~

'works' means any excavation or the introduction of fill (soil) that alters the natural topography of the land.

Part 2. The Common Seal

11. Use of the Common Seal

The Common Seal is the corporate signature of ***Council***, and exists in the form of a stamp. It evidences and authenticates decisions taken by ***Council***.

12. Authority for use of Common Seal:

The Common Seal may be used only on the authority of ***Council.***

13. Keeping of the Common Seal

a) The Chief Executive Officer must keep the Common Seal securely at the Council's offices.

b) The Chief Executive Officer must keep a register of documents to which the Common Seal has been affixed.

14. Signatures to accompany Common Seal

Every document to which the Common Seal is affixed must be signed by one Councillor and the Chief Executive Officer or some other senior officer authorised by the Chief Executive Officer.

15. Unauthorised use of the Common Seal

Any person who uses the Common Seal or any device resembling the Common Seal without authority is guilty of an ***offence.***

Part 3. Municipal Places, Buildings and Reserves

16. Behaviour in municipal places

In a Municipal place A person must not:

a) create a nuisance ~~in a ***municipal place***~~;
b) interfere with another person's reasonable use and enjoyment ~~of a ***municipal place***~~;
c) act in a manner which endangers any other person ~~in a ***municipal place***~~;
d) remain in a ***municipal place*** while under the influence of ***alcohol*** or any prohibited drug;
e) without a permit, sell alcohol, any goods, or any services ~~in a ***municipal place***~~;
~~e)~~f) without a permit erect, affix or place any advertisement or operate or cause to operate any amusement
~~f)~~g) use indecent, insulting, offensive or abusive language ~~in a ***municipal place***~~;
~~g) behave in an indecent, offensive, insulting or riotous manner in a ***municipal place***~~; (Note (17) this means to create a nuisance – duplicative – delete)
h) destroy, damage, interfere with or deface a ***municipal place*** or anything located there, without the written consent of the ***Council***;
i) remove any thing from a ***municipal place***, without the written consent of ***Council***;
j) act in a manner contrary to any restriction, prohibition or direction contained in the inscription on a sign in a ***municipal place***;
k) deposit or discard any litter or used syringe in a ***municipal place***, except in a receptacle provided for that purpose;
~~l) without a ***permit***, ***sell*** any goods or services in a ***municipal place***;~~
~~m) without a ***permit***, erect, affix or place any advertisement in a ***municipal place***;~~
~~n) without a ***permit***, erect, operate or cause to be erected or operated any amusement in a ***municipal place***;~~
~~o)~~l) obstruct, hinder or interfere with any member of staff of the ***Council*** in the performance of his or her duties ~~at a ***municipal place***~~;
~~p)~~m) use or interfere with any lifesaving or emergency device located within a ***municipal place***, unless using the device in an emergency or participating in instruction or maintenance approved by the ***Council***;
~~q)~~n) ~~act in a manner that is likely to interfere with the reasonable use and enjoyment of the ***municipal place*** by other persons~~.

17. Access to municipal places

a) The ***Council*** may:

i) determine the hours when a ***municipal place*** will be open to the public;
ii) restrict access to a ***municipal place*** or part of a ***municipal place***;
iii) authorise any person to occupy a ***municipal place*** or to restrict access

to the ***municipal place***;

iv) close a ***municipal place*** or part of a ***municipal place*** to the public; and
v) charge fees, or authorise any other person to charge fees, for admission to or the use of a ***municipal place*** or part of a ***municipal place***.
~~v)~~vi) Note this seems to indicate a significant shit in council policy relating to public land – because of restrictions and potential financial impacts legislative impact statements need to be completed – where are they?

b) The ***Council*** may establish:

i) conditions applying to and fees or charges for admission to or the hire or use of a ***municipal place*** or part of a ***municipal place***; and
ii) conditions applying to and fees or charges for hire or use of any ***property*** of the ***Council*** in connection with a ***municipal place***.

c) A person must not, without the consent of the ***Council***:

i) enter a ***municipal place*** other than through an entrance provided for that purpose;
ii) enter or remain in a ***municipal place*** during hours when the ***municipal place*** is not open to the public;
iii) enter or remain in a ***municipal place*** without the applicable fee or charge having been paid.
iv) organise, conduct or hold any function or ***event*** in a ***municipal place.***

18. Behaviour in municipal buildings

A person must not, without the written consent of the ***Council***:

a) organise, conduct or hold any function or ***event*** in a ***municipal building***;
b) bring any ***animal*** into, or allow any ***animal*** under his or her control to remain in, a ***municipal building***, except for an ***assistance animal*** being used by a person with a disability;
c) bring any ***vehicle*** or ***toy vehicle*** into a ***municipal building***,
d) ***smoke*** any tobacco product inside or within 10 metres of any entry or exit of a ***municipal building;***
e) bring into a ***municipal building*** any substance, liquid or powder which may:

i) be dangerous or injurious to health, or
ii) have the potential to foul, pollute or soil any part of the ***municipal building***; or
iii) cause discomfort to persons.

19. Activities prohibited in a municipal reserve

A person in a ***municipal reserve*** must not:

a) enter upon or remain on any area set aside as a playing ground during the course of an organised sporting match or gathering, unless they are a player or official or a competitor at the sporting match or gathering;

b) destroy, damage, climb on, remove or interfere with any flora, fauna or structure;

c) destroy, damage, climb on, remove or interfere with any structure;

d) throw any stones or missiles;

e) use any children's playground equipment other than for the purpose for which it was designed;

f) Enter a ***municipal reserve***, or a part of a ***municipal reserve***, in contrary to signage placed clearly prohibiting access to the ***municipal reserve*** or part of the ***municipal reserve***;

g) swim, paddle, dive or jump into or enter any wetland, lake, pond or fountain;

h) throw, place or cause or allow to be thrown or placed any liquid or waste into any wetland, lake, pond or fountain;

i) play, engage in or practice any game, sport or activity, or use any facilities or spaces, (whether or not a ***permit*** has been issued under this Local Law), in a manner that is:

i) dangerous to any person or ***property***; or
ii) likely to interfere with the reasonable use and enjoyment of the ***municipal reserve*** by any other person;

j) walk on or damage any plot, bed, border, closed track, replanting area or other area set aside for plants;

k) post bills or advertisements on any

i) fence, gate, wall, seat, or other structure, or
ii) vegetation

without the written consent of the ***Council***.

20. Activities which may be permitted in *municipal reserves*

In a ***municipal reserve***, a person must not without a ***permit***:

a) ride or drive a ***vehicle*** or horse except for

i) parking a ***vehicle*** in a ***parking area*** established for that purpose;
ii) wheeling a bicycle, pram, baby or child carriage, wheelchair or children's toy along a footpath;
iii)i) riding a bicycle or horse in a manner that does not interfere with the use or enjoyment of the ***municipal reserve*** by any other person;

~~iv) on a *road* or bicycle path in accordance with any applicable Acts or regulations;~~

b) light a fire or allow any fire to remain alight except in a barbecue provided by the ***Council***;

c) pitch, erect or occupy any camp, tent, ***caravan***, ***mobile dwelling*** or temporary structure;

d) hold a circus, carnival, festival, fete or other ***event*** likely to be attended by members of the public

i) ~~No *permit* will be granted for any circus that uses *animals* in its performances;~~ (Note (18) this is then a prohibited activity isn't it?)

ii) ~~No *permit* will be granted for a circus, carnival, festival, fete or other *event* unless it can be shown that no *single use plastics* will be utilised during the circus, carnival, festival, fete or other *event*.~~ ***(note 19) This is then a prohibited activity isn't it?***

e) ~~operate any device that has a predominant purpose of amplifying voice, music or noise~~;

f) Drive, allow to be driven, fly or allow to be flown any drone or other type of flying ***vehicle***, whether or not equipped with a camera, in or over a municipal land, unless in a reserve designated for that activity;

g) conduct activities connected with a fitness, exercise or personal training business, group or ~~organisation~~organization without a permit;

h) ~~otherwise engage in any organised activity which may interfere with the reasonable enjoyment of the *municipal reserve* by any member of the public~~.

21. Council Signs

Without a ***permit*** a person must not do anything on ***Council*** land contrary to a sign erected by the ***Council***

Council does not have signs erected on all council land – this is a bit of a nothing law that may have unintended, or intended, negative impacts

Part 4. Consumption Of Liquor In Public Places

Note (19) consider tighter link between public places and municipal places – because council is not the responsible authority for all public places – it is the responsible authority for municipal places and so local law is able to be applied for these places

22. Liquor

a) Without a ***permit***, a person must not consume liquor, or be in possession of liquor in an open container, in a prescribed area (as described in Clause 23) during a 'no ***alcohol***' period for that area (as described in Clause 23).

b) A person who is in or on a ***vehicle*** is to be taken to be in a prescribed area only if that ***vehicle*** is stationary.

23. Prescribed areas

a) The ***Council*** may by resolution, or by a delegate if this matter is the subject of delegation, specify areas of the municipality to be prescribed areas for the purposes of Part 4 of this Local Law.

b) The ***Council***, or a ***Council*** delegate, may at the time of specifying an area to be a prescribed area specify in relation to that area:

   i) periods of the year; or
   ii) periods of the week; or
   iii) periods of the day, or
   iv) specified days that are to be 'no ***alcohol***' periods.

c) If no period is specified in relation to an area, the 'no ***alcohol***' period for that area is every day and 24 hours a day.

d) If the ***Council,*** or a ***Council*** delegate, prescribes an area to be a prescribed area, it shall:

   i) give public notice accordingly; and
   ii) ensure that a description of the area is available for inspection at the offices of the ***Council*** during normal business hours.

24. Exemptions under Part 4

This Part does not apply to:

a) 'authorised premises' or 'licensed premises' within the meaning of the *Liquor Control Reform Act 1998*; or

b) Consumption of liquor at an organised ***event*** for which a ***permit*** under this Local Law has been granted.

Part 5. Specific Activities

25. Signs, goods and furniture

a) A person must not, without a ***permit***:

i) erect, fix or place any ***advertising sign***
~~ii) stop, stand or leave any ***vehicle*** for the purpose of displaying on the ***vehicle*** any ***advertising sign***~~
~~iii)~~ii) display or allow to be displayed any goods on a *road* or footway;
~~iv)~~iii) place or allow to be placed a seat, umbrella, table, chair, planter box, heater or other items on a *road* or footway;

~~b) A person who has placed, allowed to be placed, displayed or allowed to be displayed:~~

~~i) goods; or~~
~~ii) an advertising sign; or~~
~~iii) a seat, umbrella, table, chair or other furniture~~

~~on a ***road*** (including a road reserve, footpath or nature strip) or ***public place,*** (whether or not in accordance with a ***permit***), must move or remove it or them if directed to do so by:~~

~~iv) an authorised officer; or~~
~~v) a member of an emergency service.~~

c) an authorised officer may impound any:

i) goods; or
ii) advertising sign; or
iii) seat, umbrella, table, chair or other furniture-

placed or left in contravention of this Local Law or a condition of a ***permit*** issued under this Local Law.

26. Open air performances and busking

A person must not undertake any open air performance or busking activities on a ***road*** (including a road reserve, footpath or nature strip), or ***public place***, without a ***permit***.

27. Aerosol spray paint containers

A person who:

a) offers an aerosol spray paint container for sale; or

b) owns, operates or manages a business from ***premises*** on which an aerosol spray paint container is offered for sale;

must not allow any aerosol spray container to be stored or displayed unless the aerosol spray paint container is in a locked display cabinet which is not accessible to the public without the assistance of a person employed by the business.

28. Clothing recycle bins

a) A person must not place a clothing recycling bin on ***municipal place*** without a ***permit***.
b) A person must not place a clothing recycling bin on any ***private land*** without a ***permit.***
c) An ***authorised officer*** may ***impound*** a clothing recycling bin which is placed on any land contrary to clause 28 a) or 28 b).
d) A person must not:

i) interfere with a clothing recycling bin; or
ii) deposit goods near or around a clothing recycling bin; or
iii) remove the contents of a clothing recycling bin;

unless the person is an employee, agent or contractor of the person who placed the bin.

29. Charitable collections

Without a ***permit*** a person must not in a ***public place*** solicit or collect money or any articles from any person, or cause or authorise another person to do so.

30. Distribution of notices, advertising material

a) Without a ***permit*** a person must not on a ***road*** or ***municipal place***:

i) distribute any handbill or any other unsolicited material; these are not defined (in the 20 pages of definitions – why not?
ii) broadcast any advertising material; or
iii) ***sell*** any goods or services.

b) Clause 30 a) does not apply to electoral material for any election of the ***Council*** or any State or Commonwealth election in an electorate, encompassing any part of the ***municipal district*** for a period of four weeks before the election

31. Shopping trolleys

a) A person must not leave a ***shopping trolley:***

i) on a ***road*** (including a road reserve, footpath or nature strip), or

ii) in a ***public place***, or
iii) in a car park vested in the ***Council***

except in an area designated for the leaving of shopping trolleys.

b) An ***authorised officer*** may ***impound*** any ***shopping trolley*** left contrary to paragraph a).
c) If a ***shopping trolley*** is left on a ***road*** or ***Council land*** in contravention of paragraph a), the ***owner*** of the ***shopping trolley*** is also guilty of an ***offence***.

32. Trading activities

a) Without a ***permit*** a person must not ***sell***, barter or trade from any car, ***caravan***, trailer or any other ***vehicle*** on:

i) a ***road*** (including a road reserve, footpath or nature strip); or
ii) a ***public place***;

~~b) The ***Council*** may exempt from the application of paragraph a):~~

~~i) a person; or~~
~~ii) a body corporate~~

33. Scare guns

~~a) Without a ***permit*** the ***owner*** or ***occupier*** of land which is in a ***rural zone*** must not use or allow the use of scare guns (including scatter guns and gas guns) on the land.~~
~~b)~~a) ~~The ***owner*** or ***occupier*** of land which is not in a ***rural zone*** must not use or allow the use of scare guns (including scatter guns and gas guns) on the land.~~ (Note 20 – Scare guns are pretty 1990's and are not used much any more – is this law still relevant?)

Part 6. Animals

34. Collection and disposal of animal excrement

a) A person who is in charge or control of any ***dog*** in or on a ***public place*** must:

i) not allow any part of the excrement from the ***dog*** to remain on any ***road*** (including a road reserve, footpath or nature strip) or ***public place*** or any other land not occupied by that person; and

ii) ensure that the appropriate means by which to collect and dispose of the dogs excrement are carried by any person in apparent control of the dog; ~~and~~

~~iii) carry a minimum 3 receptacles for the disposal of that dogs excrement; and~~

~~iv) for the purposes of paragraph (a)(ii), a person in apparent control of the dog must produce the receptacle(s) to an authorised officer when requested.~~

b) A person who is in charge or control of any ***livestock*** in or on a ***public place*** must not allow any part of the excrement to remain on a paved surface specifically designed for pedestrian use.

~~c) A person must not allow any *animal* excrement to be moved (whether by washing, swooping or otherwise) from any *property* on to a *road* (including a road reserve, footpath or nature strip).~~

35. Keeping animals

a) Without a ***permit***, an owner or occupier of:

i) any land having an area less than or equal to 1,000m^2 must not keep or allow to remain on the land more ***animals*** than the amount specified in ***Column 2 in Table 1***, of the kind of ***animal*** specified in ***Column 1 of Table 1***, and must not keep more than 20 ***animals*** of any kind, and

ii) any land having an area less than or equal to 4,000m^2 must not keep or allow to remain on the land more ***animals*** than the amount specified in ***Column 3 in Table 1***, of the kind of ***animals*** specified in ***Column 1 of Table 1***, and must not keep more than 20 ***animals*** of any kind, and

~~iii) any land having an area greater than 4,000m^2 must not keep or allow to be remain on the land more than the amount of *animals* specified in *Column 4 in Table 1*, of the kind of animals specified in *Column 1 of Table 1 and*~~

iv) any land having an area less than 1,000m² must not keep ***livestock***, or allow any ***livestock*** to remain on the land, and

v) ~~any land having an area less than or equal to 4000m² must not keep a rooster, or allow a rooster to remain on the land~~. Note the planning scheme covers animals on rural lands. Adding more complexity and confusion is not appropriate

b) Clause 35 a) does not apply to any land used to conduct a pet shop in accordance with a valid Domestic Animal Business ***permit***, within the meaning of the *Domestic Animals Act* 1994.

c) All ***permits*** issued under Clause 35 a) for the keeping of excess dogs and cats will only be approved if all dogs and cats associated with the ***permit*** are desexed prior to the issue of the ***permit***. Dogs or cats are exempt if registered with an applicable organisation in accordance with the Domestic Animals Act 1994, have an approved Domestic Animal Business Permit or for health reasons approved by veterinarian. (Note (21) Large birds is poorly defined – fix the definition. There is no rationale for limiting animals on land parcels over an acre – so delete – noting that the Planning Scheme has animal numbers on these lands and so local laws do not need them for these lands)

Column 1 – Type of animals	Column 2 – Land less than 1000m2	Column 3 – Land sized 1000m2 to 4000m2	Column 4 – Land greater than 4000m2
Dogs	2	2	~~2~~ Not limited by this local law
Cats	2	2	~~2~~Not limited by this local law
Large birds	5	10	~~10~~not limited by this local law
Poultry	5	10	~~24~~not limited by this local law
Roosters	Not permitted	Not permitted	~~Permit required~~ Not limited by this local law
Other livestock	Not permitted	Permit required	Not limited by this Local Law
MAXIMUM TOTAL OF ANIMALS OF ANY KIND	20	20	Not limited by this Local Law

Table 1. Maximum permitted animals without a permit

d) For the purposes of paragraph a), any of the following animals are not counted:

i) any ***large bird*** or ***poultry*** that is less than 12 weeks old,

ii) any dog or cat that is less than 3 months old.

~~**Explanatory note:**~~

~~In addition to this Local Law, the Nillumbik Shire Planning Scheme and other external acts and regulations may affect a person's right to keep and use animals on land.~~

Council does not get to double dip – it is either covered by Local Law OR the planning scheme – in this case it is the planning scheme

36. Animal buildings and cleanliness

a) A person must not:

i) erect or use, or
ii) allow the erection or use,

of a kennel, ***poultry house*** or ***pigeon loft*** unless it is:

iii) in the case of a ***kennel***, at least 1 metre from the boundary of any adjoining land, and
iv) in the case of a ***poultry house*** or a ***pigeon loft***, at least 10 metres from any neighbouring ***dwelling***.

~~b) A person must not keep:~~

~~i) any poultry other than in a ***poultry house***; or~~
~~ii)~~i) ~~any pigeons other than in a ***pigeon loft***~~. This is senseless and speciesist – why can poultry not live in a pigeon house or cubby house ? Makes no sense at all.

~~c) An ***owner*** or ***occupier*** of any land on which an ***animal*** is kept must ensure that the part of the ***property*** in which the ***animal*** is kept or which is used by the ***animal*** is:~~

~~i) maintained in a clean, inoffensive and sanitary condition; and~~
~~ii) maintained so as not to cause a ***nuisance*** to any person or to be offensive, injurious to health or dangerous; and~~
~~iii) provided with adequate clean drinking water; and~~
~~iv) provided with adequate sustenance; and~~
~~v)~~i) ~~provided with adequate shelter~~ (Note (21) this is covered by the Prevention of Cruelty to Animals Act)

~~to the satisfaction of an ***authorised officer***~~.

d) ~~An ***owner*** or ***occupier*** of land on which any ***animal*** is kept must ensure that all food for consumption by animals (except hay) is kept or stored in rodent-proof receptacles or rodent-proof buildings.~~

37. Animal noise

a) An ***owner*** or ***occupier*** of any land must take all ***reasonable steps***:

i) to prevent any ***animal*** making ***unreasonable noise*** ~~on the land or to prevent any noise caused by an ***animal*** being emitted from the land which in the opinion an ***authorised officer*** is:~~

~~A) unreasonable or objectionable to a person on other land or premises or;~~

~~B) adversely ***affects the amenity*** of any person on other land or premises.~~

b) ~~For the purposes of paragraph a), in determining whether noise is ***unreasonable, objectionable or adversely affecting the amenity***, regard must be had to:~~

~~i) its volume, intensity or duration; and~~
~~ii)i) the time, place and other circumstances in which it is emitte~~d.

c) For the purposes of paragraph a), ***reasonable steps*** to prevent the noise include (but are not limited to):

i) identifying and modifying stimuli or conspicuous causes of the animal's behaviour, and
ii) controlling or modifying the physical environment in which the ***animal*** is kept, and
iii) ~~(~~where the ***animal*** causing the noise is a dog~~)~~ the ***owner*** and the dog participating in dog behavioural training, and
iv) obtaining advice from a veterinarian or ***animal*** behaviourist and implementing that advice, and
v) securing the ***animal*** within a ***dwelling*** unless supervised by a person capable of preventing the ***animal*** from making ***unreasonable or objectionable noise***, or noise ***adversely affecting the amenity*** of any person on other land or premises, and
vi) considering removal of the ***animal*** from the land or ***dwelling***, and
vii) keeping records of any steps taken, including the dates and times that steps were taken and the effectiveness of such steps, and providing those records to the ***Council*** upon request by an ***authorised officer***. This whole section appears geared mainly towards dogs – why not specify this? It appears unnecessary to sanction all animals when it seems like dogs are the main perpetrator (this is mainly an urban complaints issue isn't it?)

~~**38. Feeding of wild birds on private land**~~

~~a) An ***occupier*** of land must not:~~

~~i) Feed or continue to feed; or~~
~~ii) Allow or cause to be fed~~

~~b) Any bird on that land if:~~

~~i) that bird is not ordinarily kept on the land; and~~
~~ii) the circumstances in which the bird is fed are likely to or do interfere~~

~~with the material comfort of any other person or the enjoyment by any other person of their land; and~~

~~iii) it may affect the health of the bird~~

Explanatory Note:

~~Feeding animals inappropriate food can cause them dietary problems. This can make them sick and die a premature or painful death.~~

~~When birds 'gorge' themselves on white bread they stop eating their natural foods, which are more nutritious. The birds can then become malnourished. Birds can also choke on wads of bread.~~

~~Food left lying around can become stale and grow fungi that are poisonous to wildlife. It can also encourage rodents to infest areas.~~

~~It can encourage introduced animals to the area where native wildlife then have to compete for the habitat.~~

~~Artificial feeding can alter the natural balance between life and death. This can lead to sick animals being kept alive and possibly transmitting their disease throughout their population or into other populations.~~

~~Artificial feeding can make wildlife an easy target for predators such as foxes, dogs and cats.~~

~~Young birds are not taught by their parents how to forage for natural foods – they then risk starvation~~

39. Use of Council land for ~~movement or~~ grazing of livestock

a) ~~A person must not allow any ***livestock*** to be at large in any ***public place***~~.

b) A person must obtain a ***permit*** to graze allow any ***livestock*** under their control to graze on a ***road*** or ***Council land***.

40. Bees and Wasps

a) An ***owner*** or ***occupier*** of land who keeps or allows bees to be kept on that land must do so in accordance with the Apiary Code of Practice.

i) Clause 40 a) does not apply to a person who keeps or allows bees to be kept on the land where a planning ***permit*** has been issued for such use.

b) ~~An ***owner*** or ***occupier*** of land must not allow or suffer any bees on the land to cause a ***nuisance*** to any person~~.

c) An ***owner*** or ***occupier*** of land must ~~not allow or suffer English wasps or European wasps to nest on the land, and,~~ upon becoming aware of the existence of a wasp nest on the land, must take reasonable steps to cause the nest to be destroyed.

41. Dead Livestock

a) A person must not dispose of dead livestock, or part thereof, in a manner that is likely to cause a nuisance, be offensive, or be a detriment to the environment or to the health of any person.

~~b) A person must not allow any dead livestock or part thereof to remain on any road or Council land.~~

Part 7. Land Use and Amenity

42. Alarm systems

a) The ***owner*** or ***occupier*** of any land must not cause or ***permit*** any audible or visual alarm system installed on that land or in a ***vehicle*** left on that land:

i) to activate unless there is an emergency situation or an intruder is on the land; or

ii) to sound or omit a bright light longer than is reasonably necessary to attract attention to such land (where a total period of alarm, whether continuous or intermittent, of 10 minutes is considered as being a reasonably necessary time if the land is in a ***residential zone*** or 15 minutes if the land is in a ***commercial zone*** or ***industrial zone***);

except where such alarm is being repaired or tested.

b) Where an ***authorised officer*** determines that the ***owner*** or ***occupier*** has:

i) contravened paragraph a); and

ii) the intruder alarm is sounding; and

iii) the ***authorised officer*** cannot, after reasonable efforts, locate the ***owner*** or ***occupier*** of the *premises,*

the ***authorised officer*** may enter onto the ***premises*** and do what is reasonably required to abate the intruder alarm noise.

43. Unsightly land

a) ~~An ***owner*** or ***occupier*** of any land must not allow the land to be kept in a manner which is ***unsightly***.~~

~~b) For the purposes of this clause, ***unsightly*** includes any land containing:~~

~~i) unconstrained waste, or~~

~~ii) excessive vegetation growth that is not consistent with the appropriate ecological vegetation class of that area, or~~

~~iii) a source of infestation; or~~

~~iv) a haven for vermin; or~~

~~v) a haven for environmental or ***noxious weeds***; or~~

~~vi) a disused excavation, or~~

~~***iv)*** ***waste*** material, or~~

~~viii) graffiti on exterior walls or fences, or~~
~~ix) a *building* which is incomplete and not currently being constructed, or~~
~~x) a *building* or other structure or thing which is detrimental to the amenity of the area, or~~
~~xi) no more than two unregistered, derelict or abandoned vehicles;~~
~~xii)~~viii) ~~any other item or combination of items that in the opinion of an *authorised officer* is detrimental to the amenity of the area~~.

c) ~~For the purposes of Clause 44.1,~~ a ***property*** or ***building*** may be detrimental to the amenity of the area if, ~~in the opinion of an *authorised officer*,~~ it has substantial adverse visual impact in the context of the surrounding area:

i) taking into account its appearance to the street, neighbouring properties or any ***public place***, but
ii) not taking into account the intended design or siting of a ***building***.

d) An ***authorised officer*** of ***Council*** may require an ***owner*** or ***occupier*** of any land in contravention of this clause to erect temporary fencing around the boundary of land. This bit makes no sense without understanding context – assume it is an urban problem?

44. Environmental Weeds

a) A person must not ***sell*** or possess for sale any ***environmental weed***.
b) An ***owner*** or ***occupier*** of land ~~must not allow the land to support the growth of~~actively manage ~~any~~ seasonal ***environmental weeds so that they do not spread***.
~~b)~~c) An owner or occupier of land must not plant environmental weeds

45. ~~Dangerous land~~

a) ~~The *owner* or *occupier* of any land must not allow the land to be;~~

~~i) kept in a manner which is dangerous or likely to cause danger to health, life or *property*, or~~
~~ii) used for the storage of any substance which is dangerous, or~~
~~iii) in any other condition which in the opinion of an *authorised officer* is likely to cause danger to health, life or *property*.~~

~~b) Paragraph a) does not apply to any danger to health, life or *property* arising:~~

~~i) from the condition of vegetation, unless the vegetation poses a risk to persons or *property* in a *public place*, or~~
~~ii)~~i) ~~from the threat of fire.~~

c) ~~Paragraph a) does not apply to any ***land*** use where~~:

i) ~~a ***permit*** for the use is issued under this Local Law, or~~

ii) ~~a *permit* for the use is issued under the *Planning and Environment Act* 1987.~~

46. Obstruction to visibility

The ***owner*** or ***occupier*** of any land within 9 metres of an intersection of two or more ***roads*** must not allow a tree, shrub or hedge located on the land to grow, or a structure, container, bin, ***building*** materials or any other object to be placed, so that there is an obstruction to the clear view:

a) by a driver, of a pedestrian, ***motor vehicle*** or ***traffic control item***; or

b) by a pedestrian, of a motor vehicle or traffic control item. (Note (22) surely the responsibility for box clearing and road visibility sits with the road manager? Ie council or vic roads?)

Explanatory note:

9 metres is measured from the intersection ***property*** boundary

47. Overhanging and encroaching vegetation

An ***owner*** or ***occupier*** of land must not allow a tree, shrub, hedge or other vegetation on that land:

a) to overhang a ***road*** (including a road reserve, footpath or nature strip), at a height of less than four metres from the surface of the ***road***, or

b) to encroach upon any ***road*** (including a road reserve, footpath or nature strip), or ***public place***. (Note (23) surely the responsibility for public land box clearing sits with the public land manager? Ie council or vic roads?)

48. Nuisance

a) ~~A person must not:~~

i) ~~cause a noise; or~~

ii) ~~knowingly allow or suffer a noise,~~

~~to emanate from any land owned or occupied by that person which in the opinion of an *authorised officer* is unreasonable or which would cause discomfort to other persons.~~

~~b) A person must not:~~

~~i) cause or *permit* any *chimney* on the land to discharge dust, grit, ashes, *smoke*, effluvium or odour~~

~~to emanate from any *land* owned or occupied by that person to such an extent that it is dangerous to health or which in the opinion of an *authorised officer* is unreasonable~~

~~or which would cause discomfort to other persons~~.

c) ~~A person must:~~

~~i) prevent the escape of odours, dust or particles of fertiliser or compost;~~

~~ii)~~i) ~~treat the fertiliser or compost in such a manner as to effectively prevent it attracting or becoming a breeding place for flies or other vectors of disease to the satisfaction of an *authorised officer*~~

d) A person must not install or use floodlighting on ***private land*** which may result in the spill of light onto adjoining land unless in compliance with the following requirements:

i) the floodlighting must be shielded with such devices as ***Council*** may from time to time require to prevent glare from the floodlighting causing a ***nuisance*** outside the boundary of the land on which the floodlight exists;

ii) the level of illumination emitted by the floodlights must not exceed 8 lux measured at a distance of 1.5m outside the boundary of the land on which floodlights are erected whether the illumination is as a result of direct, reflected or other incidental light emanating from the land; and

iii) the measurement of illumination for the purposes of this clause must be conducted by an ***authorised officer*** or in a manner approved and supervised by an ***authorised officer***.

e) An ***authorised officer*** may serve a ***notice to comply*** to the ***owner*** or ***occupier*** of the ***land***, directing the ***owner*** to take reasonable steps to prevent emission or reflection of light where:

i) floodlights or other exterior lights shine directly onto any other premises;

ii) artificial light is emitted or reflected from anything on the land so as to illuminate ***premises*** outside the land to more than 50 lux or so as to cause or be a ***nuisance*** to any person; or

iii) natural light is reflected from anything on the land so as to create or cause a ***nuisance*** to the ***occupier*** of any other ***premises*** or to a person lawfully using a thoroughfare,

f) The notice referred to in paragraph e) may direct that:

i) floodlights or other exterior lights are used only during the hours specified in the notice;

ii) the direction in which the lights shine be altered as specified in the notice; or

iii) any reflective surfaces be painted or otherwise treated so as to abate the ***nuisance***,

iv) or any combination of above.

g) Paragraph e) does not apply where a planning ***permit*** has been issued under the *Planning and Environment Act 1987* in respect of the floodlighting of a tennis court.

49. Containment and disposal of swimming pool wastewater

a) Wastewater and backwash water from swimming pool filtration systems must be disposed of:

i) via sewer where a sewer is available; or
ii) must be contained within, and disposed onto or into the allotment on which the swimming pool is located.

b) For the purposes of paragraph a)ii), an onsite retention system having a minimum capacity of 140 litres, and located a minimum of 1.8m away from any ***building*** and allotment boundaries satisfies the requirement for containment and disposal onsite.

50. Incinerators

a) A person must not cause or permit any ***incinerator*** on the land owned or occupied by that person to be lit or to allow such to remain alight.

51. Open air burning

a) The following restrictions apply on a***llotments*** less than 0.4 hectare

i) a person must not, without a ***permit***: engage in open air burning during the ***fire danger period***, on total fire ban days or at any other time the ***CFA*** declares fire restrictions.

b) Conditions applied to open air burning. A person may engage in, or authorise another person to engage in, open air burning or burning material provided that all of the following conditions are met:

i) must have a **permit**;
ii) the person has given prior notification to ***ESTA***;
iii) the burning is for the purpose of fuel reduction for fire prevention;
~~iv) the fuel is not noxious or offensive;~~
~~v)~~iv) ~~reasonable measures are taken by the person to advise neighbouring landowners and occupiers at least 24 hours beforehand~~;
~~vi)~~v) the fire must not exceed one cubic metre in size and must be lit only in an area away from other combustible material and overhanging trees, shrubs, etc;

vii) only one fire to be alight at any one time and fully extinguished by 6.00pm or upon direction of an authorised officer;

~~viii) materials not to be burnt include plastic, rubber, chemicals, petroleum-based products, painted/ treated timber, furniture, strippers, resins, batteries, glues and aerosol cans, green or wet vegetation;~~

~~ix) materials must not be brought onto the *property* for the purposes of burning off;~~

~~x) the wind at the site of the fire does not exceed 19 kilometres per hour;~~

~~xi) there is an adequate number of attendees and supply of tools and adequate water supply available to hand at all times to control the fire and prevent it spreading or escaping; and~~

~~xii) the *smoke* and/or odour from the fire does not cause offensive *smoke* to enter another *property* or create a *smoke* hazard, especially for traffic on a *road*.~~

c) The following restrictions apply on ***allotments*** 0.4 hectare or more

~~i) Burning is allowed for fuel reduction purposes.~~ A person must not, (Note (24) with the exception of the "tell your neighbours" and "you can't bring in fuel from anywhere else – which is not enforceable so is a waste of time" these requirements are already outlined by CFA and ESTA for the most part. They do not sit within the remit of council – they are already covered by other Victorian laws. ~~engage in open air burning during the *fire danger period*, on total fire ban days or at any other time the *CFA* declares fire restrictions.~~

~~ii) Conditions applied to open air burning. A person may engage in, or authorise another person to engage in, open air burning or burning material provided that all of the following conditions are met:~~

~~A) the person has given prior notification to ESTA;~~

~~B) the burning is for the purpose of fuel reduction for fire prevention;~~

~~C) the fuel is not noxious or offensive;~~

~~D) reasonable measures are taken by the person to advise neighbouring landowners and occupiers at least 24 hours beforehand;~~

~~E) the distance from the outer extremity of the fire to any other fuel is at least three metres, including above the fire;~~

~~F) the wind at the site of the fire does not exceed 19 kilometres per hour;~~

~~G) adequate measures are taken to ensure the open air burning is confined to the property;~~

~~H)~~A) ~~materials not to be burnt include plastic, rubber, chemicals,~~

~~petroleum- based products, painted/ treated timber, furniture, strippers, resins, batteries, glues and aerosol cans, green or wet vegetation~~;

~~h) materials must not be brought onto the property for the purposes of burning off;~~

~~i) there is an adequate number of attendees and supply of tools and adequate water supply available to hand at all times to control the fire and prevent it spreading or escaping; and~~

~~k)~~ l) ~~the smoke and/or odour from the fire does not cause offensive smoke to enter another *property* or create a *smoke* hazard, especially for traffic on a *road*.~~

d) ~~Exemptions~~

~~i) a barbeque or a manufactured fireplace designed and used for the purpose of outdoor cooking, heating or comfort is exempt except where:~~

~~A) a total fire ban or other *CFA* or *FRV* restrictions apply; or~~
~~B) offensive materials are burnt or offensive *smoke* or a *smoke* hazard is caused.~~

~~ii) a fire lit by a member of *Council* staff, a *CFA* member, or an employee of *FRV*, *DWELP*, Parks Victoria or other relevant statutory authority in the course of their functions and duties~~.

52. Large fires and multiple fires

a) On an allotment of allotment of less than one hectare, large or multiple fires are prohibited.

b) On an allotment of one hectare or more, a person may engage in, or authorise another person to engage in, open air burning, or the burning of large or multiple fires provided that:

i) all conditions listed in clause 51 b) are adhered to; (Note (25) see Note 24 – these are lawful, terms and conditions for the most part are already provided by CFA and ESTA and so this interference by council is not necessary)

~~ii) any large fire or multiple fires must not pose a danger to any person or neighbouring property before, during or after burning;~~

~~iii) any large or multiple fires must have adequate supervision, tools and water supply to control the fire and prevent it from spreading or escaping at all times;~~

~~iv) reasonable measures are taken by the person to advise neighbouring landowners and occupiers at least 24 hours beforehand.~~

~~v)~~ ii) ~~the person has given prior notification to *ESTA*~~.

53. Bulk waste containers

a) A person must not leave or allow to be left any -

i) bulk waste container that encroaches on a ***road*** (including a road reserve, footpath or nature strip), or obstructs the free use of a ***road*** or that reduces the breadth, or confines the limits, of the a ***road***, without a ***permit***.

b) A bulk waste container must have

i) the companies name; and
ii) contact phone number

legibly and permanently displayed on the body of the bin.

c) An authorised officer may ***impound*** any -

i) bulk waste container that is left contrary to Clause 53 a), b) or contrary to the conditions of a ***permit*** issued under this Local Law.

d) The Council or an authorised officer may exempt -

i) a person;
ii) a class of persons; or
iii) a body corporate-

from the application of Clause 53 a)

54. Parking of vehicles

a) The ***Council*** from time to time may, by resolution, or by a delegate if this matter is the subject of a delegation, fix the days, hours and conditions under which a ***vehicle*** may be left in or on:

i) any ***road***;
ii) any ***parking area*** under the control of the ***Council***; or
iii) ***Council land***;
iv) and may erect appropriate signs.

b) Without a ***permit*** a person must not park a ***vehicle*** on any park, garden or reserve under the control of the ***Council***.

55. Parking Schemes

The ***Council*** from time to time may, by resolution, introduce a ***permit*** parking scheme which:

a) exempts any ***vehicle*** of a resident or specified person or specified class of person from the restrictions of time limited parking; or

b) prohibits parking in specified areas by persons other than ***permit*** holders.

56. Use of recreational vehicles

a) A person must not use a ***recreational vehicle*** on ***Council land*** or a ***municipal reserve***, without a ***permit***.

b) A person must not ride any unregistered ***recreational vehicle*** in a ***public place.***

c) A person who owns an unregistered ***recreational vehicle*** must not knowingly allow another person to ride the ***recreational vehicle*** in a ***public place***.

d) ~~A person must not use a ***recreational vehicle***, or allow a ***recreational vehicle*** to be used on ***private land*** within the ***municipal district:***~~

~~i) unless a ***permit*** has been issued in accordance with this Local Law, or~~

~~ii) contrary to a ***permit*** issued in accordance with this Local Law.~~

~~e) An ***owner*** or ***occupier*** of ***private land*** must not knowingly allow a minor to use a ***recreational vehicle*** on the ***land*** unless it is in accordance with this Clause.~~

~~An authorised officer may ***impound*** a ***recreational vehicle*** being used in contravention of this Local Law in accordance with paragraphs a), b), c), d) or e).~~

f) A ***permit*** to use a ***recreational vehicle*** is required on all ***private land*** within the ***municipal district*** that is less than 2 hectares in area.

g) Permits for the use of a ***recreational vehicle*** may be subject to conditions.

57. Toy vehicles

A person must not:

a) use or leave a ***toy vehicle*** on a ***road*** (including a road reserve, footpath or nature strip), or ***public place***;

i) in a manner which interferes with the passage of, causes a ***nuisance*** to or endangers any person on the ***road*** (including a road reserve, footpath or nature strip), or ***public place***; or

ii) ~~in an area where the use of ***toy vehicles*** is prohibited by the inscription on a sign erected by the ***Council***~~.

b) allow another person under his or her care and control to use or leave a ***toy vehicle*** on a ***road*** (including a road reserve, footpath or nature strip), or on ***public place*** contrary to paragraph a).

58. Repair and sale of vehicles on roads and council land

Without a ***permit*** a person must not on any ***road*** or ***Council*** land:

a) park or cause a ***vehicle*** to be parked or left for the purpose of exposing or displaying that ***vehicle*** for sale; or

b) dismantle any ***vehicle*** (except where necessary to enable it to be removed therefrom) or paint or repair any ***vehicle***.

59. Identification of Premises

a) ***Council*** may from time to time allot a number to an allotment and may from time to time change the numbering.

b) The ***owner*** or ***occupier*** of an allotment to which a number has been allotted by the ***Council*** must mark the land with the number in a form and of sufficient size and in an unobstructed position so as to be clearly visible and legible from the adjacent ***road***.

c) The ***owner*** or ***occupier*** of an allotment must ensure that all numbers marking the an allotment are:

i) made of durable materials;
ii) kept in a good state of repair; and
iii) renewed as often as may be necessary.

d) A person must not display a number on or in connection with any allotment unless the number has been allotted to the allotment by the ***Council***.

60. Caravans, movable and temporary dwellings (note (27) can 60 and 61 be combined)

a) A person must not occupy:

i) a caravan; or
ii) a ***movable dwelling***; or
iii) any other temporary structure or ***dwelling***

on private land for longer than 30 calendar days without a ***permit*** and without making available on site suitable contained toilet facilities for the use of those camping. (Note (26) Suggest 90 days more appropriate than 30).

b) A person may apply for a ***permit*** to place and occupy a ***caravan*** or ***movable dwelling*** on the ***property*** for the purpose of residing in while they construct a ***dwelling*** on a vacant ***property***, or for any other reason.

c) A ***permit*** to place and occupy a ***caravan*** or ***movable dwelling*** ~~must not~~may be granted ~~unless~~if, in the opinion of an ***authorised officer***, adequate sanitary facilities are in place.

Thi

d) A person who has been granted a ***permit*** under this Local Law must not occupy ~~remove~~ the ***caravan*** or ***movable dwelling*** from the land to which the ***permit*** relates, immediately upon:

i) the expiration of the ***permit***, or
ii) otherwise as required by the conditions of ***permit***.

e) Paragraph a) does not apply to any ***private land*** that is ***caravan park*** within the meaning of the *Residential Tenancies Act* 1997.

This section does not apply to the storage of a caravan on a property

61. Camping

a) A person must not camp or occupy a tent, ***caravan***, ***moveable dwelling*** or temporary structure, in any ***public place*** (except within a ***camping area***) without a ***permit.***

b) A ***permit*** to camp or occupy a tent, ***caravan***, ***moveable dwelling*** or temporary structure must not be granted unless, in the opinion of an ***authorised officer***, adequate sanitary facilities are in place.

c) Paragraph a) does not apply to any ***private land*** that is a ***caravan park*** within the meaning of the *Residential Tenancies Act* 1997.

~~c)~~d) This section does not apply to camping on private land.

62. Shipping containers

~~The ***owner*** or ***occupier*** of any land must not cause or allow a shipping container to be placed on the ***land***, without:~~

~~a) a ***permit*** issued in accordance with this Local Law, or~~

~~b)~~a) ~~a ***permit*** issued in accordance with the *Planning and Environment Act* 1987~~ (Note (28) Shipping containers are permitted under Planning Scheme – permits are not required for things that are already regulated).

63. Protection of Amenity Trees

a) For avoidance of doubt, this clause does not apply to such part of a tree that is above or below Land which is not private land.

b) This clause applies to:

i) any substantial tree located in a residential zone or commercial zone or activity centre zone; and
ii) where the tree, as described above, is:

A) not otherwise protected by a zone or overlay or any other

provision applied by the ***Nillumbik Planning Scheme***;

B) situated on any ***private land***, whether or not the tree extends beyond the boundary of that ***private land***.

c) A person must not without a ***permit***:

i) remove, damage, kill or destroy or direct, authorise or allow to be removed, damaged, killed or destroyed a ***substantial tree***.

ii) carry out, or direct, authorise or allow to be carried out, the construction of a ***building*** (***building work***) or carry out ***works*** within the ***tree protection zone*** of a ***substantial tree***.

iii) remove, damage, kill or destroy or direct, authorise or allow to be removed, damaged, killed or destroyed a tree required to be planted as a condition of a ***permit***.

d) Paragraph c) does not apply to the pruning of trees in accordance with the Australian Standard for the Pruning of Amenity Trees (AS4373) and where pruning is undertaken by a qualified arborist.

e) This clause does not apply to any species identified as an ***environmental weed***.

~~**64. Earthworks**~~

~~a person must not without a permit conduct *earthworks* which involve the receipt, importation, stockpiling or placement of more than 100 cubic metres of soil~~ (Note (29) this is already going into the planning scheme – not required in local laws as well).

~~65.~~64. Prohibition of Fireworks

A person must not discharge any fireworks on or from any land outside the **urban growth boundary**.

Explanatory note:

Clause 65 applies to

(a) all land outside the urban growth boundary within the Nillumbik Shire; and

(b) all land within the township of St Andrews and the township of Panton Hill within the Nillumbik Shire.

"township of Panton Hill" means all land holdings located within the township of Panton Hill as defined in the Victorian Register of Geographic Names

"township of St Andrews" means all land located within the township of Queenstown as defined in the Victorian Register of Geographic Names.

"urban growth boundary" – means the boundary defined in the Nillumbik Planning Scheme

identifying the scope of urban growth within the municipality and identified on the plan in Schedule 1

Part 8. Waste Disposal

66. Commercial Waste Collection

The collection of commercial ***waste*** by any person must be carried out in accordance with the following provisions:

a) Waste bins should be located at sites that provide minimal annoyance to residential premises;
b) Compaction should be carried out while the ***vehicle*** is moving;
c) Bottles should not be broken at a collection site;
d) Routes which service predominately residential areas should be altered regularly to reduce early morning disturbances;
e) Where a residential area is impacted by noise from the collection of waste, collection should be restricted to the times contained within the following schedule

   i) one collection per week 6:30 am – 8 pm Monday to Saturday 9 am – 8 pm Sunday and public holidays
   ii) two or more collections per week 7 am – 8 pm Monday to Saturday 9 am – 8 pm Sunday and public holidays

67. Domestic waste collection, and recyclable materials

a) An ***occupier*** of any ***dwelling*** or other land in the ***municipal district*** must comply with any standards, ***policy*** or guidelines of ***Council*** applicable to a ***landfill***, recycling or green (garden and food) ***waste*** service.
b) A person must not deposit landfill waste or other matter in a ***bin supplied by council*** to any ***dwelling*** or land of which the person is not resident.
c) A person must not deposit:

   i) hazardous ***waste*** or chemicals
   ii) hot ashes, or hot material likely to damage the bin
   iii) a gas bottle or any container of pressurised gas
   iv) ***building*** or renovation ***waste***
   v) soil, bricks or rubble
   vi) medical ***waste***, veterinary ***waste*** or syringes
   vii) e-waste, including computers and electrical components
   viii) batteries
   ix) tyres

   in any ***bin supplied by council.***

d) A person must not damage or destroy any ***bin supplied by council***.

e) A person may be guilty of an ***offence*** against this clause 67 d), regardless of which ***dwelling*** or land has been allocated the bin that has been damaged or destroyed.

f) A person must not remove or interfere with any recyclable material left out on a ***road*** or at any other collection point to be collected in accordance with an instruction of ***Council***.

g) A person must ensure that all domestic landfill, green (garden and food) ***waste***, ***hard waste***, recyclable and other ***waste*** materials which they place on a ***road*** (including a road reserve, footpath or nature strip) for collection is placed in accordance with any standards, ***policy*** or guidelines of ***Council***.

h) A person shall divert recycle materials into the recycle bin.

i) A person must not place a ***bin supplied by council*** in a ***public place*** in a location that:

  i) Obstructs the free use of the ***road*** (including road reserve, footpath or nature strip) by ***motor vehicles***, or

  ii) Obstructs the free use of a footpath by pedestrians.

j) A person must not deposit domestic ***landfill waste***, green (garden and food) ***waste***, ***hard waste***, recyclable materials and other ***waste*** materials except:

  i) in a bin supplied by council, or

  ii) in accordance with a ***hard waste*** collection advertised by, or on behalf of, ***Council***.

k) An ***occupier*** of any ***dwelling*** or other land in the ***municipal district*** must ensure that:

  i) any ***bin supplied by council*** is kept in good order and in a clean, sanitary and inoffensive condition, and

  ii) any ***bin supplied by council*** is used in a manner that does not cause a ***nuisance*** to other residents.

  iii) any ***bin supplied by council*** is stored within the ***property*** to which it is allocated

  iv) material placed in a bin does not exceed a volume which prevents the lid being closed; and

  v) they remove any waste from a road or Council land which has spilled from the bin supplied to the occupier

l) ***Council*** or an ***authorised officer*** may, by notice in writing, direct the ***owner*** or ***occupier*** of land to:

  i) install;

  ii) repair;

  iii) replace; or

  iv) modify -

a fence or other means of screening a landfill or recycling or green (garden and food) waste bins or trade ***waste*** skip on the land from public view if ***Council*** or an ***authorised officer*** forms the opinion that the landfill, recycling or green ***waste*** bins or trade ***waste*** skip are unsightly, dangerous, or detrimental to the general amenity of the (Note (30) bins are a thing – council does not provide them only to then tell us they are unsightly and need to be hidden – they are part of life) neighbourhood in which it is located

m) Emptied bins shall be retrieved to within the ***property*** boundary within 24 hours after collection.

68. Transportation of waste

A person must not convey or cause to be conveyed in any ***motor vehicle*** on any ***road*** in the ***municipal district***, any ***noxious weeds***, manure, dead ***animal*** or remains, offal, bones, hides, skins, offensive matter, refuse, rubbish or other ***waste*** unless the ***vehicle*** is constructed, fitted, loaded and covered so that:

a) no leakage occurs or material is dropped or deposited on any ***road*** or adjacent area from the ***vehicle***; and

b) the possibility of escape of offensive odours is minimized, to the satisfaction of an ***authorised officer***.

69. Use of municipal recycling centre

a) A person must not use the ***municipal recycling centre*** unless the person:

i) pays any fees and charges applicable to the use of the service, and;

ii) complies with the terms, conditions, directions and signs determined by the ***Council*** for use of the ***municipal recycling centre***.

b) A person who is not a Council employee must not remove material of any kind which has been deposited at the ***municipal recycling centre***.

70. Dumping of refrigerators, trunks or similar containers. (note (31) this local law says it's fine to dump white goods if you leave the door off it – dumping rubbish is not OK ever *and most dumped waste ends up in rural areas – so don't encourage it*)

~~A person must not place, leave or allow to remain a disused refrigerator, ice chest, ice box, clothes washer or dryer, trunk, chest or any other similar article having a compartment which has a capacity of greater than 0.04 cubic metres at any *municipal place*, *public place* or unfenced vacant land in the *municipal district* without first:~~

~~a) removing every door and lid; or~~

~~b) removing every lock, catch and hinge attached to a door or lid; or~~

~~c)~~a) ~~otherwise rendering every door and lid incapable of being fastened~~.

71. Hard Waste Collections

a) Where the ***Council*** has notified ***occupier***s of a ***hard waste*** collection and an ***occupier*** of land proposes to leave material for collection, the material must be left for collection in accordance with the conditions contained in the notice to occupiers.

b) Where the ***Council*** has notified occupiers of a ***hard waste*** collection and an ***occupier*** of land proposes to leave material for collection, the material must be left for collection no earlier than the Sunday before the week of booked collection.

c) A person must not add to or take any material from, the contents of a land occupier's materials left out for a ***hard waste*** collection without the permission of the land ***occupier***.

d) ***waste*** collection operators may refuse to collect hard waste from any ***occupier*** who does not comply with a direction of the ***Council***, an ***authorised officer*** or the ***waste*** collection operator.

72. Dumping of waste

Without a ***permit*** a person must not:

a) cause or permit, litter or ***waste*** to be placed on any ***Council*** land, unless as part of a ***hard waste*** collection as described in Clause 71; or

b) dump household or business ***waste*** in any public litter bin.

Part 9. Protection and Management of Council Assets and Infrastructure

73. Actions affecting council land

Without a ***permit*** a person must not:

a) on any ***municipal place***:

i) occupy or fence off any part of the ***municipal place***;
ii) construct landscaping ***works*** or retaining walls;
iii) erect a hoarding or overhead protective awning;
iv) use a mobile crane or travel tower for any work;
v) make a hole or excavation or reinstate a hole or excavation;
vi) leave any ***building*** materials thereon;
vii) leave any ***waste*** or debris or other goods thereon;
viii) plant trees or vegetation;
ix) remove or damage any tree or vegetation;

b) on any ***municipal reserve***, drive on, park or use a ***vehicle*** to access ***private land*** through that ***municipal reserve*** for any purpose; or

c) otherwise cause any change to ***Council*** land or anything thereon, or otherwise occupy, plant or put anything on ***municipal place.***

74. Maintenance of drains

The ***owner*** or ***occupier*** of any land must ensure that any drain, gutter, downpipe or associated infrastructure on the land or which drains from the land and connects to a drain owned or managed by the ***Council*** is maintained:

a) in a condition that is not dangerous to health, unsightly or a ***nuisance***, and
b) in a working condition.

75. Stormwater drainage connections

a) An ***owner*** of land must ensure that all stormwater drainage outlets that discharge from that land to a ***Council*** drain are properly constructed and maintained at all times.
b) The ***owner*** or ***occupier*** of land must ensure that:

i) each ***building*** and or structure on the land is connected to a legal point of discharge nominated by ***Council*** through a properly constructed and maintained underground drainage system; and
ii) the land is a adequately drained to the satisfaction of an ***authorised officer***

76. Protection of drains

A person must not, -

a) destroy, or
b) damage, or
c) interfere with; or
d) tap into; or
e) cover or obscure-

any drain vested in the ***Council***, without a ***permit***.

77. Protection of roads

a) A person must not

i) occupy or fence off;
ii) erect a hoarding or scaffolding on;
iii) use a mobile crane or travel tower for any work on;
iv) make a hole or excavation in;
v) fill a hole or excavation in; or
vi) remove, damage or interfere with a temporary traffic signal, sign, barrier or other structure erected to protect pedestrians or regulate traffic on-

any ***road*** or part of a ***road*** under the control of the ***Council***, without a ***permit***.

b) Any person that undertakes work on a ***road*** or part of a ***road*** under the control of the ***Council***, must perform the work to the satisfaction of the ***Council***.

c) An ***authorised officer*** may ***impound*** any object or equipment being used in contravention of paragraph a) or in contravention of a ***permit*** issued under this Local Law.

d) The ***Council*** may exempt -

i) a person, or
ii) a body corporate-

from the application of this Clause.

e) A person who makes a hole or excavation in a ***road*** or part of a ***road*** under the control of the ***Council*** must ensure that appropriate signs are displayed in accordance with the applicable Australian Standard.

78. Protection of assets and land

a) A person must not:

i) damage, interfere with, destroy or deface
ii) undertake an activity which may damage, interfere with or destroy
iii) build or fill over, conceal or plant vegetation that may cause damage near

a bridge, fence, footpath, nature strip, ***road***, ***municipal reserve***, service conduit, fire plug, hydrant or other asset vested in or under the control of the ***Council***, without a ***permit***.

b) The ***Council*** may inspect:

i) any connection to a ***Council*** asset, or
ii) any ***works*** undertaken within a ***road*** or easement

and impose a fee for the connection or inspection.

79. Protection of Vegetation

a) Without a ***permit*** a person must not on any ***Council*** land remove any tree or vegetation, including dead trees and fallen timber, other than to prevent the spread of declared ***noxious weed***s pursuant to the provisions of the *Catchment and Land Protection Act 1994* and those weeds listed in th ***Council*** publication *'Live Local Plant Local'*.

b) Paragraph a) does not apply to the removal of material or vegetation from a ***road*** reserve if it is:

i) For the maintenance and mowing of nature strips comprising exotic vegetation that is vegetation which is not native to Australia, within urban areas, where there is kerb and channel drainage construction; or
ii) Removal of vegetation that has fallen onto the ***road*** from abutting ***private land***; or
iii) Removal of fine fuels (which include dry grass, leaves, twigs and loose bark, but not larger logs or branches by abutting landowners for ***fire hazard*** reduction purposes; or
iv) Removal of dead vegetation (including dead indigenous vegetation) up to 1.5 m in height provided that the section of the ***road*** is not classified as High Conservation Significance; or
v) Removal of vegetation for ***fire hazard*** reduction purposes when in accordance with a fire prevention notice issued by the Municipal Fire

(Note 33

Prevention Officer or an Assistant Fire Prevention Officer under - section 41 of the *Country Fire Authority Act* 1958, or

vi) Activities undertaken by 'Friends Of', Landcare Groups and community fireguard groups in accordance with a land management agreement approved by ***Council***.

Explanatory Note:

For the purposes of sub-clause 79 b) iii) and iv), High Conservation Significance is identified on Council's High/Low Roadside Conservation Significance map which is available on Council's website or can be viewed at the Council Offices. (Note (32) the High Conservation Significance map is more

80. Vehicle crossings

a) ~~The ***owner*** or ***occupier*** of any land must ensure that:~~

~~i) each point of ***vehicle*** access to that land from a ***road*** has a ***vehicle crossing*** constructed to the satisfaction of Council linking that ***road*** to the ***property***, and~~

~~ii) no ***vehicle*** is allowed to enter or leave the land except by using the ***vehicle crossing*** referred to in clause 80 a), or in accordance with an ***asset protection permit*** issued under clause 82, and~~

~~iii)~~i) ~~a redundant crossing is removed where directed in writing by the ***Council***~~.

b) A person must not permanently or temporarily construct, remove or alter a ***vehicle crossing***:

i) without a ***permit*** issued in accordance with the *Planning and Environment Act* 1987, or

ii) without an ***asset protection permit*** issued in accordance with Clause 82, or

iii) in accordance with a ***permit*** or written consent provided by the **Council**.

c) A person who fails to comply with paragraph a) is guilty of an ***offence***, and must repair any damage caused to the asset or if the ***Council*** elects, pay to the ***Council*** the actual or reasonable estimated cost of repairing the damage. (Note (33) most rural areas do not have assets and infrastructure that is the subject of this local law – can we be exempted please?)

d) Any work in respect of an asset must be performed to the satisfaction of the ***Council***.

81. Spoil on roads

a) An ***owner*** or ***occupier*** must not allow any soil, earth, mud, clay, rock, liquid ***waste*** or like substance to fall or escape onto a ***road*** from their ***property*** and cause a hazard or

obstruct a ***road***. (Note (34) typically this type of waste is the responsibility of the driver – who carries insurance to deal with spills – council is double dipping by penalizing the delivery and the resident)

b) An ***owner*** or ***occupier*** who fails to comply with paragraph a) must immediately remove the hazard or obstruction, to the satisfaction of the ***Council***, so that it is no longer likely to cause a hazard, or is no longer an obstruction.

c) A person must not allow any soil, earth, mud, clay, liquid ***waste*** or like substance to fall or escape onto a ***road*** from any ***vehicle*** which they are driving.

d) A person must not allow any grease, oil, mud, clay or like substance to run off a ***motor vehicle*** onto a ***road***, or into a drain.

e) A person must remove any soil, earth, mud, clay, or excrement deposited on a ***road*** by any animal under his or her effective control.

82. Asset protection permits **(Note (35) exempt rural residents who do not have any asset infrastructure to be protected – these permits do not apply to them – *laws specifically mention roads, drains and footpaths – we do not have these things out here so most of these sections do not apply to us)***

a) On the payment of an application fee, the ***Council*** may issue an ***asset protection permit*** in respect of any land where ***building work*** is to be carried out;

b) A ***property owner*** must not commence any ***building work*** without having an ***asset protection permit*** issued in respect of the ***building work***;

c) A person must comply with any condition on an ***asset protection permit***;

d) An ***asset protection permit*** may allow a person to enter land from a ***road*** other than by a permanently constructed ***vehicle crossing*** whether or not public assets or infrastructure are likely to be damaged;

e) The ***asset protection permit*** may be subject to such conditions as ***Council*** determines, including (but not limited to):

   i) requiring protection ***works*** to be done, or
   ii) requiring the payment of an ***asset protection bond***, or
   iii) requiring the erection of temporary fencing to the satisfaction of ***Council***, or
   iv) requiring that any public asset or infrastructure damage be repaired, replaced or reinstated within a specified time-

f) Unless it is renewed sooner, an ***asset protection permit*** expires on the date specified in the ***permit*** and if not specified, 12 months after the date of its issue;

g) The owner, builder or appointed agent must:

   i) notify ***Council*** in writing, of proposed ***building work*** at least 7 days before ***building work*** commences; and
   ii) provide ***Council*** with notice in writing of any prior damage to any ***road*** (including a road reserve, footpath or nature strip), or other asset at least 7 days prior to the commencement of any ***building work*** or the delivery of

any equipment or ***building*** materials.

Explanatory note:

The ***owner, builder*** or ***appointed agent*** must notify the ***Council*** in accordance with Clause 82 g), regardless of whether a ***building permit*** has been issued.

h) The ***owner***, ***builder*** or ***appointed agent*** responsible for ***building work*** must repair or reinstate any damaged ***road***, drain, nature strip, kerb, channel, ***vehicle crossing*** or other assets vested in ***Council*** adjacent to the land where the ***building work*** takes place or which is otherwise affected by the ***building work***, and any repair work must be performed to the satisfaction of the ***Council***;

i) The amount of any ***asset protection bond*** required under this clause may be determined by resolution of the ***Council***, and may take into account:

- i) The type, size and nature of the ***building work*** being undertaken; and
- ii) The total ***building*** cost of the work being undertaken; and
- iii) the likely impact of the proposed ***building*** on assets and infrastructure in the vicinity; and
- iv) any other factor-

j) Upon completion of the ***building work***, ***Council*** may:

- i) retain all or part of the ***asset protection bond*** to offset the costs of repairing any damage; or
- ii) refund to the person who lodged the ***asset protection bond***, upon Council's satisfaction that no damage has been caused, or that any damage caused has been repaired to Council's satisfaction-

k) For purposes of determining whether any damage to public assets has resulted from the execution of any ***building work*** on a ***property***, failure to provide notice under this clause is *prima facie* proof that there was no existing damage to such assets prior to the ***building work*** taking place;

l) The ***Council*** may accept an alternative form of security to an ***asset protection bond***;

m) Where an ***owner***, ***builder*** or approved agent has caused damage to assets vested in ***Council***, and the cost to repair the damage exceeds the amount of the ***Asset Protection Bond*** paid in respect of the ***building work*** associated with the damage, any person that is guilty of an ***offence*** arising from the damage may be ordered (in addition to any other penalty) to compensate the ***Council*** for an amount not exceeding the value of:

- i) the damaged asset; or
- ii) the cost of repairing or reinstating the asset to its prior state-

n) An ***asset protection permit*** may be cancelled if an ***owner***, ***builder*** or ***appointed agent*** is found guilty of an ***offence*** arising from a failure to comply with this Local Law.

83. Identifying damage to Council assets

a) Inspections of any ***Council*** assets by an ***authorised officer***, whether on ***private land*** or ***public land***, may be conducted at any reasonable time;

b) If ***Council*** identifies any damage that appears to result from non- compliance with this Local Law, an ***authorised officer*** may give a ***notice to comply*** to any person to reinstate the asset or repair any damage within a specified time;

c) An ***authorised officer*** may serve the responsible party with a ***notice to comply*** under Clause 83 b) specifying:

i) The time and date that the damage was observed, and
ii) a description of the damage to be repaired, and
iii) the date that the repair must be completed by (which must not be less than 28 days from the date of the notice).

Part 10. Requirements of Building Sites

84. Stormwater protection

Where any ***building work*** is being carried out on any land, the ***owner***, ***builder*** or ***appointed agent*** must ensure that the site is developed and managed to minimise the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments, ***animal*** wastes or gross pollutants, including (but not limited to) measures to:

a) minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting ***roads*** (including a road reserve, footpath or nature strip), or washed into the ***stormwater system***, and

b) prevent ***building*** clean-up, wash-down or other wastes being discharged offsite or allowed to enter the ***stormwater system***.

85. Containment of refuse

a) Prior to the commencement of any ***building work*** and continuing until the ***completion of the building work***, the ***owner***, ***builder*** or ***appointed agent***:

i) must provide a closed ***facility*** for the purpose of disposal of ***builders' refuse*** that may be wind-blown, and

ii) must place the ***facility*** on the ***land*** and keep it in place (except for such periods as are necessary to empty the ***facility***), and

iii) must not place the ***facility*** on any ***Council land*** or ***road*** (including a road reserve, footpath or nature strip), without a ***permit***, and

iv) must empty the ***facility*** whenever full and, if necessary, provide a replacement ***facility*** during the emptying process, and

v) must prevent mud and dirt being carried out by vehicles from the ***building site*** onto adjoining ***roads*** (including a road reserve, footpath or nature strip), and

vi) must ensure that any abutting nature strip remains tidy, and

vii) must ensure that no materials, vehicles or items are placed on nature strips or other ***Council land***, without a ***permit***; and

viii) must ensure that any footpath adjacent to the land affected by the ***building work***, is kept clear of mud and dirt at all times.

b) For the purpose of this Part, ***facility*** means a suitable receptacle for ***builders' refuse***, capable of restricting debris and ***waste*** from leaving the ***building site***.

c) The ***Council*** may exempt:

i) a person; or

ii) a body corporate

from the application of this clause.

86. Disposal of builders' refuse

Prior to the commencement of any ***building work*** and continuing until the ***completion of the building work***, the ***owner***, ***builder*** or ***appointed agent*** must: -

a) ensure that all ***builders' refuse*** which is capable of being carried by wind is placed in the ***facility*** referred to in clause 86, and

b) ensure that ***builders' refuse*** that is not placed in the ***facility*** referred to in clause 86 a) is not deposited on any land other than the ***building site*** directly under their control, and

c) ensure that ***builders' refuse*** is not deposited in or over any part of the ***stormwater system***.

87. Removal of builders' refuse

An ***owner***, ***builder*** or ***appointed agent*** must remove all ***builders' refuse*** from a site where ***building work*** is undertaken, within 21 days of the ***completion of building work***.

88. Building site fencing

a) This clause only applies to ***building work*** on land that is in a residential zone, commercial zone, activity centre zone or industrial zone, and is less than 1500m2 in size.

b) An ***owner***, ***builder*** or ***appointed agent*** engaged in ***building work*** must ensure that the site has ***adequate site fencing*** that complies with clause 88.

c) ***Adequate site fencing*** means a fence or gate of a temporary or permanent nature, that:

i) extends to a height of not less than 1500mm, and

ii) is capable of preventing litter and ***builders' refuse*** from being blown from a ***building site*** by wind, and

iii) has only one ***vehicle*** access opening that:

A) has a width of no greater than 2800mm, and

B) is fitted with a gate with a height of not less that 1500mm which prevents litter from being blown from a ***building site*** by wind, and

C) is located to correspond with a ***vehicle crossing*** referable to the ***building site***, and

iv) does not obstruct or encroach upon any ***road*** (including a road reserve, footpath or nature strip), and

v) is sufficiently secure to withstand strong winds, and
vi) otherwise does not pose a risk to persons, ***property***, vehicles or assets in the vicinity.

89. Sanitary facilities on building sites

a) Prior to the commencement of any ***building work,*** and continuing to the ***completion of building work***, the ***owner***, ***builder*** or ***appointed agent*** must provide a sewered toilet or a fresh water flushing portable toilet and ensure that it is serviced and available for the use of the persons on that site, to the satisfaction of an ***authorised officer***.

b) Notwithstanding paragraph a) an ***owner***, ***builder*** or **appointed agent** may provide a sewered toilet or a fresh water flushing portable toilet on an adjacent site under the control of the ***owner***, ***builder*** or ***appointed agent***, provided that:

i) no more than 3 adjacent building sites rely on the same sewered toilet or fresh water flushing toilet, and
ii) access to the sewered toilet or fresh water flushing toilet is available for any person working on any of the three adjoining sites.

c) The ***owner***, ***builder*** or ***appointed agent*** must advise ***Council*** within 7 days of the installation of a sewered toilet and obtain ***Council*** written consent prior to removing a portable toilet from the site.

90. Identification of building sites

a) Prior to the commencement of any ***building work*** and continuing to the ***completion of building work,*** the ***owner***, ***builder*** or ***appointed agent*** must erect and maintain a sign at the main entrance of the ***building site*** which:-

i) is at least 600 millimetres in height and 400 millimetres in width, and
ii) is placed in such a location as to be clearly visible and legible from the ***road***, and
iii) contains the lot number of the site as described in the relevant certificate of title, and
iv) identifies the name, postal address and a business hours contact telephone number or numbers of the person in charge of the ***building work***, and
v) identifies the ***asset protection permit*** number applicable to the ***building work***.

b) If, prior to the completion of the ***building work***, there is a change of ***builder***, the ***owner*** must, within seven days of that change,

i) give written notice to the ***Council***, and

ii) cause any sign erected in accordance with paragraph a) to be replaced or amended so that the identification of the name, postal address and contact number or numbers of the person in charge of the ***building work*** is correct and up-to-date

c) The notice under paragraph b) must specify the date of the change of ***builder*** and be signed by the ***owner***, and the new ***builder***.

d) From the date of receipt of the notice under paragraph b), the new ***builder*** specified in the notice is deemed to be the ***builder*** for the purposes of this Local Law.

e) Despite any rule of evidence, the inclusion of a person's name on a sign erected in accordance with paragraph a), is *prima facie* proof that the person named is responsible for ***building works*** on the site within the meaning of this Local Law, unless the contrary is proven.

91. Equipment and materials delivery

a) A person must not deliver to a ***building site*** any equipment or materials unless an ***asset protection permit*** has been obtained.

b) A person must deliver to a ***building site*** any equipment or materials for the ***building works*** direct from the ***road***, over the ***vehicle crossing*** to the ***allotment*** and not across the nature strip or footpath.

c) In respect of any building work:

i) ***owner*** of any land;
ii) ***builder*** engaged to carry out ***building work*** on land;
iii) appointed agent; or
iv) demolition contractor engaged to carry out the demolition of a structure on the land, in the case of ***building work*** involving demolition,

must ensure that;

v) no materials are stored outside the ***building site*** on any ***Council*** land without approval from an ***authorised officer***; and
vi) entry takes place only across a ***vehicle crossing*** or ***vehicle crossing*** including a temporary vehicle crossing.

d) Unless written approval is obtained from the adjoining owners and submitted to ***Council***, a person must not deliver or store ***building*** materials on the adjoining ***allotments*** to the ***building site***.

Where there is evidence of a **vehicle** accessing a ***building site*** from any point other than over the ***vehicle crossing***, the ***owner*** is liable for any damage to ***Council*** assets unless such damage was recorded prior to ***works*** commencing, in accordance with Clause 82 (g)(ii).

Part 11. Council may issue permits

92. Council may issue permits

a) The ***Council*** may issue a ***permit*** under this Local Law, with or without any conditions, may renew or extend a ***permit***, or may refuse to issue a ***permit.***

b) The ***Council*** may from time to time prescribe:

i) the manner and form in which applications for ***permits*** under this Local Law should be made;

ii) any ***policy*** that may apply to ***permits*** being issued, or the refusal to issue a ***permit***

iii) the manner in which any ***permit*** under this Local Law should be issued; and

iv) the fee payable to apply for a ***permit*** or to renew or extend a ***permit***, and

v) any other matter related to issuing ***permits*** under this Local Law.

c) The ***Council*** may authorize staff members to issue ***permits*** under paragraph a).

d) The ***Council*** must keep a record of ***permits***.

e) The ***Council*** may request further information prior to issuing, or refusing to issue, a ***permit***.

f) The ***Council*** may require that notice of an application for a ***permit*** is publicized or otherwise bought to the attention of any affected person, at the expense of the applicant.

g) Unless it is extended sooner, a ***permit*** expires on the date specified in the ***permit*** or if no date is specified the ***permit*** will expire one year after the date of issue.

h) The ***Council*** may waive, reduce or alter any fee or charge with or without conditions, in respect of a class of ***permit***, a class of applicant or any other circumstances.

i) A ***permit*** may be issued subject to conditions, including (but not limited to):

i) the payment of a fee; or

ii) charge, or lodgement or a guarantee or bond; or

iii) a standard to be applied; or

iv) a time limit to be applied or specifying the duration, commencement or completion date; or

v) the happening of an ***event***; or

vi) the rectification, remedying or restoration of a situation or circumstance; or

vii) the consent of the ***owner*** of land, or any other person affected by the issuing of the ***permit; or***

viii) the currency of public liability insurance in respect of any activity or conduct related to the issue of a ***permit***; or

ix) the requirement to comply with any ***policy***, ***code*** of practice or guidelines that ***Council*** has in force from time to time, and

x) the granting of some other ***permit*** or authorization which may be required by ***Council*** whether under this Local Law or otherwise.

93. Considering applications for permits

a) In considering an application for a ***permit*** the ***Council*** or authorised staff member may consider:

i) any ***policy*** or guideline adopted by the ***Council*** relating to the subject matter of the application for the ***permit***;

~~ii) any submission that may be received in respect of the application;~~

~~iii)~~ii) any comments that may be made in respect of the application by any public authority, Government department, community organisation or any other body or person; and

~~iv)~~iii) the risk posed to public safety, ***property*** or ***Council*** assets by the proposed activity; and

~~v)~~iv) any anticipated impact on other persons of the proposed activity; and

~~vi)~~v) whether the concerns or issues raised regarding the proposed activities can be adequately controlled by ***permit*** conditions, and

~~vii)~~vi) the objectives of this Local Law, and

~~viii)~~vii) any other relevant matter.

94. Correction of permit

a) The ***Council*** may correct a ***permit*** if the ***permit*** contains:

i) a clerical mistake or an error arising from any accident, slip or omission; or

ii) an evident and material miscalculation of figures or any evident and material mistake in the description of any person, thing or ***property*** referred to in the ***permit***.

b) The ***Council*** must note the correction in the record of ***permits***.

95. Grounds for cancellation of or amendment of permits

a) The ***Council*** may cancel or amend any ***permit*** if the ***Council*** considers that there has been:

i) a material misstatement or concealment of facts in relation to the application for a ***permit***; or
ii) any material mistake in relation to the issue of the ***permit***; or
iii) any material change of circumstances which has occurred since the issue of the ***permit***; or
iv) a failure to comply with the conditions under which the ***permit*** was issued; or
v) any breach of this Local Law, including a failure to comply with a ***notice to comply*** issued under this Local Law.

b) Prior to cancelling or amending a ***permit*** under Clause 94 a), the ***Council*** must notify the holder of a ***permit*** of:

i) the Council's intention to amend or cancel the ***permit***, and
ii) the basis of the intended decision, and
iii) the ***permit*** holder's right to make a written submissions within a specified period before the ***permit*** is amended or cancelled.

c) The ***Council*** or authorised staff member must consider any written submission made by the ***permit*** holder prior to making a decision to cancel or amend the ***permit***.

d) The ***Council*** must record the cancellation or amendment of the ***permit*** in the record of ***permits***, and must notify the ***permit*** holder in writing of the decision to cancel or amend the ***permit***.

Part 12. Enforcing this Local Law

96. Failure to comply with this Local Law, a permit or a notice to comply

a) A person is guilty of an ***offence*** if the person:

i) does something which a provision of this Local Law prohibits to be done; or
ii) fails to do something which a provision of this Local Law requires to be done; or
iii) engages in activity without a current ***permit*** where a provision of this Local Law prohibits a person from engaging in that activity without a ***permit***; or
iv) breaches of fails to comply with a condition of a ***permit*** issued under this Local Law; or
v) fails to comply with a ***notice to comply*** issued under this Local Law, including a failure to comply within the time specified in the ***notice to comply***, or
vi) fails to comply with any ***written direction*** issued under this Local Law.

b) The maximum penalty that may be imposed for any ***offence*** against this Local Law is:

i) the amount specified in schedule 1, and
ii) in any other case, 20 penalty units.

c) Upon finding a person guilty of an ***offence*** against this Local Law, any Court may order a person (in addition to imposing a penalty):

i) to undertake any ***works***, or to do any thing to rectify or remediate a contravention of any provision of this Local Law;
ii) to pay compensation to the ***Council*** for damage caused to assets vested in ***Council*** in breach of this Local Law;

97. Service of documents

a) A ***notice to comply*** to be served on, or given to, a person under this Local Law must be served on the person by—

i) delivering the notice to comply to the person; or
ii) leaving the notice to comply at the person's usual or last known place of residence or business with a person apparently not less than 16 years of age and apparently residing or employed at that place; or
iii) by sending it by post to the person at the person's usual or last known residential or business address.

b) If a notice to comply is to be served on or given to the owner or occupier of any land and their name is not known, the notice to comply may be addressed to "the owner" or "the occupier".

c) The notice to comply may be put up on a conspicuous position on the land if the name and address of the owner are not known and there is no occupier of the land.

d) If a notice to comply required to be served on or given to an owner or occupier of any land by a Council is properly served on or given to the owner or occupier of the land, the notice to comply is binding on every subsequent owner or occupier of the land.

e) Paragraph a) does not apply to any document required to be served in accordance with the:

i) *Criminal Procedure Act 2009*
ii) *Infringements Act 2006*
iii) *Road Safety Act 1986*
iv) *Local Government Act 1989*

98. Impounding and disposing of items

a) An authorised officer may:

i) ***impound*** any item that encroaches or obstructs the use of a ***municipal place*** or a ***road***, or any item which contravenes or is being used in contravention of this Local Law;

ii) release the item to its ***owner*** on payment of a fee determined by ***Council***, which does not exceed the reasonable costs to ***Council*** of *impounding*, keeping and releasing the item.

b) If an ***authorised officer*** impounds an item under this Local Law the ***authorised officer*** must serve on the ***owner*** a notice of seizure that complies with paragraph (f) as soon as possible after the item is impounded.

c) If the identity or whereabouts of the ***owner*** of an item impounded under this Local Law are unknown, the ***authorised officer*** must take reasonable steps to ascertain the owner's identity and or whereabouts prior to exercising its powers under clause 98 a).

d) If an impounded item is not retrieved within the time specified in a ***notice of seizure***, an ***authorised officer*** may take action to dispose of the impounded item according to the following principles:

i) where the item has no saleable value, it may be disposed of in the most economical way; and

ii) where the item has some saleable value the item may be disposed of either by tender, public auction or private sale but failing sale may be treated as in sub-clause 98 (d) (i);

iii) where the ***owner*** has advised the ***Council*** in writing that the ***Council*** may dispose of the goods because they do not intend to retrieve them, the ***Council*** may dispose of them by the method identified in sub-clauses 98 (d) (i) or 98 (d) (ii).

e) ***Council*** is entitled to retain out of the proceeds of sale of any impounded item, its reasonable costs incurred in impounding, keeping and selling the item.

f) A **notice of seizure** served under this Clause must contain the following particulars:

i) The name and address of the ***owner*** of the *impounded* item, to the best of the ***authorised officer***'s knowledge at the time of seizure, and

ii) The name and contact details of the ***authorised officer*** that impounded the item,

iii) A brief description of the item (or items) impounded, and

iv) The time and location that the item was impounded, and

v) A brief description of the reason for impounding (including the Clause of the Local Law that was breached) and

vi) The method of retrieving the ***impounded*** item, including any fees payable prior to recovery,

vii) Date and time by which the item must be retrieved (which must not be less than 14 days from the date of the notice), and

viii) instructions advising how the person may view the content of the Local Law; and

ix) A statement to the effect of the consequences for failure to recover the item prior to the specified date.

99. Notices to comply

a) The ***Council*** or an ***authorised officer*** may, by serving a ***notice to comply***, direct any ***owner***, ***occupier*** or other person apparently in breach of any provision of this Local Law to perform any action, cease doing any action, or otherwise remedy the breach of the Local Law.

b) A ***notice to comply*** must state the time and date by which the thing must be remedied and must contain the particulars listed in paragraph d).

c) The time required by a ***notice to comply*** must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account, if applicable:

i) the amount of work involved;
ii) the degree of difficulty;
iii) the availability of necessary materials or other necessary items;
iv) climatic conditions;
v) the degree of risk or potential risk; and
vi) any other relevant matter.

d) A ***notice to comply***, issued under this Local Law, must contain the following particulars:

i) The name of the person to whom the ***notice to comply*** is directed; and
ii) The last known address of the person that the ***notice to comply*** is directed to; and
iii) The address or particulars of the ***property*** that the ***notice to comply*** relates to; and
iv) The clause or clauses of the Local Law that are alleged to have been breached; and
v) The date that the alleged breaches were observed; and
vi) Clear instructions specifying what steps must be taken by the person to comply with the ***notice to comply***; and
vii) The date and time by which the person must comply; and
viii) The name and contact details of the ***authorised officer*** who issued the ***notice to comply***; and
ix) instructions advising how the person may view the content of the Local Law; and
x) A statement of further enforcement action that may be taken if there is a failure to comply with the notice, including a statement regarding potential maximum penalties that may apply, and
xi) a statement to the effect that 'If you do not understand this ***notice to comply***, or if you disagree with this notice, you should obtain legal advice immediately'.

e) If a person is served with a ***notice to comply*** fails to carry out any work stipulated in a ***notice to comply***, ***Council*** may approve the carrying out of the work by another person, or carry out the work itself and recover the cost of performing the work from the person who failed to comply with the ***notice to comply***.

100. Discretionary powers

a) On becoming aware of a contravention of this Local Law an ***authorised officer*** may, on considering all of the circumstances known at the time, do any of the following:

i) take no action,
ii) issue an ***official warning***,
iii) issue a ***notice to comply*** in accordance with Clause 99,
iv) issue an ***infringement***,
v) commence court proceedings,
vi) take any other action permitted by law.

b) An ***authorised officer*** who takes any action described in paragraph (a) may take any other action in respect of the same breach unless expressly prohibited by operation of law.

101. Power to act in urgent circumstances

a) Any ***authorised officer*** may in urgent circumstances arising as a result of a failure to comply with this Local Law, take action to remove, remedy or rectify a situation without serving a ***notice to comply*** provided:

i) the ***authorised officer*** considered the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a ***notice to comply***, may place a person, ***animal***, ***property***, asset or thing at risk or in danger; and
ii) details of the circumstances and remedying action are forwarded as soon as practicable to the person on whose behalf the action was taken.

b) The action taken by an ***authorised officer*** under clause 101 a) must not extend beyond what is necessary to cause the immediate abatement of (or to minimise) the risk or danger involved.

102. Infringement notices

a) Any ***offence*** against this Local Law is an ***infringeable offence*** as defined by the *Infringements Act* 2006,
b) An ***authorised officer*** may issue an ***infringement*** for any ***offence*** under this Local Law.
c) The penalty fixed for an ***infringement*** notices issued under this Local Law in relation to clauses referred to in *Column 1 of Schedule 2*, is the amount specified in *Column 2 of Schedule 2*, and in every other case is 2 penalty units.
d) The provisions of the *Infringements Act* 2006 apply to an ***infringement*** issued for an ***offence*** against this Local Law.

Explanatory note:

The *Infringements Act* 2006 sets out the procedure for:

a) the internal review of the decision to issue ***infringements***, and

b) payment and applications of payment plans, and

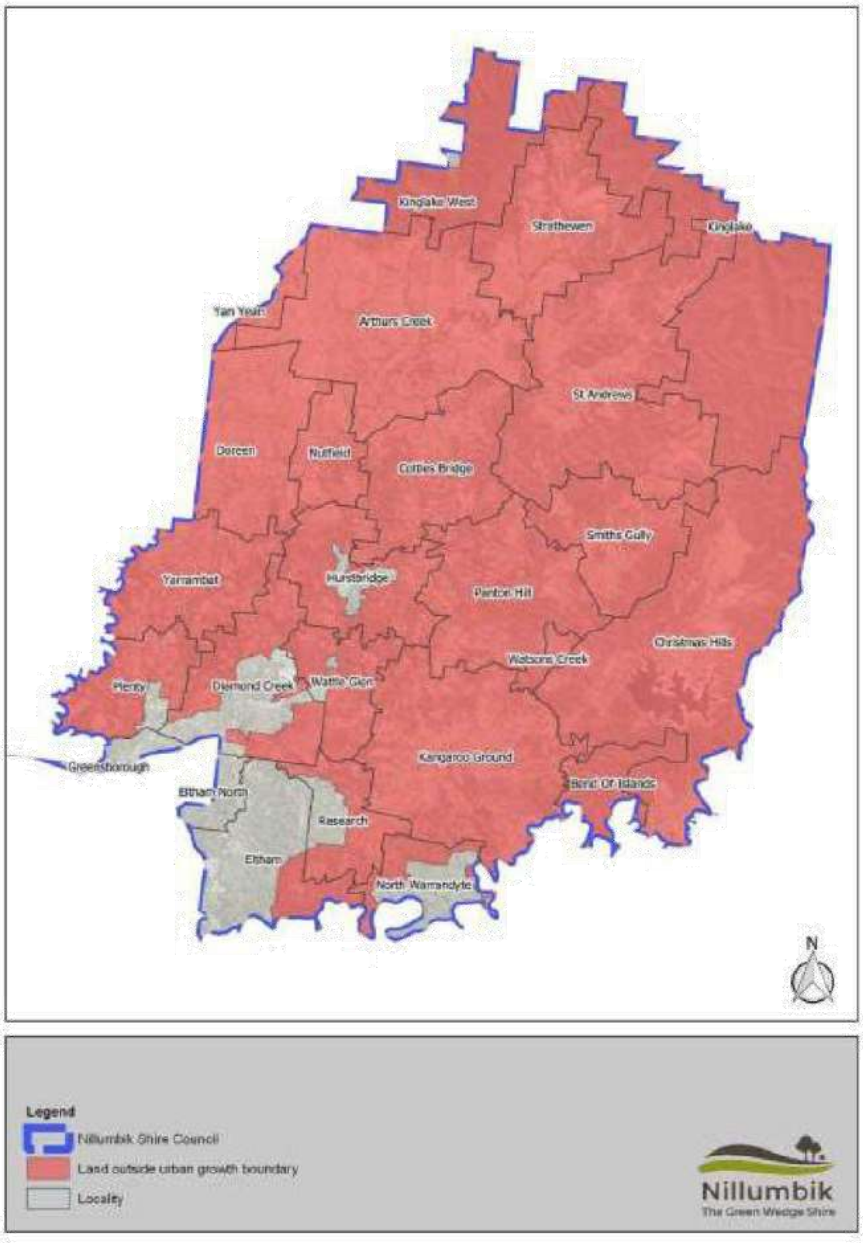
c) the enforcement of unpaid ***infringement***s.

103. Penalties

A person guilty of an ***offence*** under this Local Law is subject to the penalties set out in Schedule 2.

Part 13. Schedules

Schedule 1 – Urban growth boundary map for Clause 65 – Prohibition of Fireworks



Schedule 2 – Penalties

Agerft..±,
Nillumbik
The Green Wedge Shire

Group Submission to Nillumbik Shire Council LOCAL LAW REVIEW.

We ask to be heard on this submission as a group, as a company and as individuals at the February 2022 PCC.

This entire process has lacked transparency and fails on a genuine commitment to Community Engagement. Surely if such significant wide ranging regulation as the General Local law is to be created by the amalgamation of the Amenity Local Law and the Infrastructure Assets Local Law there should be a full open and transparent public exhibition followed by extensive community consultation that covers the specific details as opposed to 'Discussion Points' that pick only a handful of areas to cover. *These changes will have a direct real world impact on people's everyday lives and deserve nothing less than full disclosure as to their pretext and reasoning.*

Despite being registered on Participate Nillumbik we did not receive any notification on this second round of consultation. All rural landowners should have been personally notified by mail.

Lockdowns have hamstrung the process of public engagement and we believe this issue has been somewhat hidden by the multitude of other Nillumbik processes in play this year.

All three of these explain why we now find ourselves creating this submission in extreme haste.

We ask for this entire process to cease and begin again only after, there has been a full disclosure on any and all proposed changes and their basis. Preferably in the New Year after the holiday period has finished and Council has resumed. These laws do not expire until 2023 and we cannot understand why Council is not making use of such time to exercise genuine Community Engagement? In your own words Council officers have been through an 'exhaustive internal review process', why then can Nillumbik ratepayers not be afforded the same?

As to the specifics of these changes (notwithstanding our requests for a cessation on this process) we suggest the following:

General Local Law Part 9 Protection and Management of Council Assets and Infrastructure

78. Protection of Assets amended to include the provisions

- Council has a duty of care and trust to protect the infrastructure assets of ratepayers in the Shire.

- Council will openly and transparently provide road opening permits and detailed engineering plans to ratepayers who are acting to protect their infrastructure.

76. Protection of Drains amended to include

- Maintenance and repair of culverts the responsibility of Council and not the property owner

New 'Discussion Points'

Use of drones over public and private land

We suggest the use of drones be permitted over public and private land, as and when needed in circumstances where private assets require protection, and drones are the only option to gain a true understanding of the situation. Such use cannot be granted via a permit as this gives time for evidence to be destroyed and or removed.

Any changes to the following in the creation of the General Local Law need specific details as to their justification.

- Revised animal keeping controls
- Animal nuisance and noise controls
- Mgmt. of dead livestock
- Nuisance including light, noise, odour
- Unsightly properties
- Revised burning off provisions
- Use of recreational vehicles
- Revised caravan, tiny houses and mobile dwellings
- Events controls
- Control of shipping containers
- Protection of amenity trees
- Earthworks controls
- Revised waste controls
- Revised control of building sites
- Expanded governance regarding issuing of permits
- Expanded governance regarding enforcement of Local Law
- Revised schedule of penalties

We reserve the right to comment further on these when we speak to the PCC in February.

With respect to the Meeting Procedure Local Law

We ask for individual circumstances to be taken into consideration. There must be room for compassion, understanding and flexibility in dealing with all ratepayers who ask to contribute to meetings via questions and submissions.

To that end we ask

- That questions and typed verbal presentations (to be read by the CEO or other)can be submitted up until 3pm on the day of the meeting
- That there is no requirement for a prior submission to permit speaking to a meeting
- That ratepayers are allowed to lobby Councillors up to the time of the meeting
- That Councillors are able to make last minute changes to meeting agendas
- That Councillors are able to make last minute motions for debate
- That there be no limit as to the date and time of submission of ratepayers petitions
- That all petitions are openly and transparently considered by ALL Councillors not officers
- That all ratepayers have equal access to CEO Mayor and Council
- That all ratepayers have equal access to Council offices to gain needed information, no appointment required
- That Council offer mediation to all without discrimination
- That the cost of photocopying by Council not prohibitive

[redacted] and on behalf of landowners/stakeholders of [redacted] and adjoining [redacted] all of the same distinctive urban infrastructure catchment.

I object to a number of proposed laws

I object to number 20, activities which may be permitted in municipal reserves

A) III) riding a bike or horse in a manner that does not interfere with the use or enjoyment of the municipal reserve by any other person.

Part 3 item 16 behaviour in municipal places already cover this, there is no need for this proposed law. This is discrimination of bike and horse riders.

As a member of the recreational trails committee I was shocked at this proposed law. We are all for inclusive shared use of the trails and it completely goes against the values the trails committee stand for inclusive shared use. Is the person who proposed not aware of the Nillumbik shared use trails? This is extremely concerning and needs to be removed.

The net proposed law regarding operate any device that has a predominate purpose of amplifying voice, music or noise. I object to this. Seriously are we living in Iraq! People should be able to play music in the parks.

It goes beyond reasonable to restrict someone using their iphone and a portable Bluetooth speaker . We should be encouraging everyone to get outdoors and use our parks. These draconian rules are appalling.

This will affect sporting clubs to be able to run their regular sport days and events and this law should be removed.

35 Keeping Animals . I object to rosters not being permitted.

37 Animal Noise . In semi -rural and rural areas there will be cows bellowing and other stock noises so I object to the way the proposed law is written at the moment and it needs to allow for farm animals normal behaviour. Farms must be allowed to operate without these restrictions.

44. Environmental weeds . B an owner or occupier of land must not allow the land to support the growth of any environmental weed. I object to this proposed law. Most established gardens have agapanthus. This is an unreasonable condition to place on owners and occupiers to remove these established gardens and plants. These are drought resistant, easily managed; hold the ground against erosion and proven time and time again to be fire retardant and slowing down the fire to enable property to be saved.

56 use of recreational Vehicles

D. A person must not use a recreational vehicle , or allow a recreational vehicle to be used on private land with in the municple district :

i) unless a permit has been issues in accordance with this local law or

ii) contrary to a permit issues in accordance with this local law

60. Caravans, movable and temporary dwelling. I object to the proposed laws.

62. Shipping containers, I completely objet to the proposed laws.

64. Earthworks. I completely object to these proposed laws.
How on earth are farms (recreational / business) meant to operate?.

[redacted]

NHAG
Nillumbik Horse Action Group

Carl Cowie
Chief Executive Officer
Nillumbik Shire Council

25 November 2021

Nillumbik General Local Law 1 Consultation

Thank you for the opportunity to comment on the proposed Nillumbik General Local Law 1.

Local Laws fulfil local government's responsibility to provide for the peace, order and good governance of council's interaction with residents and visitors to the area and are meant to improve ratepayer's quality of life. However, poor laws (rules) fail residents and set up otherwise good people to ostensibly 'do the wrong thing'.

Additionally, if implemented as is, many of these proposed Local Laws could have both a significant and potentially negative effect on both lives and lifestyles in Nillumbik. They seek to influence, impose and impinge on many areas of life, reducing resident's ability to reasonably manage their own existence, properties and interests without undue interference from council.

If, as stated previously in the Amenity Local Law Review documentation that Nillumbik will only introduce Local Laws that conform to the standards of being necessary, consistent, compliant (with the legislation under which they are made and other legislative requirements), enforceable, accessible, efficient, accountable and transparent, then many of the proposed Local Laws can be deleted right now.

Part 1 (2) Objectives P.8

Equine pursuits in rural Nillumbik are legitimate activities that are reasonable for the enjoyment of lives, properties and communities in the Nillumbik Green Wedge. However, the proposed Local Laws do not prioritise what is reasonable, enjoyable or fair as council's language now prioritises regulation, control, prohibition and enforcement. This represents a significant negative shift in council's approach to resident amenity and ironically (sadly) can rob rural residents of the very enjoyment and quality of life that these Local Laws are purported to provide for. We suggest that council focus on working with residents collaboratively to achieve peace and good order, after all, that is why council exists.

Part 3 - Municipal Places, Buildings and Reserves P.24

Proposed Local Laws 16 to 20 – These new proposed laws are about public use of public land. Unfortunately, they are overly prescriptive, repetitive, onerous and dictatorial and need to be simplified.

Local Law 20 (Activities which may be permitted in municipal reserves)
What does 'may be permitted' mean and in what context? Is this some arbitrary decision and who determines it? Horse riders are legitimate recreational users of council's reserves and the entire network of shared trails across the shire, but which are now being unfairly and unreasonably targeted by this law.

Local Law 20 specifically singles out horse riders and bicycle riders for conditional use of public land providing they do not "...interfere with the use or enjoyment of the municipal reserve by any other person". This is subjective nonsense, indefinable and dangerous, laying open vexatious complaint for people with a personal agenda or vendetta and it can happen.

Further, this provision is unnecessary as it is very adequately covered in proposed law 16 a, b and c which apply to all users of public land, equally (as it should be). As such, **DELETE LOCAL LAW 20 a) iii)**

A council that promotes equity and inclusion should not persecute members or sectors of the public in a way that undermines that equity and inclusion and creates and facilitates divisiveness in the community.

On what grounds are horse riders being singled out for excessive public scrutiny, enforcement and potential exclusion from public land? And is council comfortable that our local riding clubs (which are situated on council owned land - a 'municipal place or reserve') be left vulnerable should complaints be made against them?

Public land is provided by the public, managed by public funds and is meant for the public's enjoyment, not their exclusion.

Part 6 - Animals P.32

Proposed Local Law 36 (Animal buildings and cleanliness) dictates the keeping of animals to the satisfaction of an authorised officer including how feed is stored (apart from hay). Much of this is a complete over-reach and duplication of the *Prevention of Cruelty to Animals Act 1986*.

Proposed Local Law 37 (Animal Noise) instructs that landowners "…prevent any animal making unreasonable noise on the land… or prevent any noise ...being emitted from the land" as determined by an authorised officer. Really?

Part 7 - Land Use and Amenity P.38

Proposed Local Law 45 (Dangerous Land) prescribes how land is to be used and managed, referring to danger of health, life and property. This is truly problematic as rural properties often house large animals, have chemicals stored and used on them, have dams, machinery and heavy equipment etc. and so can be inherently 'dangerous'.

These laws provide for council's Authorised Officers (likely without the skill, knowledge and experience to make reasonable and balanced judgement) to enter private property, inspect all internal and external elements and make determinations of actions a landowner is required to do or not to do as the case may be.

We do not believe that this Local Law should leave rural property owners open to the scrutiny of council through its authorised officers according to their 'opinion' and the potential for harassment, fines and compliance enforcement with potentially unfeasible, unreasonable and expensive conditions and controls.

Further, what potential ramification would the declaration of a resident's land as 'dangerous' be for them gaining property, asset and public liability insurance going forward? Has council considered this? And what is the process of review going forward if a resident's property has had this declaration made against it?

Many of the proposed Local Laws duplicate existing state legislation, are dictatorial, onerous, repetitive, inequitable, prohibit enjoyment, undermine empowerment and self-determination and remove personal choice and responsibility on both private property and in public settings.

The potential for them to be detrimental to residents' quality of life is real and counter to the very purpose for which they are intended. As such, many are largely not fit for purpose and either require significant amendment or deletion altogether.

Regards

[redacted]
President, NHAG Inc.

NILLUMBIK

PALS

PROACTIVE LANDOWNERS



DECEMBER 2021

NILLUMBIK SHIRE COUNCIL

Nillumbik General Local Law 2021

This submission is made on behalf of Nillumbik Pro-active Landowners (PALs).

NILLUMBIK SHIRE COUNCIL

Nillumbik General Local Law 2021

This submission is made on behalf of Nillumbik Pro-active Landowners (PALs).

PALs represent approximately 1600 members and their families - mainly across rural and semi ruralareas of the Shire.

NILLUMBIK
PALS
PROACTIVE
LANDOWNERS

INTRODUCTION

PALS URGENT CALL FOR:

1. PROVISION BY NSC OF REGULATORY DEVELOPMENT RATIONALE & PROCESS FOR EACH & EVERY PROPOSED NEW OR VARIED REGULATION

2. ADDITIONAL COMMUNITY CONSULTATION PERIOD GIVEN PROPOSED SCOPE & EXTENT OF REGULATORY REFORMS – GIVEN PANDEMIC IMPACT CONSIDERATIONS

PALs draws attention of Nillumbik Shire Council ("NSC") to the submission made by PALs in July 2021 in response to the draft Local Law Review and insists that this submission is to be read in conjunction with that submission.

PALs submission of July 2021 is to be found here:
https://www.dropbox.com/s/qii8x7zmacizy4n/PALs%20submission%20to%20Local%20Law%20Review%20v2%202021-07-16%2006_58_49.pdf?dl=0

1. PROVISION BY NSC OF REGULATORY DEVELOPMENT RATIONALE & PROCESS FOR EACH & EVERY PROPOSED NEW OR VARIED REGULATION

The basis on which the comprehensive variance from the July 2021 review to the current draft Nillumbik General Local Law ("DNGLL") of December 2021 is not readily apparent and PALs calls for the publication of the regulatory development process via which the substantial variance occurred. While the DNGLL mercifully remains in draft form, PALs asserts that there is such a substantial volume of proposed new or proposed varied Local Laws, many of which are being proposed, drafted and published for the first time, without any or any sufficient explanation or justification, that NSC is duty bound to provide specific, granular detail to residents and ratepayers in relation to the proposed DNGLL, followed by additional consultation and information sessions to ascertain the views of proposed impacted residents and ratepayers. If NSC fails or refuses to do so, NSC introduces the legitimate risk of prospective exposure to legal action by impacted stakeholders.

2. ADDITIONAL COMMUNITY CONSULTATION PERIOD GIVEN PROPOSED SCOPE & EXTENT OF REGULATORY REFORMS – GIVEN PANDEMIC IMPACT CONSIDERATIONS

The DNGLL comprises one of the largest and most onerous suites of proposed local laws for any Shire in the State of Victoria. The DNGLL is being proposed right in the midst of the pandemic, with a State in the process of coming out of an unprecedented period of lockdowns, with all of the associated societal, economic, health and mental health impacts which have been both well publicised and experienced by so many in Nillumbik.

It is patently inappropriate, unreasonable and lacking in procedural fairness, given the extraordinary competing concerns and interests of landowners and residents, many of whom have been mired in the complications of the impacts from the pandemic for this once in a decade review to be conducted in such haste and under such circumstances. An extraordinary scope and extent of proposed new regulation requires extraordinary consultation with those who are likely to be impacted by the proposed new regulations. If the process is inappropriate or prospectively lacking in lawful authority, it is critical that NSC provides additional information and time for the community to read, digest, understand, comment and prepare for any and all proposed regulatory change.

PALs holds legitimate concerns, given the scant similarity between the July 2021 and December 2021 processes, that there has not been appropriate regulatory development rigour and compliance. PALs calls for NSC to definitively address and provide specific information to establish the legal basis on which each and every proposed part of the DNGLL has been conceived, prepared and drafted.

DEVELOPMENT OF LOCAL GOVERNMENT REGULATIONS

The extent of the basis for local government regulation development is derived from the Local Government Act 1989 & 2020, as well as many other Acts of Parliament, which makes local councils responsible for a wide range of services and functions including but not limited to land use planning, building control, some public health services, domestic animal control, litter control, parking, roads and traffic. Councils have responsibilities under more than 120 different Victorian pieces of legislation. The making of proposed new or revised Local Laws is a serious responsibility.

The current NSC has only been in place for 12 months and it is difficult to accept that with such a bewildering array of legislative responsibilities, this Council has managed to:
(i) brief the 7 Councillors on any and all responsibilities that they have,
(ii) assess what Local Laws should or may be reviewed as a result of legitimate community feedback,
(iii) determine what sort of entirely new regulation is either called for by the community, or deemed necessary, appropriate or reasonable – and effectively communicate to the community the basis on which such determinations have been made;
(iv) brief regulation drafters and
(v) publish for effective and legitimate community consultation a swathe of proposed new and/or revised regulations ALL IN THE MIDST OF A ONCE IN A CENTURY PANDEMIC which has decimated lives, businesses, marriages, families and communities.

This is simply neither credible, feasible, nor reasonable under all of the circumstances.

Therefore, PALs insists on NSC demonstrating its bona fides, its social and moral credentials and its regulatory reform rigour and process – particularly given the pandemic environment.

PALs understands that the DNGLL was purportedly developed to achieve three main aims:

- Review and revise the existing provisions within the four existing local laws
- Consolidate the four existing local laws into a single general local law document
- Develop **new provisions aimed at addressing issues relevant to the community in 2021** and over the next ten years, that may not have been relevant when the local laws were last reviewed

PALs has specifically already made its views clear on the first two of the three main aims provided above. With regard to the development of new provisions, PALs asserts that NSC has failed to inform the community of how it has assessed or been made aware of "issues relevant to the community in 2021" (the pandemic having introduced considerations, impacts and pressures of all sorts on residents and ratepayers which are literally outside of every persons previous lived experience).

Therefore, the proposition of any new and additional regulation of whatever subject and substance, would have to be unequivocally urgent, pressing, required or specifically called for by a majority of the community for it to even be proposed in the circumstances of these extraordinary times.

The following subject matters have been listed by NSC as being the subject of revised or new provisions and specifically described as being "over and above" the existing "controls".
The extent and scope demonstrate that NSC appears to be tone deaf to the realities presented in a pandemic environment. The community needs and is calling for additional support from all levels of government – not additional controls.

PALs calls on NSC to provide specifics which both justify and rationalise the revision or development of proposed new parts of the DNGLL.

Given that the volume of the proposed DNGLL runs to approximately 75+ pages, NSC must have in its records literally 1000's of pages of such justifications and rationalisations – which if not published by NSC in response to this PALs submission, will form the basis of a comprehensive application under ***Freedom of Information*** provisions.

NSC is specifically put on notice that if it fails or refuses to provide the information and subsequently provide the community with the opportunity to assess, challenge, debate or propose modifications or revisions (with the community to be given sufficient time to read, digest and comprehend this volume of information) residents and ratepayers will be prepared to consider widespread legal action. If NSC is unable to establish the legitimacy of the basis for revision of existing local laws and/or proposed new parts of the DNGLL, NSC may suffer the same ignominy as occurred when it was previously held that NSC had failed to act with lawful authority in 2016. PALs does not have confidence in the bona fides of NSC – with legitimate cause.

The subject matters referred to above include:

- More specific controls in relation to behaviours and uses of municipal places
- Sale of spray paint
- Control of clothing bins
- Revised animal keeping controls
- Animal nuisance and noise controls
- Feeding of wild birds
- Management of dead livestock
- Nuisance including light, noise and odour
- More specific controls in relation to unsightly properties
- Containment of pool wastewater
- Revised burning off provisions
- Use of recreational vehicles (motorised toy vehicles)
- Revised caravan and mobile dwelling (tiny home) controls
- Control of shipping containers
- Events controls
- Protection of amenity trees
- Earthworks controls
- Revised waste controls
- Greater protection of council assets
- Revised controls for building sites
- Expanded governance regarding the issue of permits
- Expanded governance regarding the enforcement of the local law
- Revised schedule of penalties

Below are the requirements as set by NSC itself in the July 2021 Local Law review:

The NSC document states that:
"Nillumbik will only introduce Local Laws that conform to the following standards: · necessary · consistent (in language and effect) · compliant (with the legislation under which they are made and other legislative requirements) · enforceable · accessible · efficient · accountable · transparent · current."

9 points against which all local laws should be assessed, by NSC's own standards.
Each proposal listed should be assessed against each standard.
Effectively PALs asserts that **all proposed new DNGLL provisions fail to meet these standards both individually and collectively.**

The review process must be halted and urgently reviewed in the light of these comprehensive failures.

NILLUMBIK PALS PROACTIVE LANDOWNERS

TIMELINE ANOMALY

PALs calls for NSC to specifically explain how the following timeline can result in the significant variance between the July 2021 feedback and the August 2021 "drafting".
Local Law 1 specifically has October 2021 as the timing of the 1st version, not August 2021.

From NSC website:



Local Law 1 – Version History

VERSION HISTORY

Version number		Effective dates
1.1.0	Consultative draft versions	October 2021
2.0.0	Authorised for formal exhibition by Nillumbik Shire Council	X
3.0.0	Adopted by Nillumbik Shire Council	
4.0.0	Final Local Law	

It should not be the role or responsibility of a volunteer landowner group of "well intentioned, not politically aligned landowners" to have to once again directly question the probity of its local government and its elected representatives. However, with a demonstrable history of malfeasance and acting without lawful authority, PALs is justifiably concerned that the long history of the inappropriate machinations of NSC – under decades of successive administrations is repeating itself

If it transpires that calls for draconian new or varied regulatory reforms are purportedly the result of consultation feedback and it is clear that only a handful of submitters provided the purported justification, not only will the regulations be undemocratic, but PALs intends to subject NSC and those responsible to legal inquiry and prospective sanction.

NILLUMBIK PALS PROACTIVE LANDOWNERS

ENDORSEMENT OF WRITTEN AND ORAL SUBMISSIONS &
Q&A Session Content and Outcome provided to NSC via Ms Narelle Campbell of Christmas Hills

PALs has been comprehensively briefed by Ms Narelle Campbell of Christmas Hills in relation to the nature, extent and specifics of her feedback to NSC regarding the DNGLL. PALs specifically acknowledges, endorses and adopts any and all of her thorough commentary and the essence of her submissions made in writing, together with the output of the Q&A session which was conducted with Ms Campbell and a group of NSC representatives in November 2021 at a time when PALs intended representatives were unavoidably unable to attend the session.

NSC is referred to the following Excel table of feedback and recommendations regarding specific provisions – please note that this is NOT an exhaustive list of PALs critique of the proposed DNGLL.

Go to: https://www.dropbox.com/scl/fi/z75xz32z5iqvg5728yjmy/Nillumbik-Proposed-Changes-to-ByLaws.xlsx?dl=0&rlkey=6mq69kxm4uit1spbtgxzcxzme

URGENT MEETING REQUEST

PALs requests a meeting with NSC officers as soon as possible to address additional specific concerns in relation to many important landowner related proposed provisions– well before any proposed final draft is prepared for further public consultation

The prospect of any or any additional proposed intervention in landowners responsible land management and quiet enjoyment is at the core of PALs objections to and rejection of any and all additional proposed local government regulation.

CONCLUSION

Nillumbik PALs thanks NSC for the opportunity to contribute to the process in relation to the December 2021 Nillumbik General Local Laws Review and commends this submission to all Councillors and council officers for their urgent consideration.

Privacy Obligations

[redacted]
Chair
Working Group - Nillumbik PALs

Nillumbik Shire Council Local Laws

Part 1 (2) Objectives:
The proposed Local Laws don not prioritise what is reasonable or enjoyable as the council's language says they now prioritises regulation, control, prohibition and enforcement. This shows a significant negative shift in council's approach to resident amenity & enjoyment of rural residents quality of life that these Local Laws are intended to provide for. Council would be better off to help residents to achieve peace and good order, these are the things Council should be doing anyway.

Part 3 – Municipal Places, buildings and reserves.
Proposed Local Law 16 – 20
The new proposed laws requires substantial changes as there is significant duplication, subjectivity and unnecessary restriction.

Proposed Local Law 20 A (3)
This Local Law should be deleted entirely as this is already covered by behaviour in public places clauses without the need for it to be singled out. This is subjective, indefinable and dangerous to vexatious complaints for people with their own personal agenda. Council should provide for the peace order and good government to all residents.

Part 6 – Animals
Collection & Disposal of Animal Excrement
Proposed Local Law 34 (B) - Collection & Disposal of Animal Excrement
Is this including Native animals? If so this should be deleted otherwise all residents will have a mighty job cleaning up after every native animal.

Proposed Local Law 36 (A-D) – Animal buildings and cleanliness
Much of this is a duplication of the Prevention of Cruelty to Animals Act so this should be deleted.

Proposed Local Law 37 (A-C) - Animal Noise
This law will be very hard to control & enforce especially in rural areas & is very subjective to all livestock. Most livestock make some sort of noises & would be extremely difficult to get any sort of animal to stop making any noises. This Local Law should be deleted or refer to just one type of animal.

Proposed Local Law 38 (A-B) – Feeding of wild birds on private land
Once again this law will be very hard to control & enforce this Local Law needs to be deleted.

Proposed Local Law 39 (A-B) – Use of council land for movement or grazing of livestock
Both A and B are very contradictory as "at large" means not under control but if you are grazing livestock they would be under control. For Part B this could not be enforceable so this should be deleted.

Proposed Local Law 41 (A-B) Dead Livestock
Both A and B will be hard to control & enforceable so both of these need to be deleted.

Part 7 – Land Use and Amenity
Proposed Local Law 43 (A-D) – Unsightly Land
As an artistic community with lots of artistic expression all over the shire you should use extreme caution about how things look to ensure it does not compromise artistic expression. Who would be the officer to define what is unsightly to some but not to someone else?

Proposed Local Law 45 (A-C) – Dangerous Land
These laws would be very hard for rural properties as they have large animals, have chemicals stored and used on them, have dams, machinery and heavy equipment like tractors which all can be dangerous. Insurance companies have public liability cover attached to home & contents to cover these. They also don't include fire risk which for rural areas it should be a priority.

Proposed Local Law 50 – Incinerators
Is this law including chimneys as it would be hard to comply with especially in rural areas.

Proposed Local Law 51 (A-D) – Open Air Burning
Most of these conditions are already a requirement of CFA. Most burn offs are done on a weekend when Council does not work so would be very hard to enforce this. Rural landowners do fuel reduction for environmental longevity. Also would be very hard to enforce how the smoke leaves your property as mother nature doesn't always go to plan.

Proposed Local Law 62 (A-B) – Shipping Containers
Most shipping containers in rural areas are used for storage of equipment or hay which fulfill and important purpose which a lot of tradies and business would be at a very big disadvantage. This Local Law needs to be deleted.

Part 9 – Protection and Management of Council Assets and Infrastructure
Proposed Local Laws 74 – 78
All rural areas do not have any form of drains, stormwater connections, roads, assets and land this needs to be excluded from the requirements to pay for asset protection permits.

Many of these laws duplicate existing state legislation and are very repetitive which remove personal choice and responsibility on private property which make them not fit for purpose and require either significant amendment or deletion entirely.

Local Laws are local government's responsibility to provide peace, order and GOOD governance of council's interaction with residents and are meant to be improve ratepayers quality of life. Some of these proposed Local Laws seek too influence, impose and impinge on many areas of life which is reducing the resident's ability to reasonably manage their own properties and interests without undue interference from Council.

[redacted]

NHAG
Nillumbik Horse Action Group

Carl Cowie
Chief Executive Officer
Nillumbik Shire Council

25 November 2021

Nillumbik General Local Law 1 Consultation

Thank you for the opportunity to comment on the proposed Nillumbik General Local Law 1.

Local Laws fulfil local government's responsibility to provide for the peace, order and good governance of council's interaction with residents and visitors to the area and are meant to improve ratepayer's quality of life. However, poor laws (rules) fail residents and set up otherwise good people to ostensibly 'do the wrong thing'.

Additionally, if implemented as is, many of these proposed Local Laws could have both a significant and potentially negative effect on both lives and lifestyles in Nillumbik. They seek to influence, impose and impinge on many areas of life, reducing resident's ability to reasonably manage their own existence, properties and interests without undue interference from council.

If, as stated previously in the Amenity Local Law Review documentation that Nillumbik will only introduce Local Laws that conform to the standards of being necessary, consistent, compliant (with the legislation under which they are made and other legislative requirements), enforceable, accessible, efficient, accountable and transparent, then many of the proposed Local Laws can be deleted right now.

Part 1 (2) Objectives P.8

Equine pursuits in rural Nillumbik are legitimate activities that are reasonable for the enjoyment of lives, properties and communities in the Nillumbik Green Wedge. However, the proposed Local Laws do not prioritise what is reasonable, enjoyable or fair as council's language now prioritises regulation, control, prohibition and enforcement. This represents a significant negative shift in council's approach to resident amenity and ironically (sadly) can rob rural residents of the very enjoyment and quality of life that these Local Laws are purported to provide for. We suggest that council focus on working with residents collaboratively to achieve peace and good order, after all, that is why council exists.

Part 3 - Municipal Places, Buildings and Reserves P.24

Proposed Local Laws 16 to 20 – These new proposed laws are about public use of public land. Unfortunately, they are overly prescriptive, repetitive, onerous and dictatorial and need to be simplified.

Local Law 20 (Activities which may be permitted in municipal reserves)
What does 'may be permitted' mean and in what context? Is this some arbitrary decision and who determines it? Horse riders are legitimate recreational users of council's reserves and the entire network of shared trails across the shire, but which are now being unfairly and unreasonably targeted by this law.

Local Law 20 specifically singles out horse riders and bicycle riders for conditional use of public land providing they do not "...interfere with the use or enjoyment of the municipal reserve by any other person". This is subjective nonsense, indefinable and dangerous, laying open vexatious complaint for people with a personal agenda or vendetta and it can happen.

Further, this provision is unnecessary as it is very adequately covered in proposed law 16 a, b and c which apply to all users of public land, equally (as it should be). As such, **DELETE LOCAL LAW 20 a) iii)**

A council that promotes equity and inclusion should not persecute members or sectors of the public in a way that undermines that equity and inclusion and creates and facilitates divisiveness in the community.

On what grounds are horse riders being singled out for excessive public scrutiny, enforcement and potential exclusion from public land? And is council comfortable that our local riding clubs (which are situated on council owned land - a 'municipal place or reserve') be left vulnerable should complaints be made against them?

Public land is provided by the public, managed by public funds and is meant for the public's enjoyment, not their exclusion.

Part 6 - Animals P.32

Proposed Local Law 36 (Animal buildings and cleanliness) dictates the keeping of animals to the satisfaction of an authorised officer including how feed is stored (apart from hay). Much of this is a complete over-reach and duplication of the *Prevention of Cruelty to Animals Act 1986*.

Proposed Local Law 37 (Animal Noise) instructs that landowners "…prevent any animal making unreasonable noise on the land… or prevent any noise ...being emitted from the land" as determined by an authorised officer. Really?

Part 7 - Land Use and Amenity P.38

Proposed Local Law 45 (Dangerous Land) prescribes how land is to be used and managed, referring to danger of health, life and property. This is truly problematic as rural properties often house large animals, have chemicals stored and used on them, have dams, machinery and heavy equipment etc. and so can be inherently 'dangerous'.

These laws provide for council's Authorised Officers (likely without the skill, knowledge and experience to make reasonable and balanced judgement) to enter private property, inspect all internal and external elements and make determinations of actions a landowner is required to do or not to do as the case may be.

We do not believe that this Local Law should leave rural property owners open to the scrutiny of council through its authorised officers according to their 'opinion' and the potential for harassment, fines and compliance enforcement with potentially unfeasible, unreasonable and expensive conditions and controls.

Further, what potential ramification would the declaration of a resident's land as 'dangerous' be for them gaining property, asset and public liability insurance going forward? Has council considered this? And what is the process of review going forward if a resident's property has had this declaration made against it?

Many of the proposed Local Laws duplicate existing state legislation, are dictatorial, onerous, repetitive, inequitable, prohibit enjoyment, undermine empowerment and self-determination and remove personal choice and responsibility on both private property and in public settings.

The potential for them to be detrimental to residents' quality of life is real and counter to the very purpose for which they are intended. As such, many are largely not fit for purpose and either require significant amendment or deletion altogether.

Regards

[redacted]
President, NHAG Inc.

Local Laws, Nillumbik Shire Council
Protection for Amenity Trees

Eltham Community Action Group

Eltham Community Action Group applauds Nillumbik Council for firstly, recognising the problem we face regarding the protection of trees in our urban areas of Nillumbik and secondly, for taking action to attempt to remedy the situation.,

Years ago it was accepted, or believed, that a permit was required to cut down any tree particularly a eucalypt, anywhere in Eltham. Maybe that was true. Maybe it was more that the prevailing attitude of residents was that you didn't remove trees, and the perceived or real ethos of Eltham and/or Nillumbik councils, was also that it just wasn't the thing we did in Eltham.

Those were the days, probably just before 10/30, when the sound of a chainsaw and the sight of a person up a tree with a chainsaw would have neighbours calling council and the local paper and in no time, there would be a council officer in attendance as well as a photographer from the local paper.

Nowadays residents feel helpless, so knowing that council does have teeth and that if the Local Law is enforced a permit does have to be obtained to destroy a tree in the urban areas will be of some comfort.

The one thing sure to get ECAG supporters irate is the removal of trees.

There will always be some people who will want to remove trees on their property. And there will be some who will not want to pay for a permit.

So, it is incumbent on Council to inform and infuse residents, especially new residents, with the ethos that Nillumbik is a Green Wedge, that the urban areas are an important part of Nillumbik and that respect and care for our environment, in this case our trees, is what is expected of all.

And that 'all' means non-resident developers too, not just the person next door or down the road.

Studies show that green areas/treed streets bring higher property prices. Real estate agents can play a large part in informing prospective residents of the expectations of Nillumbik and their neighbours. Instead of telling buyers that they can remove trees willy nilly, or as heard recently at an auction, that the Council approved landscaping in front of the new build had been flattened and so could actually be parking for a boat or caravan, Real Estate Agents should be educated and encouraged to espouse the value of our environment ..from all points of view.

Perhaps Council information should be presented to new residents informing them of the regulations.

The value and importance of retaining and protecting trees will need to be conveyed in many different ways, but it is integral to the success of this law.
For example, one way could be to use the recent studies showing the marked difference in temperatures between streets and suburbs in areas with little street or property tree canopy compared with temperatures in the leafy suburbs.

Difficulties will arise regarding trees planted as part of a permit, for example, for a housing/unit development. Presumably Council does not have the funds to employ officers to visit sites on a regular basis to check on the landscaping compliance. Neighbours usually do not have a copy of the approved landscape plan so have little if any idea of what should be growing. If the law applies to immature trees planted as part of a permit then the issue of enforcement will require thought.

'Protection for Amenity Trees' is extremely important for the retention, in fact survival, of our neighbourhood character and environment. Education and positive messaging to the community by Council is key to its success.

Eltham Community Action Group looks forward to it becoming Local Law.

If you would like to discuss this submission please contact
[redacted]
Or [redacted] (President) [redacted]

5/12/21

SUBMISSION RELATING TO NILLUMBIK SHIRE COUNCIL'S DRAFT GENERAL LOCAL LAWS

To: The Chief Executive Officer, Nillumbik Shire Council

nillumbik@nillumbik.vic.gov.au

DETAILS OF SUBMITTER:

Name: [redacted]

Contact details:

- Postal address: [redacted]

- Email address: [redacted]

SUBMISSION

Draft Local Law 63 - Protection of Amenity Trees

It appears that proposed law 63 is intended to protect larger native canopy trees that are not otherwise protected under the Nillumbik Planning Scheme. Whilst I generally support a local law that should help preserve the treed nature of the Nillumbik Shire, for which it is renowned, I do have some concerns and comments as follows:

1. A breach of the local law is an offence that makes **" any owner, occupier or other person apparently in breach of any provision of this Local Law" liable to a penalty unless the authorised Council Local Laws officer exercises his or her discretion under Local Law 100 to take no action or do something that** is less punitive.

Draft local law 96 provides that:

> "b) The maximum penalty that may be imposed for any offence against this Local Law is:
>
> i) the amount specified in **schedule** 1 [my emphasis], and
>
> ii) in any other case, 20 penalty units."

Schedule 1 is actually a map showing the "Urban growth boundary map for Clause 65 – Prohibition of Fireworks" and Schedule 2 is headed "Penalties" but has no content.

What penalty is proposed for any of the actions to remove, kill or damage a substantial tree as set out in draft law 63(c)? Will this be a sliding scale depending on whether a tree has been completely removed or killed or just pruned by someone who is not a "qualified arborist" (as is provided in draft law 63(d))?

If no penalty is specified in Schedule 2 (assuming that the incorrect reference is changed at draft law 96(b)(ii)), the maximum penalty for the year ending 30 June 2022 of 20 penalty units is $3,635 and will increase annually in line with the increase in penalty units. Does Council intend to impose such a heavy fine?

I note that draft laws 102 and 103 both correctly refer to penalties in Schedule 2, and 102(c) says that:

> "The penalty fixed for an infringement notices issued under this Local Law in relation to clauses referred to in Column 1 of Schedule 2, is the amount specified in Column 2 of Schedule 2, and in every other case is 2 penalty units."

There are no such columns in Schedule 2.

2. If a permit is required in relation to an amenity tree, draft law 93 provides as follows:

> **"93. Considering applications for permits**
>
> a) In considering an application for a permit the Council or authorised staff member may consider:
>
> i) any policy or guideline adopted by the Council relating to the subject matter of the application for the permit;"

Is Council going to develop any policies or guidelines to enable local residents to understand the permit requirements?

3. As noted above pruning of a substantial tree is not an offence if carried out by a "qualified arborist". However, there is no definition of either an 'arborist' or a 'qualified arborist' in draft law 10. It would be helpful to insert such a definition and include an explanatory note at draft law 63(d), so that it is clear who can be employed to carry out the pruning.

I query why draft law 63(d) requires pruning to be undertaken " in accordance with the Australian Standard for the Pruning of Amenity Trees (AS4373)" as most land owners or occupiers would have no idea what this standard is and would be relying on the arborist. This could be remedied by rephrasing draft law 63(d) with wording such as the following:

" d) Paragraph c) does not apply to the pruning of trees by a qualified arborist in accordance with the Australian Standard for the Pruning of Amenity Trees (AS4373)."

and making it clear in any policy or guideline that, if a qualified arborist has carried out the pruning other than in accordance with that standard, this is to be taken into consideration when assessing penalties or actions under draft law 100.

Alternatively, the reference to the Australian Standard could be removed entirely so that draft law 63(d) would be worded as follows:

" d) Paragraph c) does not apply to the pruning of trees by a qualified arborist."

Presumably arborists know which standards they must apply in order to retain their qualifications.

4. Draft law 63(e) states:

> " This clause does not apply to any species identified as an ***environmental weed***."

Draft law 10 defines this term as follows:

> " **'environmental weed'** means any weed that Council has, in a public notice, declared to be an environmental weed."

Unfortunately this does not assist people unless they know where to find such a public notice. Could draft law 63(e) contain an explanatory note enabling this information to be located, perhaps with a link to a webpage? I also wonder if there is some assistance to be found in Council's Live Local Plant Local Guide that is incorporated into the local law under draft law 9 and referred to at draft law 79 as follows:

> "79. **Protection of Vegetation**
>
> a) Without a permit a person must not on any Council land remove any tree or vegetation, including dead trees and fallen timber, other than to prevent the spread of declared noxious weeds pursuant to the provisions of the Catchment and Land Protection Act 1994 and those weeds listed in the **[please note that "e" is missing from the end of "the" in the original text]** Council publication 'Live Local Plant Local'.

5. I hope that, if draft law 63 is retained in the final version of the local laws approved by Council, it will be accompanied by a public information campaign that incorporates the following elements:

> a) information regarding the importance of canopy trees and how they prevent or mitigate some of the worst effects of climate change by ensuring that urban heat islands are not created. Some statistics about how much the temperature is reduced by tree cover and resultant savings on the cost of cooling homes in summer would be helpful.
>
> b) information that explains the local law, including how to identify an environmental weed and find a qualified arborist to undertake pruning.

This information should be sent out with rates notices or reminders, as well as being on Council's website and being included in Nillumbik News or similar publications. Council could perhaps consider implementing a "welcome pack" for new residents that would contain information on the importance of preserving tree cover as well as local flora and fauna and local activities.

An information campaign may be a more effective and less punitive means of preserving local native trees than draft law 63. It might also be useful to revisit the provisions of the planning scheme to ensure that, when a building is erected, it must not fill up almost an entire block of land. If there is any research identifying how much land should be left without hard surfaces surrounding a building to prevent the creation of urban heat islands, this could be a basis for including provisions in the Nillumbik Planning Scheme to ensure that maximum house sizes can be imposed in areas that are currently under threat from developers who like to remove as many trees as possible before they build.

General comments

The draft local laws need to be proof read thoroughly, particularly in relation to the definitions at draft law 10, to check for errors and inconsistencies. Specifically I have noted the following:

1. The definitions variously end with a full stop, a semi-colon or nothing.

2. The single inverted commas at the beginning and end of each defined term are sometimes missing or misplaced e.g. at 'DELWP (where the 2nd inverted comma is missing).

3. The word "means" is missing after the definition of 'kennel'.

4. Several definitions state that they have the same meaning as **in** [my emphasis] a statute but in several places "in" is missing e.g. '***Infringement***' has the same meaning as the *Infringements Act 2006*.

5. The definition of "unsightly land" and the wording of draft law 43(b)(xi) provide that this is land containing "**no more than two** [my emphasis] unregistered, derelict or abandoned vehicles;". Surely more than two would be even more unsightly. Should this say:

xi) **two or more** [my emphasis] unregistered, derelict or abandoned vehicles;"?

6. There are some grammatical errors such as the following:

a) at clause 10 the definition of "sell" starts as:

'sell' include -
a) sell by means of any machine, electronic device or mechanical device; or

This should say "include**s**"[my emphasis].

b) draft law 48(b) says:

"b) A person must not:

i) cause or permit any chimney on the land to discharge dust, grit, ashes, smoke, effluvium or odour to emanate from any land owned or occupied by that person to such an extent that it is dangerous to health or which in the opinion of an authorised officer is unreasonable or which would cause discomfort to other persons."

This does not make grammatical sense unless "to emanate" is removed because the clause already says "to discharge".

My feedback includes:

1. This summary and
2. My initial comparator of current and proposed local laws with comments and conclusions
3. Questions to the Q&A session through chatter box – which have not been answered.
4. Responses to the Q&A session through chatter box and
5. Marked up document with comments and deletions.

1. This summary

My assessment overall is that the proposed local laws as they currently stand are:

1. Not compiled in accordance with the Local Government Act Section 72 process for developing and implementing local laws and are non-compliant.
2. Not compiled in accordance with the Commissioner for better regulation November 2016 guidance for subordinate legislation/regulation and are non-compliant.
3. Not consistent with current Victorian government policy covid recovery priorities which require empowerment of citizenry, enablement of self-determination and providing self-license to all citizens by all levels of government in Victoria (with as little interference as possible).
4. Not compiled in accordance with current council policy and plans including the council vision, council plan and council health and wellbeing plan.
5. Demonstrable evidence of council's attempt to significantly over-reach it's lawful authorities.
6. Not fit for purpose.
7. Council's distribution of the discussion paper as the initial community engagement process to inform the second (current) phase of proposed local laws leaves council vulnerable to action from citizens in areas of failures in governance, due diligence, probity, and potentially corrupt conduct should these be reported.

Council's options are:

1. To re-start the process of developing proposed local laws from scratch.
2. To continue with this process, revising proposed local laws within the lens of 1 through 6 above, acknowledging 7 above remains an issue, and this issue will carry forward into the future.
3. To ignore non-compliance and press on. It is noted that this option is high risk for council.

2. My initial comparator or current and proposed local laws

Current	Proposed	Comment	Is this acceptable and fit for purpose
Consistent broadly with Victorian law	Duplicates and/or is not consistent with: Local Government Act, Prevention of cruelty to Animals Act, Human Rights Charter, Planning and Environment Act, Victorian Planning Provisions, and other key pieces of Victorian law	Over and above these inconsistencies Victorian government policy changed 7 weeks ago. Victorian government directives to all funded agencies now insists agencies focus on empowering Victorians to achieve self-determination and ensure people are given license to exercise their own control and responsibility over their own circumstances. It appears council did not receive, did not understand, or did not action this notice. Refer this to your public health team, referencing communications from the Victorian and Australian Chief Psychiatrist.	No - requires significant revision

Objectives – prioritise safety, fairness, and reasonableness for Shire peace, order, and good government	Objectives - only discuss peace, order, and good government through a lens of prohibiting, regulating, and controlling.	Objectives are not consistent with Council Vision, Council Plan or Health and Wellbeing Plan. Language is inappropriate for local government in a democracy and is disrespectful to all residents and visitors to the Shire. Language prioritises plants over people and punishment over safety. This is bad lawmaking.	No - requires revision
Definitions -	Allotment – land in separate ownership in the municipal district Grazing – allowing livestock to enter or remain on a road or reserve for the purpose of feeding Unsightly land – a very long definition Waste – a long and unintelligible definition	Land Title – under the Torrens system in Victoria the term is "land title". Grazing – to feed on growing herbage Unsightly land – shorten the definition and remember we live in an arts and recycling community – unsightly is subjective and the definition provided is critically flawed Waste – plain English is useful when defining something	No - requires substantial change
Behaviour in public places (1)	Behaviour in public places Access to public places Behaviour in municipal buildings Activities prohibited in a municipal reserve Activities which may be permitted in a municipal reserve	Council has never enforced existing provisions. There is no likelihood council will enforce the proposed provisions – and having 10 pages of local laws that will not be enforced is wasteful and disrespectful. Significant duplication, subjectivity, and unnecessary restriction. When did council policy shift from enabling public use of public land towards barring access to it? It is public land. Significant review of this whole section is required with a focus on simplification and maximising the use of public land by the public rather than minimising it, which is the focus of the existing text	No – requires substantial change
Behaviour in public places (2)	Riding of a bicycle or horse in a manner that does not interfere with the use or enjoyment of the municipal reserve by another person	Presence of bicycles, horses and others is often sufficient to interfere with the use and enjoyment of places by others who are perpetually offended. This is already covered by behaviour in public places clauses without the need for it to be singled out. This creates potential to ban horses and bicycles from these places, which is not appropriate. Incorporate in significant review above with the view to maximising use of public land by the public, not minimising it.	No – requires deletion
Advertising signs, goods, and furniture	Advertising signs, goods, and furniture – (b) if you do and (c) you may be told to stop are superfluous	Clauses say – in order You can't do it without a permit If you do it without a permit then You only need to stop if Emergency Services or an Authorised Officer tell you to stop and You may have your stuff impounded This is a pointless law in it's current form	No –remove (b) and (c) – penalties are discussed in other sections of local law
	Aerosol paint containers	New law – will shop elsewhere	No – law Should not exist
Removal of Vegetation on public land	Protection of Vegetation	Roadside_Management_Plan_2012_-_Part_1_-Background_ and_ Policy . This mapping is now 12 years old. Worth updating. Will provide valuable measure of condition of area.	No – needs updating of references
Dog excrement	All animal excrement Livestock excrement must not remain on paved pedestrian surfaces. Carry 3 containers.	Does this apply to horses? Native animals? The law says it applies to all animals. The livestock definition defines horses as livestock, not animals. Poorly defined and written and if it includes horses, and native animals/birds these need to be deleted.	No - Should not exist for horses and native animals and birds.
Keeping of animals, secure confinement	Keeping of animals, birds, and livestock. See Table 4	Table 4 – why is a permit required for a Rooster? Not a drake, gander, gobbler, pigeon, peacock – just a rooster? Why?	No – Delete permit for rooster Table 4.

	Animal Buildings and Cleanliness	Animal buildings and cleanliness – that which is not duplicated is not enforceable – needs to be deleted. What business is it of council's how poultry is kept to the exclusion of housing choice and feed storage choice of all animals? Food, water clauses need to be deleted – these are incorporated in Prevention from Cruelty to Animals Victorian Law and are duplicating – so need to be deleted. In rural areas the Victorian planning provisions already determine animal numbers – so irrelevant – delete. Does council honestly believe they know more about animal husbandry than rural people? How disrespectful. Upskilling may benefit from education as a substitute for local law.	Delete Interference on animal housing choice & feed storage. Delete duplicate laws. Consider better practice guidance as an alternative.
Control of noisy livestock	Animal noise	Majority of animal noise problems are dogs in urban areas. Livestock noise provisions are subjective and should be for the most part deleted. In rural areas, there are livestock, and they make livestock noises. It is what living in a rural area is.	No – better target the law to dogs and a more general amenity statement for other animals.
	Feeding of wild birds on private land	Not able to be enforced. No evidence it's a problem (the justification is full of "can" so it's not evidence). Q&A session suggested they received complaints – no data – perhaps council may educate instead. This local law will not be complied with in any case. Will undermine all laws and create an entire population of law breakers.	No – delete. If council feels strongly about it they can write a public guideline.
	Use of council land for movement or grazing of livestock	(a) and (b) are contradictory – at large is, by definition, not under control. (b) is poorly considered, not enforceable and will not be complied with.	No – delete b.
	Bees and Wasps	(c) and (e) need to insert the clause "upon becoming aware of" because a landowner can not fix what they are not aware of and the law needs to differentiate between honeybees and European honeybees as it is unclear	No – amend wording in two clauses
	Dead livestock	How do council intend to enforce this? It is poorly considered and defined and will in many instances be ignored, and if it's not enforceable it's not sensible (unless the purpose is to create a population of lawbreakers). Council routinely leaves dead animals on roadsides for a week during summer – is it reasonable to expect residents to do what council does not?	No – not enforceable
Dogs prohibited in markets	Deleted	Council has deleted this law because it is not enforced. Suggest **most** proposed laws are either not enforced, or nor enforceable – and these would benefit from deletion too.	No – if enforcement is not practiced, delete law
Condition of land	Unsightly land	No need to duplicate what is already defined. Council can hardly have a local law about unsightly land when so much public land is unsightly. As an artistic community council needs to exercise extreme caution about how things look to ensure it does not compromise artistic expression. Council does not employ arbiters of taste and expression in the Authorised Officer ranks and unless it plans to change this – this law is not reasonably enforceable. Victorian government policy focuses on raising inclusive communities and celebrating difference – why does council think it's OK to have a law that undermines this by judging how a property looks?	No - delete. Not appropriately enforceable.

	Environmental weeds	The largest super spreader of environmental weeds in the shire is council, Parks Victoria, and Melbourne Water. Council needs to exercise care in enforcing local laws when council and public agencies are the biggest perpetrators. Some environmental weeds are widely planted (agapanthus is one) and whilst it is a weed, it also is a hardy, drought tolerant garden plant and has great erosion management qualities. This law has retrospective effect – which is not lawful. For us to comply with this local law at our home will cost us more than $25,000, funds we do not have, because we use agapanthus to manage erosion and road run off – it's been very successful – it's also green in drought, and forms part of our house area bushfire defence. We will therefore not comply – we've got better things to do with our money and this is not a priority. Where is the LIS&RIS that looks at cost & benefit? Shire wide impact will be more than $2 million.	No - delete or include public land and revise the list of environmental weeds
	Dangerous land (includes) Kept in a manner that is dangerous Store any dangerous substance Excludes fire risk Excludes vegetation risk Authorised Officer can require a property to be fenced	All properties in rural areas store dangerous substances. If fire risk and vegetation risk are excluded, this local law is not fit for purpose in rural areas. All land contains dangers. Rural land can be dangerous to anyone. Does council seriously think their officers know more about house and property dangers than owners do? How disrespectful – and inaccurate. Pool fencing is now state required. Private residential insurance companies have public liability cover attached to home and contents cover for this exact eventuality. This law feels like residents are being violated in their home, their only place of safety by council at will for no benefit. This proposed law made me feel physically ill. Significant overreach. Where is LIS&RIS for this?	No – if fire and vegetation danger is excluded it's not fit for purpose and duplicates insurance policies.
Chimneys – emissions must not cause a danger to the health of others.	Nuisance – a person must not make unreasonable noise. A person must not let smoke come out of a chimney and leave their property to be a danger to others in the opinion of an authorised officer. Odour from compost must not go on to other properties and must not attract flies Light spill is banned. Reflected light spill is banned	An Authorised Officer is not appropriately qualified to make medical decisions – health dangers are patient specific based on individual circumstances. These local laws are not applicable to or fit for purpose in rural areas. Issues of noise, smoke and odour are not the same and nor is their context. Our home heating choice is none of council's business and was a multifaceted decision that coincides with our fire mitigation works. Composting is fundamental to improve soil quality and in large volumes smells like country – which in rural areas we are in the country – and it does not last long. Urban laws do not translate well to rural areas in many instances.	No – may be urban appropriate – are irrelevant in rural areas
Open Air Burning	Open Air Burning – long list of conditions for a resident to be "allowed" to reduce fuel including smoke must not leave the property.	Replace the word tenement with the word land title – see definitions. Most conditions are already requirements of CFA and ESV. Neighbourhood notification provision is impractical in most instances. Council will not enforce this – most burning is on weekends when council does not work. Remove all the duplication. Council needs to exercise extreme caution interfering in fuel reduction and fire mitigation works in rural areas. There is no	No – reduce duplication. Alter language to encourage self-reliance – after all we are on our own according to council and CFA .

		balance to be achieved between managing fire risk and environmental and health concerns in rural areas – they are the same thing. Fuel reduction is a prevention activity undertaken by rural people to maximise environmental longevity and reduce death. If council does not get this right they will be ignored and irrelevant in rural areas – and will receive enormous, prolonged and justifiable negative media attention if it is perceived council is preventing fuel reduction and fire prevention activities. Also creates potential to interfere with private insurability and opens avenues for legal action. Unlikely to be complied with for the most part IMO – my experience is that if my local CFA says it – it is real – if council says it – what on earth would they know? They don't manage their own land for my safety – I'm blowed if I let them dictate how I manage my land for my safety.	
Domestic Waste Recyclables and organic material collections	Commercial waste collection Domestic Waste Collection and materials Transportation of waste Use of municipal recycling centre Dumping of refrigerators, trunks, or similar containers	When 2 pages is replaced with 9 there is likely to be significant duplication (so delete it) and This says it's fine to dump white goods providing you take the doors off it first. Seriously????? Dumped rubbish is not OK anywhere IMO – and my guess is that this is a community norm position.	No – delete duplication. Consider deleting the "it's OK to dump whitegoods" law.
	Shipping containers need a permit	Shipping containers are common storage in rural areas for business, recreation and/or amenity. They fulfill an important purpose. If the planning scheme permitted permanent cost- effective storage to be constructed on rural properties, some would still be required – we have a lot of trades and businesses in rural areas. The planning scheme does not permit this, so shipping containers are a useful and common alternative. If council plans to amend the planning scheme to enable the construction of cost-effective permanent storage, then this law has merit. If not – it's not enforceable, is a revenue raising exercise and provides no benefit and has no justification. Overreach – bit like "unsightly" and is already covered by the Planning scheme	No – delete.
	Earthworks	This is a duplication of an amendment already being made to the planning scheme.	No – delete – it duplicates a planning scheme provision
Asset Protection	Maintenance of Drains Stormwater drainage connections Protection of drains Protection of roads Protection of assets and land Asset protection permits	Most rural areas do not have drains, stormwater connections, roads, assets, and land – please confirm these areas are excluded from the requirement to pay for asset protection permits	No – limit the scope of this law to areas with made roads, drains, assets and land

3. Questions to the Q&A session through chatterbox (cc in Carl Cowie and Councillor Egan) Wednesday 17 November 5.18pm

Q1
Can you please explain where (specifically) these proposed local laws came from? They were not circulated for comment or feedback in the first round of "consultation". There was little in the way of community feedback that suggests most of these proposed local laws were required and most of them do not have "justification statements" that explain what the problem is the proposed local law is seeking to solve, evidence that the problem occurs here, and how the proposed local law solves it.

Q2
Can you please explain how (specifically) it is that the Objectives are consistent with the new Nillumbik Council vision and plan? The language in the vision and plan is all about engagement, inclusion and participation. The language in the proposed local laws briefly glosses over peace and order but then almost exclusively prioritises legislation, control, enforcement, exclusion, and punishment.

Q3
Can you please explain how (specifically) it is that the Objectives are consistent with the new Local Government Act? The Act is about local laws being fit for purpose, peace, order and good government. The language in the previous/current local laws reflect and support this. The proposed local laws mention it, and then repeatedly prioritise legislation, control, enforcement, exclusion and punishment. It is difficult to see how this could be fit for purpose, promote peace, bring order, or support good government.

Q4
Can you please explain how (specifically) it is that these proposed local laws enable and support the Nillumbik Council health and wellbeing plan? The language in the health and wellbeing plan is all about maximising health and wellbeing through engagement, inclusion and participation and addressing the Nillumbik resident's mental health high levels of psychological distress (the highest levels in Victoria). The language in the proposed local laws almost exclusively prioritises legislation, control, enforcement, blame, exclusion and punishment. These two positions are diametrically opposed, not complementary, and can reasonably be expected to worsen distress, not address it.

Q5
Can you please explain how (specifically) proposed local laws reflect Victorian Government new Covid response and recovery directions - these prioritise empowering citizens, promoting self-determination and giving licence to citizens to own and manage their own circumstances? These proposed local laws appear to be in conflict with these directions.

Q6
Can you please explain (and provide) Nillumbik Council's new policy relating to the purpose, existence and use of public land? Up until reading the proposed local laws my view has always been that public land is managed by council on behalf of the public, for the benefit, enjoyment and use of the public. The previous/current local laws relating to public land supported and were consistent with this view. The proposed local laws appear to support a policy position that public land is owned and managed by council, and council will dictate if these lands are used at all by the public, and specify and limit how they are used through a very long list of "permissions" "restrictions" and "limitations". These proposed local laws represent a significant public land policy and practice shift by council. If the policy and practice has in fact changed (if you can send it that would be great), and the public are only to be permitted on public land under terms and conditions dictated by council in proposed local laws, can council please provide the revised funding model for public land management and confirm citizens can opt out of funding what they will not have an opportunity to benefit from, enjoy or use?

Q7
The proposed local laws relating to private land are almost unintelligible and in many areas are not sensible, able to be enforced, reasonable, achievable or justifiable. In many instances proposed local

laws are not within the remit of local government. There is significant conflict with other pieces of legislation in Victoria throughout these proposals - who will be checking these? Generally
- what is the specific problem each of these proposed local laws relating to private land trying to solve?
- what is the evidence of the specific problem's existence and prevalence in Nillumbik for each of these proposed local laws?
- is council replacing private insurance public liability cover with the council cover for all residents? the proposed local laws that appear to seek to enable an Authorised Officer access to search any property, identify any risk, and direct any action to address any risk appears to be trying to replace the role of the private insurance industry. I have checked with my insurer, and they advise this is not council's role. They further advise council's actions in this area may negatively impact insurability. This makes these proposed local laws very dangerous for residents.
- by excluding fire risk and vegetation risk from local laws, council appears to be seeking to exercise control over every other aspect of home occupancy, management and maintenance. Can you please explain how this is consistent with the Victorian Human Rights (the Charter) Act - because it seems that (fully recognising this is a really weak state law), there are privacy protections granted to us that have supported our homes being the only safe place for the citizenry over the past 2 years - and these proposed local laws seek to ensure our homes are no longer safe from intrusion and interference.
- how (specifically) will each of these proposed local laws be enforced?
- the proposed local laws relating to fuel management appear to be seeking to deter residents from managing and reducing the fuel risk on private land by making this difficult and cumbersome.
- what are the proposed permit cost and application requirements council is considering putting in place for the proposed new local laws requiring permits (roosters and shipping containers)? I note that these laws almost exclusively relate to rural landowners, mainly rural grazing and hobby farming landowners. Why is council persecuting this particular group of residents for special punishment? Clearly this is a revenue raiser for council as there does not seem to be a problem these proposed local laws are addressing - why is council seeking to milk this group of residents to the exclusion of other residents? Surely fairness and equity demand that all residents are equally punished, controlled, enforced and cowered by proposed local laws.

Q8
For each proposed local law can council please supply the enforcement process, staffing and program please? How is this proposed local law enforcement process being funded?

Q9
I note the dogs in markets local law is proposed to be eliminated because it is not enforceable. It is unclear why this particular local law is unenforceable - it appears to me that almost all of the proposed local laws are not enforceable - will they be eliminated too?

4. Responses to the Q&A session to Chatterbox, Carl Cowie and Councillor Karen Egan Thursday 18 November at 11am

Good Morning Privacy Obligations .
Thank you for hosting the Q&A session last night. I found it informative. My take out notes from the session are:

1. Council has prepared these proposed local laws without considering the impact of them on residents - now that impacts are more clear to council, particularly those relating to retrospective impact, fit for purpose, peace and privacy, escalation of distress, vulnerability, existing use, fuel reduction, insurability, persecuting particular groups of residents, and others, it can reasonably be expected that significant re-drafting will occur.

2. Council has not considered the extent to which these proposed local laws duplicate or conflict with the Local Government Act, Planning and Environment Act, Prevention of Cruelty to Animals Act, Human Rights (Charter) Act and other pieces of legislation and regulation already in place - now that

this has been made more clear, and the importance of consistent fit for purpose local laws has become evident - it can reasonably be expected that significant re-drafting will occur to remove duplication

3. Council has not considered the importance of the language and content of local laws reflecting Victorian government policy as it relates to response and recovery, Council's vision, and Council's plan - now that this has been identified, it can be reasonably be expected that significant re-drafting will occur

4. Council has not exercised diligence in considering alternatives to regulation in the first instance - and may have crafted local laws that, on reflection, may be more appropriate for alternative behaviour change efforts by council that may include information and education - bird feeding, animal husbandry, fuel reduction, and so called "dangerous materials/substances" storage were the ones mentioned noting there are others - this can reasonably be expected to lead to significant re-drafting to occur

5. Council has not applied editing to the proposed local laws document to remove duplication and ensure proposed local laws are clear and in plain English - this can reasonably be expected to lead to significant re-drafting to occur

6. Specific responses to questions posed will be provided

7. I will mark up changes to the proposed local laws document, with comments, and provide these in a written submission via the participate Nillumbik site.

Upon reflection, given it was just us, I would be grateful for a copy of the recording for my future reference if you are able to provide that to me please. *(it was subsequently identified that a recording would not be made available to me as requested)*.

Thanks again. I found the session to be enlightening and the opportunity to have a captive audience was a new one for me - so I hope the team found it useful too.
Have a great day.
Cheers
[redacted]

4. Marked up document with comments and deletions.

Attached

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DRAFT

Nillumbik Shire Council

Bend of Islands Local Law

The ***Bend of Islands*** is a unique area within the ***municipal district*** of ***Nillumbik Shire Council***. The ecology of the area is dominated with distinct understory vegetation of grasses, woody shrubs, orchids, vines and herbs. There is over one hundred (100 plus) species of birds including two threatened species being the powerful and baring owls. The object of the local law is to prohibit the keeping of ***domestic pets*** including dogs and cats and domestic livestock within the area of ***Bend of Islands*** to protect and preserve the unique ecology of the area.

a) An ***owner*** or ***occupier*** of ***land*** must not keep a dog or cat on the ***land***.

b) A person must not:
i. bring on ***land***;
ii. have in their possession on ***land*** –
a dog or cat.

c) An ***owner*** or ***occupier*** of ***land*** must not keep any ***domestic pet*** or ***livestock*** on the ***land***.

d) A person must not:
i. bring on ***land***;
ii. have in their possession on ***land –***
any ***domestic pet*** or ***livestock***.

e) *For the purposes of paragraph a), a permit may be granted for the keeping of an* ***assistance animal.***

f) *for the purposes of this clause, a permit may be granted for the keeping of a dog, cat,* ***domestic pet*** *or* ***livestock*** *currently lawfully being kept on the* ***land.*** *Such permits may be granted annually until such time as the dog, cat, domestic pet or livestock ceases to reside on the property or dies.*

Nillumbik
The Green Wedge Shire

DRAFT

Nillumbik Shire Council

Bend of Islands Local Law

For the purposes of this clause, the following definitions apply:

'Bend of Islands' means the area hatched on the attached plan and includes all land with the ***Special Use Zone Schedule 1*** and ***Special Use Zone Schedule 2.***

'domestic pet' includes goats, horses, donkeys and dingoes.

'land' means any land that is within or partly within the boundary of Bend of Islands or within the area defined by the ***Special Use Zone Schedule 1 (and/or 2)*** as shown in the map to this clause.

'livestock' includes a cow, horse, pig, donkey, alpaca, llama and an ***animal*** of any species used in connection with primary production or kept for recreational purposes other than a dog or cat.

'assistance animal' has the same meaning as the *Disability Discrimination Act 1992.*

'Special Use Zone Schedule 1' means land located within the Special Use Zone Schedule 1 under the Nillumbik Planning Scheme.

'Special Use Zone Schedule 2' means land located within the Special Use Zone Schedule 2 under the Nillumbik Planning Scheme.

Nillumbik
The Green Wedge Shire

ChatterBox Projects
voices shaping communities

Nillumbik Shire Council

Bend of Islands Proposed Local Law

Consultation Findings Report

Final-9 February 2022

Acknowledgement



ChatterBox Projects 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.

Document information

Document title:	Bend of Islands Proposed Local Law Consultation Findings Report
Version:	Final
Date:	9 February 2022
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1. Executive summary

ChatterBox Projects was engaged by Nillumbik Shire Council (Council) to plan, deliver and report on engagement activities to seek community feedback on a proposed local law for the Bend of Islands.

The proposed local law would prohibit the keeping of domestic pets and livestock for all properties in the Bend of Islands from the time it came into effect. This would not require any existing animals to be removed, however no new/replacement animals would be allowed.

This rule for the Bend of Islands is already included in the Nillumbik Planning Scheme and came into effect in 1982. Recent legal advice indicated that a local law, rather than the Planning Scheme, would be a more effective and equitable way to apply and uphold these restrictions.

Council is in the process of reviewing all of its local laws it is responsible for across Nillumbik. This review is done every 10 years. As part of this process, Council took the opportunity to propose this local law for the Bend of Island and seek input and feedback from the community.

1.1 Overview of engagement activities and participation

The proposed local law was open for community feedback from 1 November to 5 December 2021. Engagement activities included:

- feedback form (online via Council's Participate Nillumbik website);
- written/email submissions; and
- online community information sessions x 2.

Residents of the Bend of Islands were identified as the target population to engage in this consultation, however other community members from outside of the Bend of Islands could also participate. All households within The Bend of Islands were sent a letter notifying them of the proposed changes and ways in which to provide their feedback (see Appendix A).

The consultation activities were effective in engaging 180 participants, with 165 of these filling in and submitting a feedback form. It is noted that:

- 9 participants each submitted 2 feedback forms (identified by the same name and email);
- 1 participant submitted 3 feedback forms (identified by the same name and email); and
- 48 feedback form responses contained the same or similar feedback.

Demographic details were reported by most participants and the participation profile has been largely generated based on the characteristics reported by the 165 feedback form respondents:

- Gender: There were slightly more respondents who identified as 'Male' (83 or 50.3%).
- Relationship to Nillumbik Shire: The majority of respondents reported living in Nillumbik (145 or 89.0%).
- Bend of Islands residency status: The majority of respondents indicated 'Yes' that they lived in the Bend of Islands (130 or 80.2%).

1.2 Key findings

The findings presented in this report may be regarded as accurately reflecting the views of the participants. There is some evidence of consistently recurring themes as well as mixed views on some topics in the responses.

Overall, the community feedback received regarding the proposed local law prohibiting the keeping of domestic pets and livestock for all properties in the Bend of Islands was supportive. A range of suggested provisions for a Bend of Islands Local Law were reported.

Support for the proposed local law: 162 of the 165 feedback form respondents answered this question. The majority of respondents, both residents and non-residents (123 or 75.9%), indicated 'Support'. 37 or 22.8% of respondents, both residents and non-residents, indicated 'Do not support'. 1 resident (1.2% of respondents) indicated 'Somewhat support'.

Other suggested provisions for a Bend of Islands Local Law: 125 of the 165 feedback form respondents provided a personalised response and referred to a range of topics. Around half of the respondents referred to three topics:

- Exclude non-indigenous planting (69 mentions)
- Comments regarding the Bend of Islands Conservation Association (BICA) submission (67 mentions of which 62 were supportive, 5 were not supportive)
- Exclude the use of recreational vehicles on private land (66 mentions)

2. Project background and engagement overview

2.1 Background and context

Nillumbik Shire Council (Council) is currently reviewing their suite of local laws. This review is undertaken every 10 years. As part of this process, Council put forward a proposed local law for properties in the Bend of Islands prohibiting the keeping of domestic pets and livestock.

This rule for the Bend of Islands is already included in the Nillumbik Planning Scheme and came into effect in 1982. This rule or restriction was introduced to protect the environmental and conservation value of this unique area.

In the Nillumbik Planning Scheme, the Bend of Islands is located within a Special Use Zone Schedule 2 – Environmental Living (SUZ2). The current restriction in the Planning Scheme prohibits the keeping of domestic pets or livestock by residents and or/visitors (including dogs, cats, goats, horses, donkeys and dingoes).

The Heritage Golf and Country Club, next to the Bend of Islands, is also located within a Special Use Zone Schedule 1 (SUZ1) which prohibits the keeping of cats, dogs and horse riding.

When the Planning Scheme restrictions were introduced in 1982 some properties that already had pets or livestock were listed on a *Register of Non-Conforming Animal Uses in the Special Use Zone (SUZ2)*. This allowed these properties to continue keeping pets or livestock on their property, which is why a small number of properties still have animals. The number of properties with animals has reduced over time.

There are currently 141 properties in the Bend of Islands and 12 of those are listed on the Register.

Recent legal advice indicated that the Planning Scheme may not be the best mechanism to implement these restrictions and that a local law would be more effective and equitable.

A local law would enable Council to equally and consistently apply the restrictions across all properties in the Bend of Islands and the neighbouring Heritage Golf and Country Club, regardless of planning scheme zones, and reduce the likelihood of outdated flaws in the planning scheme.

It would also make it easier for Council to take action quickly to enforce the rules (in the unlikely event this is required). This includes being able to use notice to comply, followed by warnings or fines rather than having to rely on the court system like VCAT.

The proposed local law would prohibit the keeping of domestic pets and livestock for all properties in the Bend of Islands from the time it came into effect. This would not require any existing animals to be removed, however no new/ replacement animals would be allowed.

2.2 Engagement activities

The engagement activities were undertaken by ChatterBox Projects and Council from 1 November to 5 December 2021. Details of the engagement activities are outlined in the below table.

Table 1. Schedule of engagement activity with timeframes

Engagement activity	Timeframes
Consultation opened	1 November 2021
Online engagement platform (Feedback form with submission option – see Appendix B)	1 November until 5 December 2021
Online community information sessions (see Appendix C)	15 and 25 November 2021
Written/email submissions	1 November until 5 December 2021
Consultation closed	5 December 2021

Council's Participate Nillumbik online engagement platform was used to share information about the consultation, engage the community and capture feedback and ideas via a feedback form (online). Participants could also provide written and email submissions.

As shown in Table 2, the consultation activities were effective in engaging 180 people, with 165 completing and submitting a feedback form.

Table 2. Outline of engagement activities and level of participation

Engagement activity	Number of participants*
Feedback form (online) of which six responses incorporated a submission	165
Written/email submission	1
Online community information sessions x 2	14
TOTAL	**180**

These activities were supported by a range of communications, including a letter sent to all Bend of Islands residents (see Appendix A).

It is noted that:

- 9 participants each submitted 2 feedback forms (identified by the same name and email);
- 1 participant submitted 3 feedback forms (identified by the same name and email); and
- 48 feedback form responses contained the same or similar feedback.

3. Description of participation profile

Bend of Islands residents in Nillumbik were identified as the target population to engage in this consultation. The general community could also participate by completing the feedback form (online) or attending an online community information session.

Demographic details were reported by most participants and the participation profile has been largely generated based on the characteristics reported by the 165 feedback form respondents:

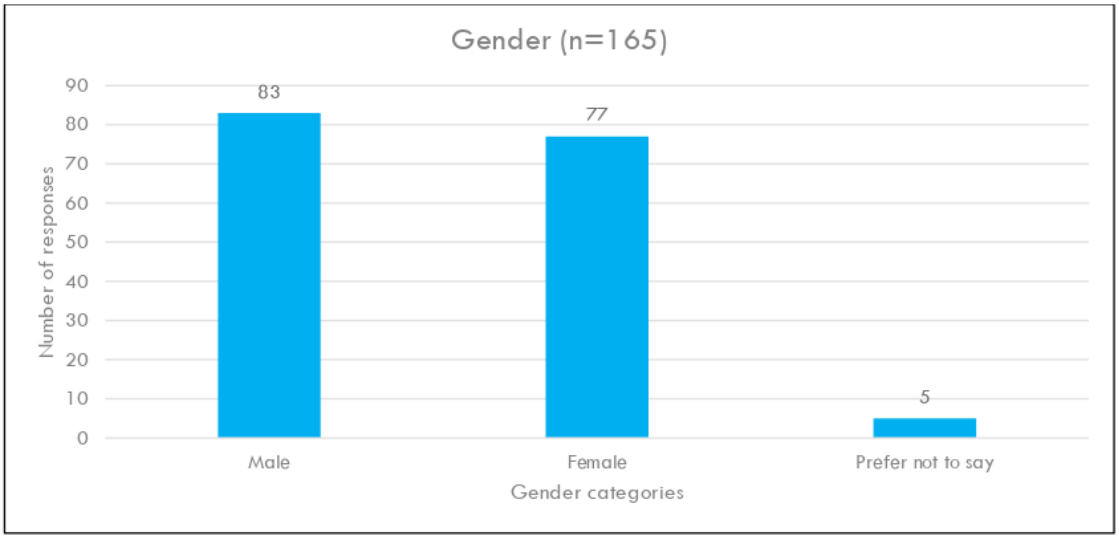
- Gender: There were slightly more respondents who identified as 'Male' (83 or 50.3%).
- Relationship to Nillumbik Shire: The majority of respondents reported living in Nillumbik (145 or 89.0%).
- Bend of Islands residency status: The majority of respondents indicated 'Yes' that they lived in the Bend of Islands (130 or 80.2%).

The findings presented in Part 4 of this report may be regarded as accurately reflecting the views of the participants. There is some evidence of consistently recurring themes as well as mixed views in the responses. Overall, the community feedback received regarding the proposed local law for the bend of Islands was supportive.

3.1 Gender of participants

Feedback form respondents were asked to indicate their gender. As shown in Graph 1, there were slightly more people who identified as 'Male' (83 or 50.3%).

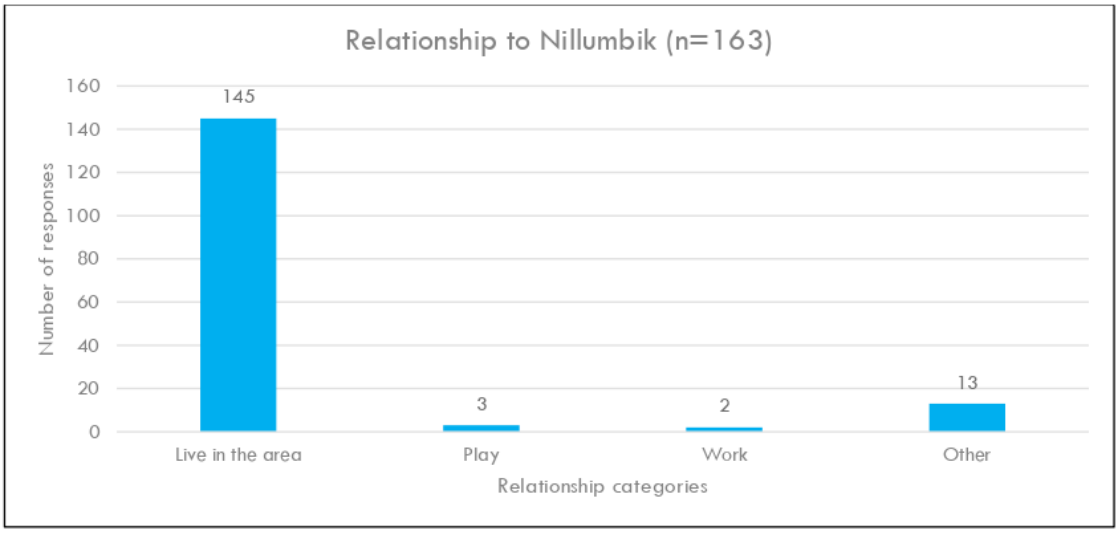
Graph 1. Gender (Feedback form respondents)



3.2 Relationship to Nillumbik Shire

Feedback form respondents were asked to indicate their relationship to Nillumbik Shire and could choose from live, play, work or 'Other'. As shown in Graph 2, the majority of respondents reported living in Nillumbik (145 or 89.0%).

Graph 2. Relationship to Nillumbik Shire (Feedback form respondents)



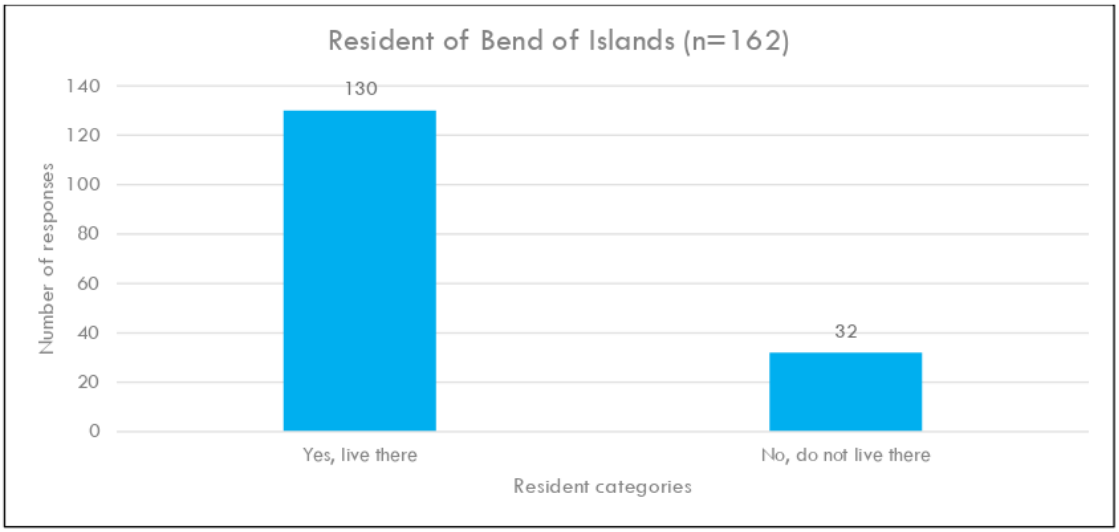
The 13 respondents who indicated 'Other' provided the following responses:

- Bend of Islands Conservation Association (2)
- Former resident, frequent visitor, interested observer, member of BICA.
- Former owner/occupier
- Former resident
- I built a home in the Bend of Islands and lived there for a few years.
- Live Nillumbik now, long-term Bend owner
- Long-term resident of Bend of Islands, landowner, member of BICA
- Many family members have lived at the Bend of Islands at various times since the 1950s
- Member of Round the Bend Conservation Cooperative
- Property Owner (Bend of Islands)
- Relative of resident
- We used to live in BOI

3.3 Bend of Islands residency status

Feedback form respondents were asked 'Do you live in the Bend of Islands?'. As shown in Graph 3, the majority of respondents indicated 'Yes' (130 or 80.2%).

Graph 3. Bend of Islands residency status (Feedback form respondents)



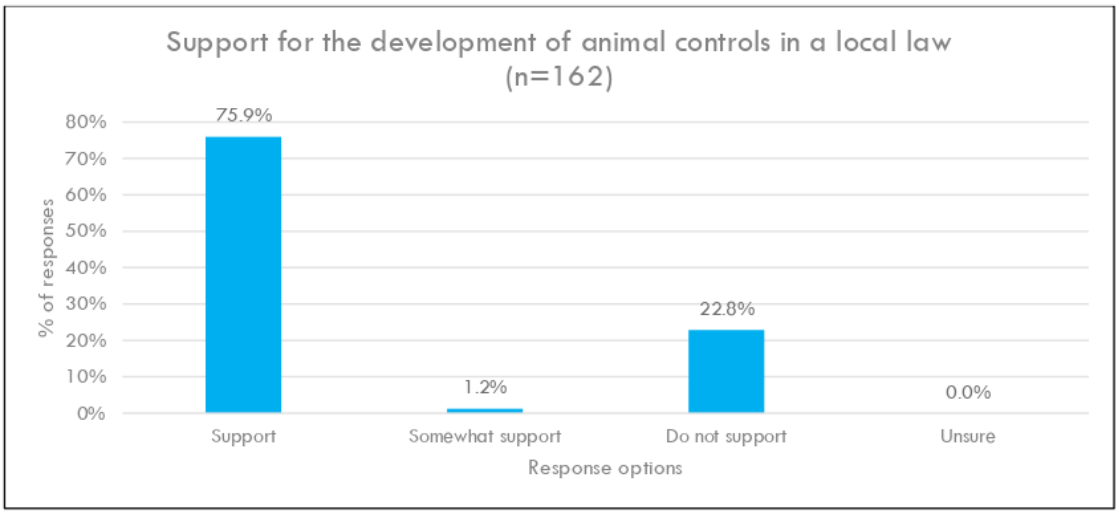
4. Findings from the analysis of the community feedback

This section reports the findings from the analysis of the community feedback gathered via the online feedback form (of which six included a submission) and one other submission.

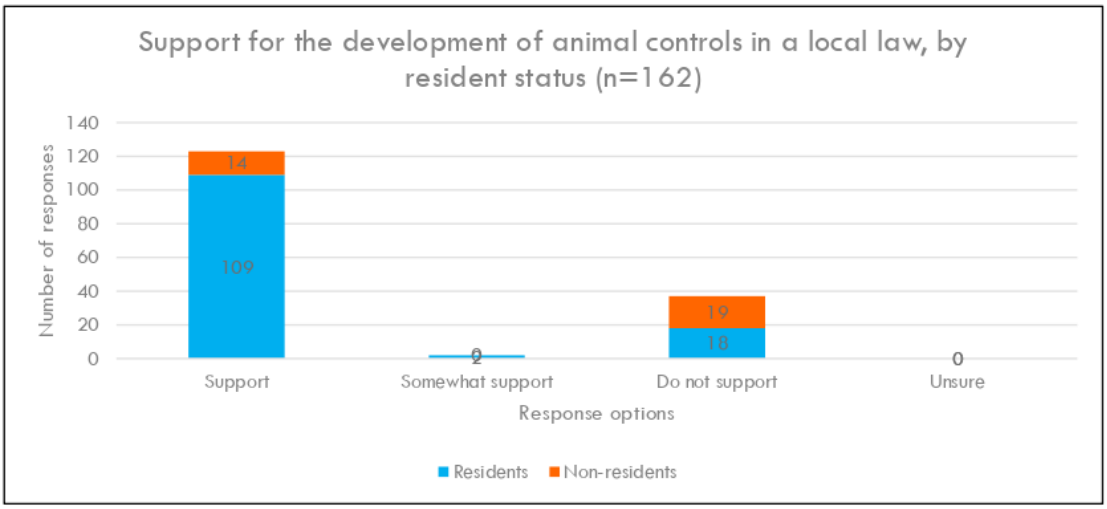
4.1 Support for the development of animal controls in a local law

Feedback form respondents were asked "Do you support the development of animal controls in a local law?". As shown in Graphs 4 and 5, 162 of the 165 respondents answered this question. The majority of respondents, both residents and non-residents (123 or 75.9%), indicated support. 37 or 22.8% of respondents, both residents and non-residents, indicated do not support. Further 1 resident (1.2% of respondents) indicated somewhat support.

Graph 4. Support for the development of animal controls in a local law



Graph 5. Support for the development of animal controls in a local law, by resident status



4.2 Other provisions to consider in a Bend of Islands Local Law

Feedback form respondents were asked "Are there other provisions you would like to see in a Bend of Islands Local Law?" and 125 of the 165 respondents provided a personalised response.

Table 3 presents the findings from the analysis of the responses, grouped by Bend of Islands residency status. Non-residents include those who did not indicate residency status. The theme tally counts do not equate to the number of responses as some responses mentioned one or multiple topics.

Respondents referred to a range of topics to varying degrees. Around half of the respondents referred to three topics:

- Exclude non-indigenous planting (69 mentions)
- Comments on Bend of Islands Conservation Association (BICA) submission (67 mentions of which 62 were supportive)
- Exclude the use of recreational vehicles on private land (66 mentions)

Table 3. Summary table of other provisions proposed for a Bend of Islands Local Law (Feedback form responses)

Themes in feedback	Residents (n=95)	Non-residents (n=30)
Exclude non-indigenous planting (69 mentions): Exclude the planting of non-indigenous plants except in kitchen gardens	62	7
Comments on Bend of Islands Conservation Association (BICA) submission (67 mentions):		
• Support the submission	55	7
• Do not support the submission	4	1
Exclude the use of recreational vehicles on private land (66 mentions): Exclude or prohibit recreational vehicles including trail bikes and motorised toy vehicles on private land	59	7
Honour and continue existing pet permits (29 mentions): Residents who already have pet permits to retain permit, maintain the right to have pets (i.e. dogs, horses, grazing animals) and pass on the pet licence when selling property (as per past practice and to avoid negative impact on property value)	12	17
Mixed views on permitting domestic animals (10 mentions):		
• No domestic pets, no cats or dogs	3	2
• Support cats being prohibited and more freedom/allowance for animals such as dogs and hooved animals	3	0
• Cats allowed, must be kept caged and inside	1	0

Themes in feedback	Residents (n=95)	Non-residents (n=30)
• Limit dogs	1	0
No changes to zoning or other provisions required, approach is already conservative or over-reaching (10 mentions)	7	3
Prioritise the local flora, fauna, wildlife and biodiversity and protect BOI as a unique haven (8 mentions)	8	0
Monitoring and enforcement (6 mentions) Council needs to sensibly monitor enforce the local law however, concerns that Council will not enforce this or may use the local law and powers for revenue generation. Enforce SUZ2 indigenous vegetation requirements	5	1
Fire prevention measures, grass and weed controls (6 mentions): Grass slashing to be mandatory before fire season, more control of grass over summer and cleaning up kunzia, environmental weeds and debris on roadside and generally	5	1
Mixed views on poultry as livestock (5 mentions):		
• Exclude keeping poultry and exemption for chickens in a coop, this is part of the lifestyle	3	0
• No chickens, no poultry, include chickens and ducks in the descriptions	2	0
Refer to attached submission (3 mentions)	3	0
Allow selective planting of non-indigenous plants (2 mentions)	1	1
Restrict fences and type of fencing (2 mentions): Gates and boundary fences not permitted or to interfere with wildlife movements and the natural aesthetic and removal of barbed wire	2	0
Other (3 mentions): Large signs not to be permitted as they interfere with the natural aesthetic (1); Clarification on those with existing rights containing animals within their own boundaries (1); You say a local law is more effective, based on a legal opinion. What evidence is there that a local law is more effective? Are there examples of other councils effectively using such laws? Has council the financial capacity to enact these aspirations without more cost to the ratepayer? (1)	3	0

The responses from six feedback form respondents included a submission and there was one written/email submission. These participants provided personalised input for consideration. Table 4 presents the findings from the analysis of the submission content using the same themes as those emerging from the feedback form responses (see previous Table 3). The theme tally counts do not equate to the number of submissions as most submissions mentioned multiple topics. As shown in Table 4, the submissions also referred to a range of topics to varying degrees.

Table 4. Summary table of feedback regarding proposed for a Bend of Islands Local Law (Submissions)

Themes in feedback	Submission participants (n=7)
Agree with prohibiting domestic animals including cats, other than assistance animals which shall be indoor only and not exercised in outdoor areas	4
Support prohibition of planting of vegetation except for vegetation 'indigenous to the area' and enforcement	2
Support the prohibition of trail-bikes or motorised toy vehicles or a stand-alone BOI law restricting motor cycles	2
Maintaining, monitoring enforcing the Register of Non-conforming Uses-Animal	2
Support more control of environmental weeds	1
Allow selective planting of non-indigenous plants	1
Other: This needs a whole of community discussion not just an opportunity to submit to council. Many people's lives are much too busy to cope with submission writing. What happened to forums that Nillumbik has been good enough to do to consult with us in the past? Cafe Benders at least provided the opportunity for councillors to attend and talk to local people but should it be the community providing an opportunity to talk with council or the other way around? (1); A compromise could be that the non-conforming animal right ceases when the property changes hands (1); Provided a comprehensive list of the Plants indigenous to Bend of Islands (1); Strongly oppose a local law prohibiting the traversing of horse riders on the Aqueduct Track which is a public space and should be accessible to all. Weed spread by horses has been proven to be a non-issue (1)	4

5. Findings from online community information sessions

The engagement activities included two online community information sessions. The sessions were held:

- Monday 15 November 7pm – 8.30pm
- Thursday 25 November 10am – 11.30am

There were 14 people in total who attended the two online sessions, with three of these participants attending both sessions.

The purpose of the sessions was to provide information about the proposed local law prohibiting domestic pets and livestock from the Bend of Islands, provide an opportunity for participants to ask questions and suggest any other controls they might like to see in the Bend of Islands.

A full copy of the notes from both online sessions can be found in Appendix C.

5.1 Other provisions to consider in a Bend of Islands local law

The ideas and suggestions put forward for considering in a Bend of Islands local law included:

- excluding non-indigenous planting (except in kitchen gardens)
- excluding the use of recreational vehicles on private land
- education around what Indigenous plants mean
- adding with word 'visitor' to ensure clarity that visitors to the area cannot bring a pet/ animal with them;
- adding restrictions on where legally kept animals can go;
- improved Council enforcement;

6. Appendix

6.1 Appendix A - Letter to residents

Nillumbik
The Green Wedge Shire

Enquiries: Caroline Correa
Telephone: 9433 3231

1 November 2021

As addressed

Dear Sir or Madam,

Re: Bend of Islands Local Law

I write in relation to your property at 215 Catani Boulevard, BEND OF ISLANDS VIC 3097. The Bend of Islands is a unique area of Nillumbik with significant environmental and conservation values. Since 1982, the Nillumbik Planning Scheme (and its forebears) has included provisions that are aimed at protecting these values. In particular, controls relating to the keeping of animals and pets have been in place during this period.

Council is currently reviewing the suite of local laws (or rules) it is responsible for across Nillumbik. This review is done every 10 years. As part of this process, Council is proposing to develop a new local law prohibiting the keeping of pets/livestock in the Bend of Islands. This law is to be implemented alongside the existing controls in the Nillumbik Planning Scheme.

What impact would this have?
It is important to note that Council is not proposing to make changes to the existing restrictions, and those with existing pets/livestock would still be able to keep them, however *no new pets/livestock would be permitted at any property*. Council is also seeking feedback from the Bend of Islands community on any other controls the community might like to see in a local law.

A local law is being proposed because it is a more effective and equitable way to apply the existing controls. It applies the controls equally to all properties in the Bend of Islands and enables Council to take action quickly (in the unlikely event that it needs to enforce the controls).

Attend an information session to find out more - and have your say
We are holding two online information sessions for residents and property owners if you would like to find out more or ask questions:

- Monday 15 November at 7pm
- Thursday 25 November at 10am

Civic Drive (PO Box 476) Greensborough Victoria 3088
03 9433 3111 | nillumbik@nillumbik.vic.gov.au

nillumbik.vic.gov.au

Nillumbik
The Green Wedge Shire

You can register to attend one of these virtual sessions online via our Participate Nillumbik website. You are also invited to review and provide feedback on the proposed Local Law which will be available on Participate Nillumbik until Sunday 5 December. Visit **participate.nillumbik.vic.gov.au/local-laws/bend-islands** or scan the QR code below.

Enclosed with this letter is a summary of key information that seeks to address some questions you may have.

Yours sincerely

Caroline Correa
Community Safety Coordinator

Copy or Enc:

Civic Drive (PO Box 476) Greensborough Victoria 3088
03 9433 3111 | nillumbik@nillumbik.vic.gov.au

nillumbik.vic.gov.au

Nillumbik
The Green Wedge Shire

Proposed Local Law – Prohibiting domestic pets and livestock from the Bend of Islands

Key information

What current restrictions apply?
In the Nillumbik Planning Scheme, the Bend of Islands is located within a Special Use Zone Schedule 2 – Environmental Living (SUZ2). This prohibits the keeping of domestic pets or livestock by residents and or/visitors (including dogs, cats, goats, horses, donkeys and dingoes).

The Heritage Golf and Country Club, next to the Bend of Islands, is also located within a Special Use Zone Schedule 1 (SUZ1), which prohibits the keeping of cats and dogs, and horse riding.

When the Planning Scheme restrictions were introduced in 1982 some properties that already had pets or livestock were listed on a *Register of Non-Conforming Animal Uses in the Special Use Zone (SUZ2)*. This allowed these properties to continue keeping pets or livestock on their property, which is why a small number of properties still have animals. The number of properties with animals has reduced over time.

Why are these restrictions in place?
To protect the environmental and conservation value of this unique area of Nillumbik.

The Bend of Islands is dominated with distinct understory vegetation of grasses, woody shrubs, orchids, vines and herbs. There are more than 100 species of birds including the powerful owl and barking owl, which are both threatened species. Prohibiting domestic pets and livestock seeks to remove any threats or damage to this environmentally sensitive area.

What is Council proposing to change?
Council is not proposing to make changes to the existing restrictions on the keeping of animals, neither domestic nor livestock.

What is proposed to change is *the way these restrictions are legally given effect*, changing from using the Planning Scheme (current) to a local law.

Why is Council proposing this change?
The existing restrictions were introduced using the Planning Scheme in 1982. Today, legal advice says that a local law would be a more effective and equitable way to apply and uphold these restrictions.

Council is currently reviewing all of its local laws (as required every 10 years), so this change is being proposed now as part of that work.

Why is a local law more effective?
A local law would equally and consistently apply the restrictions across all properties in the Bend of Islands and the neighbouring Heritage Golf and Country Club, regardless of planning scheme zones.

Civic Drive (PO Box 476) Greensborough Victoria 3088
03 9433 3111 | nillumbik@nillumbik.vic.gov.au
nillumbik.vic.gov.au

Nillumbik
The Green Wedge Shire

It would also make it easier for Council to take action quickly to enforce the restrictions (in the unlikely event this is required). This includes being able to use immediate warnings or fines rather than having to rely on the court system like VCAT.

Together this means the local law can more effectively achieve the intent of the restrictions (and initial community campaign) to keep the area free of any animal that poses a threat to this unique and sensitive area.

How would a local law affect the properties that currently keep animals?
The proposed local law would prohibit the keeping of domestic pets and livestock for all properties in the Bend of Islands from the time it came into effect. This would not require any existing animals to be removed, however no new/ replacement animals would be allowed.

To view the proposed Bend of Islands Local Law, visit our Participate Nillumbik website at **participate.nillumbik.vic.gov.au/local-laws/bend-islands** or by scanning the QR code.

Civic Drive (PO Box 476) Greensborough Victoria 3088
03 9433 3111 | nillumbik@nillumbik.vic.gov.au

nillumbik.vic.gov.au

ChatterBox Projects
voices shaping communities

6.2 Appendix B – Feedback Form

Bend of Island Local Law

Do you support the development of animal controls in a local law?

- Support
- Somewhat support
- Do not support
- Not sure

Are there other provisions you would like to see in a Bend of Islands Local Law?

If you prefer attach a written submission here

Choose file...

Allowed file types: pdf,doc,docx,txt,xls,xlsx,rtf,png,gif,jpg,jpeg Size limit: 1.00 MB

About you

First Name Required

Last Name Required

Email Required

Gender

- Female
- Male
- Prefer not to say
- Prefer to self describe

Relationship to Nillumbik

- Live
- Work
- Play
- Other (please specify)

Do you live in the Bend of Islands?

—

6.3 Appendix C – Summary notes from online community information sessions

Nillumbik Bend of Islands Information Session

DATE:	Monday 15 November 2021
TIME:	7:00pm-8.30pm
CHATTERBOX STAFF	Sarah and Angela
COUNCIL STAFF:	Carol, Jaimee, Stefanie and Renae (Heath)
COUNCILLOR	Cr Ben Rancharan

Participation	
Number of people registered:	6
Number of people in attendance	11

Notes	
Sentiment of engagement?	Positive – participants were passionate about restricting pets and livestock in the BOI and generally supportive of Council introducing the new local law.
Improvement suggestions for repeat activity …	N/A
In general, how would you rate the Q & A session - and why? 1=poor, 2=fair, 3=average, 4=good, 5=excellent	4 – all participants contributed to the session.
Questions	
What about the Environmental Living Zone (special set of clauses for the Bend of Islands) that was formally gazetted in 1976 in the Shire of Healesville? Confused why this is not mentioned.	Question was taken on notice. Need to get back to the group with a response
With the 65 properties, if they haven't used their right to have a pet in the past wouldn't that right be lost now?	Council has received advice that the current provisions are not enforceable for houses that existed prior to 1982. That is because the existing use rights relate to the property being used as a dwelling as opposed to the keeping of animals. So, any property that existed prior to the provision taking effect in 1982 (provided those properties have continued to be used - and that use not ceased for a period of more than 2 years) technically has existing use rights.
We have an issue of wandering cats and dogs. Will this new local law help Council better manage and enforce this issue?	Council will continue to manage this issue by following the Domestic Animal Management Act. As part of the updated local law, we are also looking to introducing a 24hr cat curfew.

Can a visitor bring a cat or dog to the area? Does the new local law prohibit this? Can the local law include the word visitor?	Yes, it does prohibit visitors bringing a pet into the area.
Can you confirm that this local law does not require working changes to the existing planning scheme?	That is correct – we do not need to undertake a planning scheme amendment or change wording in the planning scheme.
Community members will approach people with animals to tell them they are not allowed to have pets in the area. Is it possible for community members to get a better understanding of who is allowed to keep pets/ assistance animals so we can better manage this issue?	Question was taken on notice. Need to get back to the group with a response in relation to privacy act.
With the new local law would a person who buys a property that has an existing use right keep that right in relation to keeping pets?	The local law is designed to phase out pets and animals in the area over time from those properties that have existing use rights. So, if a person moves out then the animal cannot be replaced on that property.
Where can assistance animals go in the area?	At this stage Council does not have anything in place to say where assistance animals can / cannot go. However, the animal must be secure on the property. So, if there is no fence the animal must be kept secure in the house or in a secure pen.
SUZ1 and SUZ2 considered as one? Will this be a problem? Support current provisions for both.	Local law is proposed for whole of BOI – SUZ1 and SUZ2
When will the local law come into place?	Late 2022/ early 2023.
What will Council do if it receives submissions from people who do not live in the BOI?	We will separate the feedback to capture feedback from BOI residents.
OTHER IDEAS FOR THE LOCAL LAW: • Can the new local law include the word 'visitor' to ensure it is clear that visitors to the area cannot bring a pet/ animal with them. • The local law should include restrictions on where legally kept animals can go. For example, they must be kept inside the house and exercised outside the area. • The BOI also includes important flora, and the animals depend on that flora. We want to preserve this ecosystem. We want to see included in the local law that you cannot plant anything except indigenous to the area (except in kitchen gardens). We have a lot of trouble enforcing that aspect of the planning scheme, we would like to be able to better police this issue in the area. • Council enforcement of plant provisions has not worked. Need something more. • The local law needs to be stronger and clearer on the use of recreational vehicles.	

DATE:	Thursday 25 November 2021
TIME:	10am-11.30am
CHATTERBOX STAFF	Sarah and Angela
COUNCIL STAFF:	Carol, Stefanie, Leah (Health), Renae (Planning)
COUNCILLOR	Cr Ben Ramcharan

Participation	
Number of people registered: (all participants had attended the a previous session)	3
Number of people in attendance	3

Notes	
Sentiment of engagement?	Participants were very appreciative of the opportunity to ask questions and provide feedback
Improvement suggestions for repeat activity …	N/A
In general, how would you rate the Q & A session - and why? **1=poor, 2=fair, 3=average, 4=good, 5=excellent**	4 – all participants contributed to the session.

Questions	
How does this local law for BOI sits within the suite of local laws that Council is putting forward? How does it sit in the document, so it is clear it only applies to BOI?	It could possibly be a separate document. And there will be a definition of the area it applies to.

OTHER IDEAS FOR THE LOCAL LAW:

- Prohibiting Non-Indigenous planting and use of motorised vehicles – need to include these in the BOI local law.
- One of the major threats to our area is the introduction of non-Indigenous plants. Enforcement has not been successful over the years.
- People don't understand what Indigenous plants mean – Council needs to educate community about this. So people fully understand what is meant by Indigenous plants – there is a difference between Indigenous vs Indigenous to the local area.

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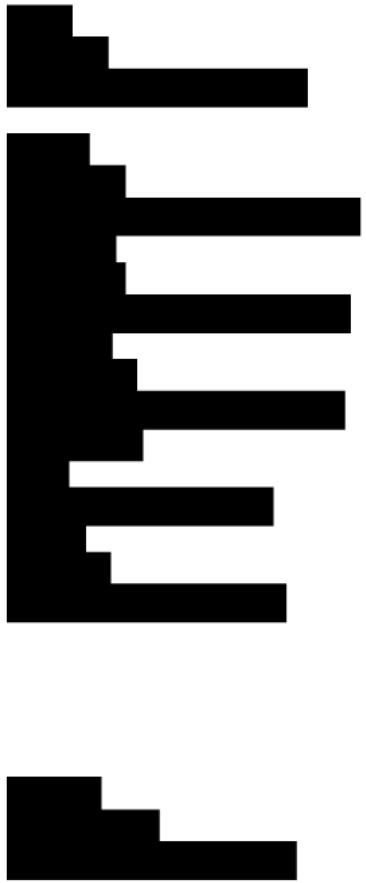
Date	Submission	Name and email address
Dec 05, 2021	Pet Permits should be honoured, with pets being allowed	[redacted]
Dec 05, 2021	Pets should be allowed in Bend Of Islands. Some people have pet permits, so should be able to have pets	[redacted]
Dec 05, 2021	Pets to be permitted in Bend of Islands, as some residents already have permits and these should be retained	[redacted]
Dec 05, 2021	For people currently having pets, to be able to keep. Pet permits should be honoured by Nillumbik, as they previously have been. Thank you	[redacted]
Dec 05, 2021	Pets should be allowed in Bend of Islands, for people who have a Pet Permit	[redacted]
Dec 05, 2021	Nillumbik residents in Bend Of Islands who already have pets with a permit should be able to continue to have pets	[redacted]
Dec 05, 2021	People who already have pets with a Permit should be able to continue to have pets	[redacted]
Dec 05, 2021	Pet Permits should still be valid, where they have historically already been issued to a resident	[redacted]
Dec 05, 2021	For KG Bend Of Islands residents who currently have Pet Permits, for these to be retained so that they can continue to have pets	[redacted]
Dec 05, 2021	No.	[redacted]

Dec 05, 2021	Pets should be allowed in Bend Of Islands, for people who already have an existing pet permit. This Pet Permit should stay with property if it is ever sold, as this is the manner in how Pet permits have always been. This way people who have such properties, keep the value of their property
Dec 05, 2021	Residents who currently have Pet Permits to be able to keep pets and pet permits
Dec 05, 2021	Pet Permits should be allowed in Bend Of Islands, as some properties have always had Pet Permits
Dec 05, 2021	Homeowners who have Pet Permits to keep these pet permits
Dec 05, 2021	Residents who currently have pet permits to retain
Dec 05, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.
Dec 05, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.



Dec 05, 2021

[redacted]

Dec 05, 2021

[redacted]

Dec 05, 2021

Historically attempts occurred to breed dingoes and emus, i.e inappropriate "indigenous" animals.
The zoning was established by residents when the area was in the Shire of Healesville, (Residential Conservation), why dissipate this by inviting survey of current residents who pretend ignorance or who have an agenda for development. Why consult such a new population.
As above the concept of prior usage rights was established (expiring >2 years if not continuous maintained), this has not been totally effective, so why would a permit be any better. Like the rights issue would anyone really enforce it anyway ?
You say a local law is more effective, based on a legal opinion, what evidence is there of this, are there examples of other councils effectively using such laws. Has council the financial capacity to enact these aspirations without more cost to the ratepayer.

Dec 05, 2021

I fully support the development of a local law for animal control.

I would like to see provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands, as well as provisions to exclude the planting of non-indigenous vegetation, except in kitchen gardens.

I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.

Dec 05, 2021

Owners who have Pet permits currently should be able to keep pet permits. To will allow to keep pets, and for this pet permit to be maintained when/ if selling a property, otherwise property will be devalued.

[redacted]

Dec 05, 2021	Bend of Islands residents who have Pet Permits should be able to keep this permit, have a pet and maintain/ pass on this pet licence when selling property as has always been the case. To take this pet permit away would be extremely sad and cruel when a property has been purchased with this right, additionally property value would be unfairly reduced	[redacted]
Dec 05, 2021	Bend of Island residents who already have Pet Permits should be able to keep their pet permits and maintain right to have pets	[redacted]
Dec 05, 2021	Dear Nillumbik, For those within Bend Of Islands who already have a pet permit, this pet ownership should be able to be maintained. Such properties have been purchased in this manner, with the ability to have a pet and this should not be taken away. Thank you	[redacted]
Dec 05, 2021	Even though I support the Local law I am dissapointed that people with a NCUR cannot keep their rights until they are not used for two years or lapse when the property is sold. I wanted to say this in my prvios email but pushed the wrong button!!	[redacted]
Dec 05, 2021	I support the BICA submission.	[redacted]
Dec 04, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Dec 04, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and	[redacted]

	Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	
Dec 04, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Dec 04, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Dec 03, 2021	In general we support the rules regarding the Environmental Living Zone however changing the zoning management to a local law gives local government the powers to fine people as they see fit. We cannot support this as local government would abuse this right and use the powers as a revenue generating exercise as they always do. So NO we do not support this change. If the council does wish to enhance their powers in regards to the zoning laws we believe that there should be some trade off regarding the regulations for the Bend of Islands, in that we would totally support cats being prohibited from the Bend of Islands and more freedom/allowance to have other animals such as dogs, hooved animals (restricted to say horses and lamas, etc.), NOT sheep, cows and other 'farming' animals. Carefully managed these animals would not impact the environment and in fact may actually improve the grounds. In fact more damage is done to the environment across the river in the Warrandyte National Park by the Clifford Park participants, with their activities at the boat ramp and surrounding areas, not to mention the noise factor and disturbance to wildlife and humans. Once again we would like to reiterate a firm NO to the zoning change to become a law. More than happy to discuss.	[redacted]

Dec 03, 2021		[redacted]
Dec 03, 2021	In general we support the rules regarding the Environmental Living Zone however changing the zoning management to a local law gives local government the powers to fine people as they see fit. We cannot support this as local government would abuse this right and use the powers as a revenue generating exercise as they always do. So NO we do not support this change. If the council does wish to enhance their powers in regards to the zoning laws we believe that there should be some trade off regarding the regulations for the Bend of Islands, in that we would totally support cats being prohibited from the Bend of Islands and more freedom/allowance to have other animals such as dogs, hooved animals (restricted to say horses and lamas, etc.), NOT sheep, cows and other 'farming' animals. Carefully managed these animals would not impact the environment and in fact may actually improve the grounds. In fact more damage is done to the environment across the river in the Warrandyte National Park by the Clifford Park participants, with their activities at the boat ramp and surrounding areas, not to mention the noise factor and disturbance to wildlife and humans. Once again we would like to reiterate a firm NO to the zoning change to become a law. More than happy to discuss.	
Dec 03, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Dec 03, 2021	Please refer to the submission of Bend of Islands Conservation Association. This is an attachment to that submission.	[redacted]

Dec 03, 2021	Yes - Refer to attached submission	[redacted]
Dec 03, 2021		
Dec 02, 2021		
Dec 02, 2021		
Dec 02, 2021	In relation to the above Local Law I purchased my property in 1992 (when these local laws were in place by Healesville Council prior to the area being relocated to Shire of Eltham / Nillumbik. A large part of my decision to purchase the property was the Non-Conforming Rights Permit that came with the property that allowed me to retain animals on the property and was based on prior use of the property for keeping animals. I do not support any change to the current usage and retention of animals from what is currently in place (including changing the local law to include not being allowed to replace animals). I retain my animals on my property and do not allow them to wander.	
Dec 01, 2021	Provision should be made to enable non-indigenous plants in kitchen gardens. Please do not allow cats and dogs into the Bend of Islands. This space is meant for native animals to roam freely without predictors chasing and killing them. Bend of Islands is unique and an area that Nillumbik council prides itself on. I am concerned that if local laws are relaxed on this matter our native fauna and flora would be in danger.	[redacted]
Dec 01, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens	[redacted]

[redacted]

- Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands

- I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.

Dec 01, 2021

[redacted]

Dec 01, 2021

Dec 01, 2021 I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.

Dec 01, 2021 No planting of non-indigenous plants except in Kitchen gardens.
No recreational vehicles (incl trail bikes & motorised toy vehicles) on private land in the Bend of Islands.
It is currently not lawful to keep a cat or a dog at the Bend of Islands - some renters are breaking the law.
I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.

The family [redacted] have been owners of [redacted] since the1950s. We have been instigators & strong supporters of the original 'Environmental Living Zone' which over time has become Special Use Zone 2.

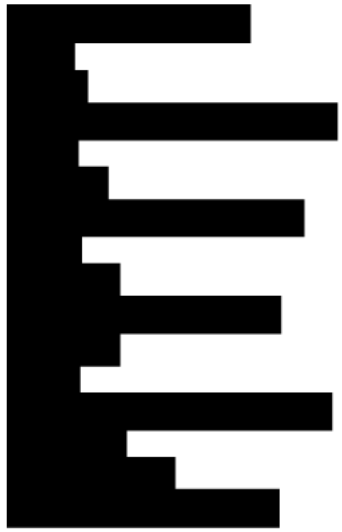
Dec 01, 2021 Support, but subject to the continuation of exemptions as given by existing prior land use rights for keeping of a dog and livestock for properties on Oxley Road, Bend of Islands / Kangaroo Ground

Dec 01, 2021

[redacted]

Dec 01, 2021	Provisions to include the selective planting of non-indigenous plants as well as in kitchen gardens and to say that changing the rules is not on as people have purchased land with this in place. I do not support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Nov 30, 2021	Yes Amendment to make grass slashing mandatory before the fire season. The long grass and debris posses far more of a threat to fauna than the odd cat locked in a house. Cats should be allowed but must be kept caged and inside. The idea of repealing a landholders right to have animals when the property was purchased with the rights is the actions of Dictatorships not a council that respects its Rate payers. This attempt is clearly an attempt to insert the thin edge of the wedge to introduce greater draconian laws	
Nov 30, 2021	I DO NOT support the BICA submission to the Shire of Nillumbik on the proposed Local Law. That BICA is Not representative of the majority of the BOI resident.	[redacted]
Nov 30, 2021	Provisions to include the selective planting of non-indigenous plants as well as in kitchen gardens. Changing the rules after people have purchased land is ridicolous. I DO NOT support the BICA submission to the Shire of Nillumbik on the proposed Local Law. That BICA is not representative of the majority of the BOI residents.	
Nov 30, 2021	A continuation of the existing laws that allow non confirming rights to homes that currently have them. The Bend of Islands was changed to a conservation some against the wishes of many existing residents. BICA does not represent the BOI. It is a noisy minority.	[redacted]
Nov 29, 2021	No its already too constrictive. I have no issues with banning cats but i request that there be a review into people being allowed to have dogs. The reasoning behind this is that dogs are not a menace to wildlife unlike pest animals such as foxes, deer, rabbits and feral cats which, aside from feral cats are in abundance in the Bend of Islands. The COVID pandemic has made society much less enjoyable and detached from one another and this is true in the Bend of Islands where community only exists	[redacted]

	where one must conform. Therefore, those of us living here on our own are isolated and due to the otherwise constrictive laws prevent those of us who enjoy the area but want companionship in the form of a pet, fall foul not only from local government but from those who pretend to have a sense of community. Furthermore, whilst there are people who 'belong' to the community groups they are somewhat protected as they want to keep the Bend of Islands for themselves despite their selective bias towards the local laws proposed. Given the isolation of living in the Bend of Islands, there needs to be a fair and common sense approach to those who enjoy living in the area and can have either a dog or some livestock in the form of chickens (hens).
Nov 29, 2021	An exemption for chickens as they are a part of the lifestyle that many residents of the Bend of Islands value. Prohibition of motorised recreational vehicles. Gates, and boundary fences not be permitted as they interfere with the passage of wildlife and the natural aesthetic. Large signs not to be permitted as they interfere with the natural aesthetic.
Nov 29, 2021	Enforcement of SUZ2 indigenous vegetation requirements. No off road motor bikes or motorised toy vehicles in the SUZ2. I support the BICA submission on this issue.
Nov 29, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.
Nov 29, 2021	More fire prevention measures including clean up of fire fuel (dead trees, branches,leaves,long grass) on council roadside and areas.



Nov 29, 2021

Nov 29, 2021

Nov 29, 2021 That all properties are inspected randomly by the council to ensure that these local laws are being adhered to.

Nov 29, 2021 Same concept could be enforced for non-indigenous plants, to keep the Bend of Islands a haven for fauna & flora.

Nov 29, 2021 I would like to see the existing rights of land holders to be honored. Removing these rights even incidentally as the animals pass on is unfair the land owner. Even putting aside the sentimental value whereby the animal may be for companionship and the act of bring a new animal on to the property may be to have continued companionship, the right for a landholder to have animals [either domestic or otherwise] has a very real financial impact to the valuation of the land given that not all properties in the Bend of Island precinct has this right. If the council intends to remove this right and therefore financially diminish the value of the landowners property, there should be at the very least discussions about compensation for this decrease in property value. This is no different to a property being acquired under eminent domain powers and should be handle as such.



Nov 29, 2021

Nov 29, 2021

Nov 29, 2021

Nov 29, 2021	See submission	[redacted]
Nov 29, 2021		
Nov 29, 2021	Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	
Nov 29, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Nov 29, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Nov 29, 2021		
Nov 29, 2021	Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands	[redacted]

	- I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	
Nov 28, 2021	Clarification on those with existing rights containing animals within their own boundaries.	[redacted]
Nov 27, 2021	Provisions to exclude the planting of non- indigenous plants except in kitchen gardens Provisions to exclude the use of recreational vehicles (including trail bikes and motorised Toy Vehicles) on private land in the Bend of Islands	
	I support the BICA submission to the Shire of Nillumbik on the proposed Local Law	
Nov 27, 2021	Provisions to exclude the planting of non- indigenous plants except in kitchen gardens. Provisions to exclude the use of recreational vehicles (including trail bikes & MotorisedToy Vehicles) on private land in the Bend of Islands	[redacted]
	I support the BICA submission to the Shire of Nillumbik on the proposed Local law	
Nov 26, 2021	Yes. I would like to have added the requirement to plant only plants native to this area - not exotics (even Australian exotics). Thank you	[redacted]
Nov 25, 2021	Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	
Nov 25, 2021	I would like to include provisions to exclude the planting of non-indigenous plants except in kitchen gardens. We spend so much time trying to control & eliminate introduced weeds from this precious piece of Nillumbik, I believe that we need	[redacted]

	added protections to support the work that is being done in the community. Due to the state significance of the Bend Of Islands, I also think it is vitally important to include provisions that exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands. I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.
Nov 23, 2021	No domestic pets or livestock to be allowed in the Bend of Islands
Nov 23, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.
Nov 23, 2021	
Nov 22, 2021	
Nov 22, 2021	Provisions to exclude the planting of non-indigenous plants except in kitchen gardens Provisions to allow only planting of indigenous plants of local provenance except in kitchen gardens Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.
Nov 22, 2021	I support the BICA submission.

Nov 22, 2021	https://participate.nillumbik.vic.gov.au/download_file/2167	[redacted]
Nov 21, 2021		
Nov 21, 2021		
Nov 21, 2021		
Nov 20, 2021	Yes The control of grass over summer. It is a documented fact that slashing grass in summer when weather conditions make it safe to do so, is advantageous for regrowth, simulating to a degree controlled fires. And yet the council supports Parks Warrandyte in outlawing slashing except for single 3 meter wide supposed fire breaks. At the same time you refuse to engage in the removal of the Petrol bush (Kunzia) that was noted in the RC Black Saturday fires as a contributory factor. So you will not do anything about those to factors, amongst many others, which will, in the advent of an eventual fire, devastate all wild life. But you put you focus on not allowing animal rights to continue. You will kowtow to the ultra green lobby and have people forfeit the right to own a few animals while actively institute measures that will disseminate wild life. Go figure?! People brought this land with those rights and thy should remain !	
Nov 20, 2021	Control of planting only local indigenous plants other than in the kitchen garden Also the prohibition of recreational vehicles in particular trail bikes and motorised toy bikes on all land in the Bend of Islands	[redacted]
Nov 20, 2021	I support the submission from the Bend of Islands Conservation Association - Provisions to exclude the planting of non-indigenous plants except in kitchen gardens	[redacted]

	- Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Nov 20, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Nov 20, 2021	I strongly support the BICA submission to the Shire of Nillumbik on this proposed Local Law.	[redacted]
Nov 19, 2021	Exclude planting of non-indigenous plants except in kitchen gardens Exclude keeping poultry. Exclude recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands I support the BICA submission to the Shire of Nillumbik.	
Nov 18, 2021	No chickens, no poultry, no non-indigenous plants except in kitchen gardens, no use of recreational-vehicles on private land.	[redacted]
Nov 18, 2021		
Nov 18, 2021		
Nov 17, 2021		

Nov 17, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law. A recognition that the Bend of Islands is a unique area and must be protected from creeping inappropriate development.	[redacted]
Nov 17, 2021	I support the BICA submission and would like to see 2 other areas addressed: 1. Prohibit the planting of non-indigenous plants anywhere within the Bend of Islands except within kitchen gardens. 2. Prohibit the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands. I strongly support the local law and would like to see all domestic pets and livestock eventually excluded from the area when pets etc. die.	[redacted]
Nov 16, 2021		[redacted]
Nov 16, 2021		
Nov 16, 2021	Other Provisions that should be included are . regulations excluding the planting of non locally indigenous plants (outside the home garden) . regulations to exclude recreational vehicles being used on private properties . Protection of local fauna and flora .	
Nov 16, 2021	I fully support the following existing provisions of the Bend of Islands. - Only the planting of the local indigenous plants of the Bend of Islands as per the latest updated BICA Flora List, except the Kitchen Garden of the property, to be within the building envelope & to the recommended size.	[redacted]

	- Exclude the use of recreational vehicles (including trail bikes & Motorised Toy Vehicles) on private land which disturb the natural soil & indigenous vegetation. - The Control of the Environmental Weeds of the Bend of Islands.	
Nov 16, 2021	Provisions to exclude the planting of non-indigenous plants except in kitchen gardens Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Nov 15, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Nov 15, 2021		[redacted]
Nov 15, 2021		
Nov 15, 2021	I fully support the provisions as proposed through enacting a local law.	
Nov 15, 2021	Maintain existing rules around no exotic planting except for kitchen garden.	

Nov 15, 2021



Nov 15, 2021

How much council over-reach does it take for a 20 year resident of the Bend of Island to seriously consider selling just to get out of this shire and its control by an apparently UNREASONABLE MILITANT GREEN MINORITY?

20 years ago I bought a home on 10 acres based on the non-conforming RIGHTS that I can have my horses and my dog and live in peace in the nature that is the Bend of Islands. To know even though i followed the rules for 20 years, I am now to be DISCRIMINATED against is just UNREASONABLE.

Even though I get constantly HARASSED by the fringe MINORITY extreme greens in the Bend of Islands I still love living here in the green wedge but enough is enough.

Even though the MAJORITY of people in the Bend have a domestic pet (chickens etc) and have had them since the Bend was formed the MILITANT MINORITY want to implement their form of SELECTIVE DICTATORSHIP on the majority.

As a long term land owner I have tried to keep within the spirit of what the Bend of Islands (and the green wedge) means. I get along with fellow residents and support green strategies and minimal development but I am reaching my limit.

This council, through the proposed law changes is trying to force RETROSPECTIVE law changes that disadvantage me and THE MAJORITY in the Bend of Islands both MENTALLY AND FINANCIALLY.

Why must the majority suffer at the hands of the MILITANT MINORITY?

If the proposed laws are passed what financial restitution will the council be making to those whose properties are devalued? None.

[redacted]
Bend Of Islands

Nov 15, 2021

[redacted]

Nov 14, 2021

The term you use "Development" is totally misleading.
We purchased land in the Bend on the basis of existing laws. For you to attempt to "Develop" the laws to ban the possession of livestock where previously allowed is outrageous. It is simply caving in to the Ultra green Anti vaxer pressure groups.
Meanwhile you succumb to the Ultra greens and allow Burgan to run rampant, a plant that was demonstrated as being contributory in the Black Saturday fires, reaching temperatures of over 1700 degrees. You allow these Ultra greens who leave all the dead trees and logs right up to their houses (If they live or ever intend to live here at all) All of which in the eventual forest fire is going to be catastrophic for the wild life. You condone this imminent devastation, even turning a blind eye to Parks Warrandyte planting Burgan and adopting ZERO realistic fire control methods, and yet you waste all this time and recourses over a few dogs and the odd horse. Absolutely outrageous

Nov 14, 2021

[redacted]

- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens

- Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands

- I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.

Nov 14, 2021

[redacted]

No motor bikes on private land

No planting of non indigenous plants except for vegie garden

Nov 14, 2021	Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	
Nov 14, 2021	I would like to see included: - Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands	
Nov 14, 2021		
Nov 14, 2021	You say that you are trying to be able to enforce existing provisions, but, by effectively taking away our prior existing rights you are introducing new laws. These rights were provided for especially, for the properties that were grazing properties, and these rights should remain as is, with continual use. As a side note, the council is under the impression that all property owners are part of BICA, which is so far from the truth to be laughable, yet only direct any ongoing discussions with this minority group to the exclusion of all property owners. The council should take into consideration all of the rate payers in a given area, and anybody who does not live here should not have a say. Unless they are happy to pay for your salary.	
Nov 14, 2021		
Nov 14, 2021	I would like to see local laws around indigenous only plants except for cottage/vegetable gardens and to prohibit the use of dirt bikes /recreational motor vehicles on land within the Bend of Islands	
Nov 14, 2021	Provisions to exclude the planting of non-indigenous plants except in kitchen gardens :-	

[redacted]

> Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands

> I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.

Nov 14, 2021 [redacted]

Provisions to exclude the planting of non-indigenous plants except in kitchen gardens:-

> Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands

> I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.

Nov 14, 2021 [redacted]

I strongly support this local law and support the BICA submission to the Shire of Nillumbik on this proposed Local Law.
I would also like to see the provisions of the following;
- exclude the planting of non-indigenous plants except in kitchen gardens
- exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands

Thank you

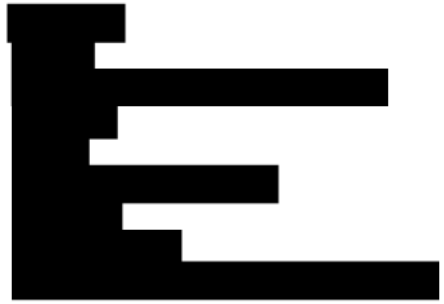
Nov 14, 2021 [redacted]

Nov 14, 2021 [redacted]

Yes, to strengthen the conservation values, I'd like to see a provision to exclude the planting of non-indigenous plants, except within the confines of a kitchen garden, be included for each property.

Also, to stop damage to land and habitat, a provision to exclude the use of recreational vehicles (including trail bikes and motorised toy vehicles) on private land within the Bend of Islands to be included.

	The content of the Bend of Islands Conservation Association (BICA)'s submission to Nillumbik Shire Council on the proposed Bend of Islands Local Law is supported by me.	
Nov 14, 2021	The critical thing is for Council to sensibly enforce the rules. A more significant issue is control of plant growth especially Kunzia. It's totally out of control and a disaster waiting to happen every fire season.	[redacted]
Nov 14, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Nov 13, 2021	Provisions to exclude the planting of non-indigenous plants - except in kitchen gardens. Provisions to exclude the use of recreational vehicles (including trail bikes & motorised toy vehicles) on private land in The Bend of Islands.	[redacted]
Nov 13, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Nov 13, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]

	Our planet is under mass extinction we need to be protecting our wildlife. This is such a special place because of its biodiversity. Dogs and cats are everywhere it is so important that this place is protected, we can work together to protect these beautiful animals.	
Nov 13, 2021	Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	
Nov 12, 2021	No keep it as it is	
Nov 12, 2021		
Nov 12, 2021	Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	
Nov 12, 2021		
Nov 12, 2021	Provisions to exclude the planting of non-indigenous plants except in kitchen gardens Provisions to exclude the use of recreational vehicles (including trail bikes and	

	Motorised Toy Vehicles) on private land in the Bend of Islands I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	
Nov 12, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Nov 12, 2021	Provisions to exclude the planting of non-indigenous plants except in kitchen gardens I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Nov 12, 2021	Provisions to exclude the planting of non-indigenous plants except in kitchen gardens Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Nov 12, 2021	Could you include chickens or ducks in your description of livestock please.	[redacted]
Nov 12, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
	NB. We've lived here since 1980....we spent a year watching a cat from an ELZ	

	house (it was kept illegally) eat & stalk our small birds ... we took many photos ! can only load 1 small file... want to send you more with your limit.	
Nov 12, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Nov 12, 2021		[redacted]
Nov 12, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Nov 12, 2021	Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Nov 12, 2021	Provisions to exclude the planting of non-indigenous plants except in kitchen gardens Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Nov 12, 2021	Removal of all barbed wire,and future use of barbed wire banned. I don't think keeping chickens in a coop for eggs should count as livestock. We don't have them but some folk in the Bend do.	[redacted]

Nov 12, 2021	I would like to see the present controls in the Bend of Islands SUZ2 enhanced to prevent domestic animals or plants other than those currently permitted being bought into the area.	[redacted]
Nov 12, 2021	Provisions to exclude the planting of non-indigenous plants except in kitchen gardens Provisions to exclude the use of recreational vehicles (including trail bikes and motorised toy vehicles) on private land in the Bend of Islands I supportthe BICA submission to the Shire of Nillumbik on the proposed Local Law	
Nov 12, 2021	Provisions to exclude the planting of non-indigenous plants except in kitchen gardens. Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands I strongly support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Nov 12, 2021	Exclusion of non-indigenous plants other than a kitchen garden in BoI Exclusion of use of recreational vehicles ie trail bikes, motorised toy vehicles on private land in BoI We support the BICA submission to NSC on proposed Local Law	[redacted]
Nov 12, 2021	1. Provisions to exclude the planting of non-indigenous plants except in kitchen gardens 2. Provisions to exclude the use of recreational vehicles (including trail bikes and motorised toy vehicles) on private land in the Bend of Islands 3. I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Nov 12, 2021	Provisions to exclude the planting of non-indigenous plants except in kitchen gardens Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]

Nov 12, 2021	- Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Nov 12, 2021	I fully support the submission made by BICA. There should be no disturbance of the ground on private land in the ELZ other than for building (within the defined development envelope and to this end this would preclude the use of recreational vehicles). Planting of species exotic to the Bend of Islands not to be allowed other than in a kitchen garden.	[redacted]
Nov 12, 2021	I moved here because of it's uniqueness in protecting the natural ecosystems and surrounded by wildlife. Excluding domesticated pets and exotic plantings (besides kitchen garden) VITAL to the conservation of the area. I love dogs but I love wildlife too and I want to to be somewhere where wildlife are around me. If I want a dog I can go anywhere else. This is a unique place and I would hate to see this lost by softening laws around domestic animal and exotic plantings. I have read the BICA submission and support what they have stated in their submission totally.	[redacted]
Nov 12, 2021	Provisions to exclude the planting of non-indigenous plants except in kitchen gardens - Provisions to exclude the use of recreational vehicles (including trail bikes and Motorised Toy Vehicles) on private land in the Bend of Islands - I support the BICA submission to the Shire of Nillumbik on the proposed Local Law.	[redacted]
Nov 12, 2021		[redacted]

Nov 12, 2021	I support the submission from Bend of Islands Conservation Association on the proposed local law. The proposed law should also include provisions that specifically prohibit the use of recreational vehicles (including trail bikes and motorised toy vehicles) on any private and public land (e.g. council reserves or easements) within the BOI. It should also reinforce existing provisions in the SUZ2 that exclude the planting of non-indigenous plants (i.e. plants not specifically native to the local area), except in kitchen gardens.	[redacted]
Nov 11, 2021		[redacted]

3/12/2021	Submission to Nillumbik local laws - Bend of Islands. Thank you Privacy Obligations for the opportunity to submit my thoughts on what I hear Nillumbik is proposing. I tried to speak with you but was unsuccessful and regret that that opportunity was not an option. Nor was there an email address nor live forums. For those who are unable or loath to put pen to paper this format and Zoom as the only other option must have excluded a large number of vulnerable, people of other abilities, perhaps elderly or less technologically able and those within the Bend who just don't have access to the internet. Do you know how many people that might be? I even missed the opportunity to speak with Priva cy because I saw the email too late! I'm wondering whether it might be possible to take a balanced, forward thinking and considered attitude with regards regulating dogs in the Bend of Islands as part of the Special Use zoning, given the growing scientific acknowledgement that dogs have special abilities which can support human endeavours in conservation and the environment. I agree with the zoning as it stands. It would seem to be be amazingly one tracked and lacking in awareness and foresight to ignore recent medical and conservation studies which show the benefit of animals to humans. I'm not writing to propose a change to the current rules but I ask that consideration be made for those already living in the Special Use Zone 2. Think of those who could benefit from company as partners/husbands/wives die or are seriously ill - the company of an animal is a proven remedy. Think of the ability to track and protect endangered species whether they be plant, bird, insect or animal - also a proven benefit. It seems to me the issue is more about responsible ownership and follow up when there are breaches of current laws. I wonder how many council by-laws may as well not exist because of a lack of follow up. I understand that these are created for protection and yet most people don't know many of them exist and many just break them anyway. Maybe the issue behind the proposal to tighten the ruling is not to do with domestic animals and exotic plants but how council supports people to adhere to the current zoning.	[redacted]

	On the Round the Bend Conservation Co-operative where we have been officially acknowledged to be doing a good job in our efforts to maintain the integrity of this patch of bush, we constantly see the impact of wind, native animal, vehicle, shoe, sock fox, deer, rabbit and bird borne weed seeds. When neighbours and local authorities cannot support our efforts, by controlling the weeds in their properties, or regulating that weed species are not sold in nurseries or that soil in pot plants sold needs to be sterilised so it it does not contain weeds, makes you wonder what the point of more restrictions might be. Limiting the ability to grow pot plants containing some non native species within a metre of your house seems overly restrictive. How about limiting it to herbs which will not survive in the bush, geraniums and roses or a very limited palette within the metre of the house as a trial? Even the original Co-operative rules allowed for this aspect of choice in the aesthetics of life. Given the changes in climate we might all need to be changing what grows locally to adjust to help our land and animals survive the heat and other extremes. Nature is diverse, adapts and changes without human intervention. Why would we think introducing more restrictions or excluding more plants, when nature doesn't see the council boundaries we draw (and move) anyway, to be conservation minded? Frankly I believe to retrospectively introduce this needs a whole of community discussion not just an opportunity to submit to council. Many people's lives are much too busy to cope with submission writing. What happened to forums that Nillumbik has been good enough to do to consult with us in the past? Cafe Benders at least provided the opportunity for councillors to attend and talk to local people but should it be the community providing an opportunity to talk with council or the other way around? Having an area that excludes domestic animals is talked about in some circles as though it enabled the Round the Bend Conservation Co-operative to maintain the land as it is, although it was historically grazed by cattle (possibly worked by dogs). If research was undertaken on well trained and monitored dogs which are confined to a specific area on the owners property perhaps the myth that is being circulated about native animals not going where they smell domestic dogs have been, could be scotched. I have lived on properties with dogs and cats where an echidna slept in a	

	flowerpot on my verandah and birds nested above it kangaroos grazed tin the paddock and an abundance of other wildlife was along the creek close to the house. Plenty of local farmers who own domestic animals will be able to testify to the abundance of wildlife on their properties. What about thinking how it is possible to restrict or govern the animals involved, to specific very limited areas, categories and/or tasks? Currently the restriction in the Bend of Islands means one of my closest friends, who is constantly accompanied by her dog, is unable to visit or even stay with me should she be sick, despite both of us wishing she could. It is denying us that normal contact that friends have. If it were possible to know, given we would contain and control this animal, that she could visit, it would be reasonable. Perhaps it would be possible to apply for a temporary permit with very specific conditions (provided it could be done at short notice), that would be a fairer situation. If you have to have medical permission and fit realistic and reasonable conditions, that would also be acceptable. If you had to have a permit to have a working or detection dog on your own place of residence that also would be a reasonable way to limit the activity and use of dogs in the bush. Perhaps the conditions could be worked through by a committee of experts with balanced representation in the area to include the thoughts of those who oppose the idea. As with any wicked (meaning complex) problem, there is a black box of hidden factors that need to be fleshed out before changing such a well thought through set of rules as the Special Use Zone 2. How would you feel if your child/husband/mother or any member of your family was denied access to treatment for COVID? How is this different from any treatment for any other illness? How would you feel if your decision to bring in this rule led, however indirectly, to someone's death because they couldn't access the treatment recommended without moving house? Moving house can take time and involves a huge amount of money, time and resources - easy for those who have these and perhaps impossible for those who are already dealing with either a mental illness or require treatment	

	involving an assistance dog for some reason, be it diabetes, vision or hearing impairment, balance, PTSD, anxiety, depression or other condition. Thank goodness due to the requirements now in place ignorance, lack of experience of good working dogs and irresponsible owners will not be allowed to influence, judge or lead to the exclusion of animals assisting humans for medical purposes in the Bend of Islands or any other area. To assist those who have not taken the time to learn about a trend that has been proven through many years of using dogs in conservation to protect and detect threatened species I have provided some links and information below. Whilst all of these are not necessarily scientific, they do illustrate the potential for well trained handlers and dogs to be of assistance to conservation and the environment. I guess a question to be answered is, would a reasonable person be so rigid in the application of these rules that they would exclude situations like: • a neighbour is taken off to hospital in an emergency and their dog needs to be looked after temporarily? • your sibling who is being treated for cancer comes to stay during a difficult period in their life and they have a dog but no one to look after it and it provides them comfort (although not considered an assistance dog)? • a member of your family is evicted from their rental and they and their dog need emergency accommodation? • an emergency situation arises where you can support a person in need by looking after their dog until a better arrangement can be found? • your close elderly friend who lives some distance away has her constant companion dog, can she stay over night? These might seem inconsequential to some, but for others it is just the sort of curveballs life throws at us. We need to be mindful and considerate of each other's particular circumstances as well as the laws and support and educate rather than regulate or judge.	

	The research to understand what dogs can do that humans can't and how they assist in conservation work, is just starting to be understood in Australia and may be illustrated in the following: • https://www.conservationk9consultancy.com/use-of-dogs-in-conservation/ • About Detection Dogs for Conservation • https://wildlife.forensics.med.ufl.edu › courses › working-dogs-in-conservation-and-forensic-sciences • https://www.insidescience.org › news › scat-sniffing-dogs-aid-wildlife-conservation • https://www.conservationecologycentre.org › 2015 › 11 › 13 › otways-conservation-dogs-find-evidence-of-endangered-tiger-quoll-in-great-otway-national-park • https://www.zoo.org.au › fighting-extinction › ask-an-expert • Lehnert, M. P. and Weeks, E. N. I. 2016. Trained dogs in insect detection. – In: Ensminger, J. (ed.), Canine olfaction science and law: advances in forensic science, medicine, conservation and environmental remediation. CRC Press, pp. 321–333. Google Scholar • A dog as a generalist plant detection tool We tested the training of a dog as a generalist plant detector, to be used when plants are at low density or are difficult to find. Using a match-to-sample (MTS) protocol and a 10-choice array, the dog found 11 plant species with 100% reliability from the first trial, and all 19 species tested with 100% reliability after three trials. The dog reliably found other parts of the same plant species when only one part was offered (e.g. flowers offered and leaves found). The methodology focussed on successful detection of an array of species, but false alarms (FAs) are also an issue when using any detection system. Most FAs given by the dog were of the plant used in the immediately preceding trial (proactive interference), which would not occur in an	

	operational situation. Dogs have the potential to serve as generalist plant detectors, and training with the MTS protocol is a suitable and efficient method for producing such a dog I G Mclean, R J Sargisson First published: 15 June 2017 https://doi.org/10.1111/wre.12258 Citations: 3 Read the full text About PDF • Back to the basics with conservation detection dogs: fundamentals for success Karen E. DeMatteo, Barbara Davenport, Louise E. Wilson https://www.doc.govt.nz/our-work/conservation-dog-programme/ It is a basic human right to be healthy. If you and your family have lived in /owned a house for most of your life in the area, if most of your networks and many friends are local and you develop or are diagnosed with a condition which could be supported by an assistance or service dog, whether it be for blindness, balance, depression, anxiety or or ptsd, would it reasonable that property be valued above a life? Would you like to be responsible for ruining a persons chance for a decent normal existence by introducing a local bylaw or supporting a planning provision which would uproot a vulnerable person? See the Discussion paper: Assistance animals under the Disability Discrimination Act (2003) on the Human Rights commission's website. One can't help but wonder what the driver or initiation of this proposals or was. Is there a possibility there is a vested interest in this shire which could have caused	

	someone to want this this pushed through now? Extra stories: Projects Working With Dogs In Conservation Using Dogs To Search For Killer Whale Poop Conservationists have known for a while that the killer whales of Puget sound are not doing very well. Part of the reason might be that these whales have some of the highest levels of accumulated toxins such as pesticides and flame retardants of any species on earth. But to study this, the scientists need to find whale feces, and this is where a sniffer dog comes in – it stands at the bow of the boat and literally helps them search it out! Read the full story here. New Zealand Conservation Dog Programme This is a project training dogs for location certain species in New Zealand such as the kākāpo, kiwi, whio, pāteke and takahē. They can also detect signs of invasive species. They even have application information, if you want to become a handler. Spain's Anti-poison Dogs Meanwhile, in many places poisoning of large carnivores and raptors is still a big problem. In Spain, dogs are being deployed to help safely find poisons and protect endangered wildlife. There's a similar project in Greece, too. Sniffing Out The World's Rarest Gorillas The critically endangered Cross River Gorilla lives in dense highland forests on the border between Nigeria and Cameroon. They are hard to find, and that's probably why they have survived this long. So scientists took a group of specially trained dogs, and set them to work searching for gorilla poo, in order to help monitor the surviving population. The great things in, all these dogs came from Shelters. Read the full story here. Working Dogs for Conservation	

	A fantastic organization training dogs for many of these projects. Their mission says it all “We don’t do this work because we love dogs, though we do. We don’t do this work because our dogs love to work, though they do. We do this work because our detection dogs are the most efficient, most accurate, and least invasive way to collect crucial conservation data.” Take a look, here. German Shepherds Protecting Tigers India has been training lots of dogs too. A new team of 14 dogs and 28 handlers has just doubled India’s strength of wildlife sniffer dogs. They will now be deployed in seven states with surviving tiger populations to help tackle poaching. Read more here. The Best Dog Breeds To Save Livestock and Wildlife A great article about helping to reduce human wildlife conflict and guard wildlife with the right breed of dog. Dogs Helping Cheetahs, Too Cheetahs are not doing so well in Africa, so to help tackle the problem, dogs are trained to hunt down Cheetah scat for scientists, “DNA is then extracted in its laboratory to identify individual cheetahs and understand cheetah population structure.” More about Cheetah conservation, here. White Paw Training An organisation specializing in training dogs to tackle poaching in Africa. A Specialist Koala Dog In Brisbane A dog named Maya spent three months training to track down Koala poo! Conservation Dogs This organisation has trained dogs to detect threatened desert tortoises in the US and Mexico, and have even trained the first ever Great Crested Newt Detection dog, who will be operational later this year. Read more.	

	A Border Collie And The African Bullfrog The collie named Jessie has been helping search construction sites for rare African Bullfrogs. It's hoped that in the future, she might also be able to help search for another threatened species in South Africa, the Amatola toad. Giant African Rats Detect Land Mines Lastly, I didn't think it was fair to let the dogs have all the fun. Here's a great story about specially trained African giant pouched rats. Please reconsider the use of the internet as the only form of feedback on something as important as a rule that could affect both the environment and individuals lives because it is not real or true consultation. Kind regards [redacted]	

Origin	SCIENTIFIC NAME	COMMON NAME	LIFE FORM	Yarra Sector	Co-op Sector	Status	Revision
	Acacia acinacea s.s.	Gold-dust Wattle	Medium Shrub		C		
	Acacia aculeatissima	Thin-leaf Wattle	Small Shrub	Y	C		
	Acacia brownii	Heath Wattle	Small Shrub		C		
	Acacia dealbata	Silver Wattle	Understorey Tree or Large Shrub	Y	C		
	Acacia genistifolia	Spreading Wattle	Medium Shrub	Y	C		
	Acacia implexa	Lightwood	Understorey Tree or Large Shrub	Y	C		
	Acacia mearnsii	Black Wattle	Understorey Tree or Large Shrub	Y	C		
	Acacia melanoxylon	Blackwood	Understorey Tree or Large Shrub	Y	C		
	Acacia mucronata subsp. longifolia	Narrow-leaf Wattle	Medium Shrub	Y			
	Acacia paradoxa	Hedge Wattle	Medium Shrub	Y	C		
	Acacia pycnantha	Golden Wattle	Medium Shrub	Y	C		
	Acacia stictophylla	Dandenong Wattle	Medium Shrub	Y	C	r	T
	Acacia stricta	Hop Wattle	Medium Shrub	Y	C		
	Acacia terminalis	Sunshine Wattle	Medium Shrub	Y			
	Acacia ulicifolia	Juniper Wattle	Small Shrub	Y			N
	Acacia vernicifiua (southern variant)	Southern Varnish Wattle	Medium Shrub	Y		k	
	Acacia verticillata subsp. cephalantha	Needle-leaf Prickly Moses	Medium Shrub	Y	C		
	Acacia verticillata subsp. verticillata	Prickly Moses	Medium Shrub	Y			
	Acaena echinata	Sheep's Burr	Medium Herb	Y	C		
	Acaena novae-zelandiae	Bidgee-widgee	Medium Herb	Y	C		
	Acaena ovina	Australian Sheep's Burr	Large Herb	Y			
	Acianthus caudatus	Mayfly Orchid	Medium Herb	Y	C		N
	Acianthus pusillus	Small Mosquito-orchid	Medium Herb	Y	C		
	Acrotriche serrulata	Honey-pots	Prostrate Shrub	Y	C		
	Adiantum aethiopicum	Common Maidenhair	Ground Fern	Y	C		
	Ajuga australis	Austral Bugle	Large Herb	Y	C		
	Alisma plantago-aquatica	Water Plantain	Medium Herb	Y	C		
	Allittia uliginosa	Small Swamp-daisy	Medium Herb		C		T
	Allocasuarina littoralis	Black Sheoak	Understorey Tree or Large Shrub	Y			
	Alternanthera denticulata s.s.	Lesser Joyweed	Medium Herb	Y			
	Amyema miquelii	Box Mistletoe	Epiphyte	Y	C		
	Amyema pendula subsp. pendula (s.s.)	Drooping Mistletoe	Epiphyte	Y	C		
	Amyema quandang var. quandang	Grey Mistletoe	Epiphyte	Y			
	Anogramma leptophylla	Annual Fern	Ground Fern	Y			
	Aphanes australiana	Australian Piert	Medium Herb	Y	C		
	Aphelia gracilis	Slender Aphelia	Tiny Tufted Graminoid	Y			
	Aphelia pumilio	Dwarf Aphelia	Tiny Tufted Graminoid	Y			
	Arthropodium fimbriatum	Nodding Chocolate-lily	Large Herb	Y			
	Arthropodium milleflorum s.s.	Pale Vanilla-lily	Large Herb	Y	C		
	Arthropodium strictum s.s.	Chocolate Lily	Large Herb	Y	C		
	Asperula conferta	Common Woodruff	Medium Herb	Y	C		
	Asperula scoparia	Prickly Woodruff	Medium Herb	Y	C		
	Asplenium flabellifolium	Necklace Fern	Ground Fern	Y	C		
	Astroloma humifusum	Cranberry Heath	Prostrate Shrub	Y	C		
	Austrocynoglossum latifolium	Forest Hound's-tongue	Medium Herb	Y	C		
	Austrostipa densiflora	Dense Spear-grass	Medium to Small Tufted Graminoid	Y			

Austrostipa rudis subsp. nervosa	Veined Spear-grass	Large Tufted Graminoid	Y	C		
Austrostipa rudis subsp. rudis	Veined Spear-grass	Large Tufted Graminoid	Y	C		
Austrostipa scabra subsp. scabra	Rough Spear-grass	Medium to Small Tufted Graminoid	Y			
Azolla filiculoides	Pacific Azolla	Small or Prostrate Herb	Y	C		
Azolla pinnata	Ferny Azolla	Small or Prostrate Herb	Y	C		
Banksia marginata	Silver Banksia	Medium Shrub	Y			
Bedfordia arborescens	Blanket Leaf	Understorey Tree or Large Shrub	Y	C		
Billardiera mutabilis	Common Apple-berry	Scrambler or Climber	Y	C		T
Billardiera scandens s.s.	Velvet Apple-berry	Medium Shrub	Y	C	r	T
Blechnum fluviatile	Ray Water-fern	Ground Fern	Y			
Blechnum minus	Soft Water-fern	Ground Fern	Y	C		
Blechnum nudum	Fishbone Water-fern	Ground Fern	Y	C		
Bolboschoenus fluviatilis	Tall Club-sedge	Large Non-Tufted Graminoid	Y		k	
Bossiaea prostrata	Creeping Bossiaea	Prostrate Shrub	Y	C		
Brachyscome decipiens	Field Daisy	Medium Herb		C		N
Brachyscome diversifolia	Tall Daisy	Medium Herb	Y			N
Brachyscome perpusilla	Rayless Daisy	Small or Prostrate Herb	Y			
Brachythecium rutabulum	Rough-stalked Feather-moss	Small or Prostrate Herb				
Brunonia australis	Blue Pincushion	Medium Herb	Y	C		
Bulbine bulbosa	Bulbine Lily	Medium Herb	Y	C		
Burchardia umbellata	Milkmaids	Medium Herb	Y	C		
Bursaria spinosa subsp. spinosa	Sweet Bursaria	Medium Shrub	Y	C		
Caesia parviflora var. parviflora	Pale Grass-lily	Medium Herb	Y			N
Caladenia carnea	Pink Fingers	Medium Herb	Y	C		
Caladenia catenata	White Fingers	Medium Herb		C		
Caladenia clavigera	Plain-lip Spider-orchid	Medium Herb		C		
Caladenia moschata	Musk Hood-orchid	Medium Herb	Y	C		T
Caladenia oenochila	Wine-lipped Spider-orchid	Medium Herb		C	v	
Caladenia parva	Small Spider-orchid	Medium Herb	Y	C		T
Caladenia phaeoclavia	Brown-clubbed Spider-orchid	Medium Herb	Y	C		
Caladenia praecox	Early Hood-orchid	Medium Herb	Y	C		
Caladenia pusilla	Tiny Pink-fingers	Medium Herb	Y	C		
Caladenia tentaculata	Mantis Orchid	Medium Herb	Y	C		
Caladenia transitoria	Eastern Bronze Caladenia	Medium Herb	Y	C		N
Caladenia vulgaris	Slender Pink-fingers	Medium Herb	Y	C	r	N
Caleana major	Large Duck-orchid	Medium Herb		C		
Callistemon sieberi	River Bottlebrush	Medium Shrub	Y			
Callitriche muelleri	Round Water-starwort	Small or Prostrate Herb	Y	C		
Calochilus imberbis	Naked Beard-orchid	Medium Herb		C	r	
Calochilus paludosus	Red Beard-orchid	Medium Herb	Y	C		
Calochilus robertsonii s.l.	Purple Beard-orchid	Medium Herb	Y	C		T
Calochilus therophilus	Slender Beard-orchid	Medium Herb		C	k	N
Calochlaena dubia	Common Ground-fern	Ground Fern	Y	C		
Calystegia sepium subsp. roseata	Large Bindweed	Scrambler or Climber	Y			
Campylopus clavatus	Broody Swan-neck Moss	Small or Prostrate Herb				
Campylopus spp.	Swan-neck Moss	Small or Prostrate Herb				
Cardamine papillata	Forest Bitter-cress	Medium Herb	Y		r	
Cardamine tenuifolia	Slender Bitter-cress	Medium Herb	Y		k	
Carex appressa	Tall Sedge	Large Tufted Graminoid	Y	C		
Carex breviculmis	Common Grass-sedge	Medium to Small Tufted Graminoid	Y	C		

Carex chlorantha	Green-top Sedge	Medium to Small Tufted Graminoid	Y				N
Carex fascicularis	Tassel Sedge	Medium to Small Tufted Graminoid	Y	C			
Carex gaudichaudiana	Fen Sedge	Medium to Small Tufted Graminoid	Y				
Carex incomitata	Hillside Sedge	Medium to Small Tufted Graminoid		C			
Carex inversa	Knob Sedge	Medium to Small Tufted Graminoid	Y				
Carex iynx	Tussock Sedge	Medium to Small Tufted Graminoid	Y	C			
Carex polyantha	River Sedge	Large Tufted Graminoid	Y				
Cassinia aculeata	Common Cassinia	Medium Shrub	Y	C			
Cassinia arcuata	Drooping Cassinia	Medium Shrub	Y	C			
Cassinia longifolia	Shiny Cassinia	Medium Shrub	Y	C			
Cassinia trinerva	Three-nerved Cassinia	Medium Shrub	Y	C			
Cassytha glabella	Slender Dodder-laurel	Scrambler or Climber	Y	C			
Cassytha melantha	Coarse Dodder-laurel	Scrambler or Climber		C			
Cassytha pubescens s.s.	Downy Dodder-laurel	Scrambler or Climber		C			
Centella cordifolia	Centella	Medium Herb	Y	C			
Centipeda cunninghamii	Common Sneezeweed	Medium Herb	Y	C			
Centipeda elatinoides	Elatine Sneezeweed	Medium Herb	Y	C			
Centrolepis aristata	Pointed Centrolepis	Tiny Tufted Graminoid	Y				
Centrolepis strigosa subsp. strigosa	Hairy Centrolepis	Tiny Tufted Graminoid	Y	C			
Chamaescilla corymbosa var. corymbosa	Blue Stars	Medium Herb	Y	C			
Cheilanthes austrotenuifolia	Green Rock-fern	Ground Fern	Y	C			
Cheilanthes sieberi subsp. sieberi	Narrow Rock-fern	Ground Fern		C			
Chiloglottis reflexa	Autumn Wasp-orchid	Medium Herb	Y				
Chiloglottis valida	Common Bird-orchid	Medium Herb	Y	C			
Chiloscyphus semiteres	Common Crestwort	Small or Prostrate Herb					
Chrysocephalum apiculatum s.s.	Common Everlasting	Large Herb	Y				
Chrysocephalum semipapposum	Clustered Everlasting	Large Herb	Y	C			
Clematis aristata	Mountain Clematis	Scrambler or Climber	Y	C			
Clematis decipiens	Slender Clematis	Scrambler or Climber	Y	C			T
Comesperma volubile	Love Creeper	Scrambler or Climber	Y	C			
Convolvulus angustissimus subsp. angustissimus	Blushing Bindweed	Medium Herb	Y				N
Coprosma quadrifida	Prickly Currant-bush	Medium Shrub	Y	C			
Coronidium scorpioides s.s.	Button Everlasting	Medium Herb	Y	C			T
Correa glabra var. glabra	Rock Correa	Medium Shrub	Y	C			
Correa reflexa	Common Correa	Medium Shrub	Y	C			
Corunastylis despectans	Sharp Midge-orchid	Medium Herb	Y	C			
Corybas diemenicus s.s.	Veined Helmet-orchid	Small or Prostrate Herb	Y	C			
Corybas fimbriatus	Fringed Helmet-orchid	Small or Prostrate Herb	Y			r	
Corybas incurvus	Slaty Helmet-orchid	Small or Prostrate Herb	Y	C			
Cotula australis	Common Cotula	Medium Herb	Y	C			
Craspedia variabilis	Variable Billy-buttons	Medium Herb	Y	C			
Crassula closiana	Stalked Crassula	Medium Herb	Y				
Crassula decumbens var. decumbens	Spreading Crassula	Medium Herb	Y	C			
Crassula helmsii	Swamp Crassula	Small or Prostrate Herb	Y	C			
Crassula peduncularis	Purple Crassula	Small or Prostrate Herb	Y				
Crassula sieberiana s.s.	Sieber Crassula	Medium Herb	Y	C			
Crassula tetramera	Australian Stonecrop	Medium Herb	Y				
Cyanicula caerulea	Blue Fairy	Medium Herb	Y	C			T
Cyathea australis	Rough Tree-fern	Tree Fern	Y	C			
Cymbonotus preissianus	Austral Bear's-ear	Small or Prostrate Herb	Y	C			

Cynoglossum suaveolens	Sweet Hound's-tongue	Medium Herb	Y	C		
Cyperus gunnii subsp. gunnii	Flecked Flat-sedge	Large Tufted Graminoid	Y			
Cyperus lucidus	Leafy Flat-sedge	Large Tufted Graminoid	Y			
Cyrtostylis reniformis	Small Gnat-orchid	Small or Prostrate Herb	Y	C		N
Daucus glochidiatus	Australian Carrot	Medium Herb	Y	C		
Daviesia leptophylla	Narrow-leaf Bitter-pea	Medium Shrub	Y	C		
Dawsonia longiseta	Small Dawsonia	Small or Prostrate Herb	Y			
Derwentia derwentiana	Derwent Speedwell	Large Herb	Y			
Desmodium gunnii	Southern Tick-trefoil	Small or Prostrate Herb	Y	C		
Desmodium varians	Slender Tick-trefoil	Small or Prostrate Herb	Y	C	**k**	
Deyeuxia quadriseta	Reed Bent-grass	Large Tufted Graminoid	Y	C		
Dianella admixta	Black-anther Flax-lily	Medium to Small Tufted Graminoid	Y	C		
Dianella laevis	Smooth Flax-lily	Medium to Small Tufted Graminoid	Y	C		
Dianella sp. aff. longifolia (Benambra)	Arching Flax-lily	Medium to Small Tufted Graminoid	Y		**v**	
Dianella tasmanica	Tasman Flax-lily	Medium to Small Tufted Graminoid	Y	C		
Dichelachne crinita	Long-hair Plume-grass	Medium to Small Tufted Graminoid	Y	C		
Dichelachne hirtella	Hairy Plume-grass	Medium to Small Tufted Graminoid	Y	C		
Dichelachne micrantha	Small-seed Plume-grass	Medium to Small Tufted Graminoid	Y			
Dichelachne rara	Common Plume-grass	Medium to Small Tufted Graminoid	Y	C		
Dichelachne sieberiana	Rough Plume-grass	Medium to Small Tufted Graminoid	Y	C		
Dichondra repens	Kidney-weed	Small or Prostrate Herb	Y	C		
Dicksonia antarctica	Soft Tree-fern	Tree Fern		C		
Dillwynia cinerascens s.s.	Grey Parrot-pea	Small Shrub	Y	C		
Dillwynia phylicoides	Small-leaf Parrot-pea	Small Shrub	Y	C		
Dipodium roseum s.s.	Rosy Hyacinth-orchid	Large Herb	Y	C		
Diuris chryseopsis	Golden Moths	Medium Herb	Y	C		
Diuris chryseopsis X pardina		Medium Herb		C		N
Diuris orientis	Wallflower Orchid	Medium Herb	Y	C		
Diuris pardina	Leopard Orchid	Medium Herb	Y	C		
Diuris pardina X sulphurea		Medium Herb		C		N
Diuris sulphurea	Tiger Orchid	Medium Herb	Y	C		
Diuris X palachila	Broad-lip Diuris	Medium Herb		C		N
Doodia australis	Common Rasp-fern	Ground Fern	Y	C		
Doodia caudata	Small Rasp-fern	Ground Fern	Y			
Drosera aberrans	Scented Sundew	Small or Prostrate Herb	Y	C		T
Drosera auriculata	Tall Sundew	Medium Herb	Y	C		T
Drosera macrantha	Climbing Sundew	Scrambler or Climber	Y	C		
Drosera pygmaea	Tiny Sundew	Small or Prostrate Herb	Y			
Dysphania pumilio	Clammy Goosefoot	Medium Herb	Y	C		T
Echinopogon ovatus	Common Hedgehog-grass	Medium-Tiny Non-Tufted Graminoid	Y	C		
Einadia nutans subsp. nutans	Nodding Saltbush	Medium Herb	Y			
Elatine gratioloides	Waterwort	Small or Prostrate Herb	Y	C		
Eleocharis acuta	Common Spike-sedge	Medium-Tiny Non-Tufted Graminoid	Y	C		
Eleocharis sphacelata	Tall Spike-sedge	Large Non-Tufted Graminoid	Y	C		
Elymus scaber var. scaber	Common Wheat-grass	Medium to Small Tufted Graminoid	Y	C		
Epacris impressa	Common Heath	Medium Shrub	Y	C		
Epilobium billardierianum subsp. cinereum	Grey Willow-herb	Large Herb	Y	C		
Epilobium hirtigerum	Hairy Willow-herb	Large Herb	Y	C		
Eragrostis brownii	Common Love-grass	Medium to Small Tufted Graminoid	Y	C		
Eriobotrya japonica						

Eriochilus cucullatus	Parson's Bands	Medium Herb	Y	C			
Eucalyptus dives	Broad-leaf Peppermint	Understorey Tree or Large Shrub	Y	C			
Eucalyptus goniocalyx s.l.	Bundy	Understorey Tree or Large Shrub	Y	C			
Eucalyptus macrorhyncha	Red Stringybark	Understorey Tree or Large Shrub	Y	C			
Eucalyptus melliodora	Yellow Box	Understorey Tree or Large Shrub	Y	C			
Eucalyptus obliqua	Messmate Stringybark	Understorey Tree or Large Shrub	Y	C			
Eucalyptus ovata var. ovata	Swamp Gum	Understorey Tree or Large Shrub	Y	C			
Eucalyptus polyanthemos subsp. vestita	Red Box	Understorey Tree or Large Shrub	Y	C			
Eucalyptus radiata subsp. radiata	Narrow-leaf Peppermint	Understorey Tree or Large Shrub	Y	C			
Eucalyptus rubida	Candlebark	Understorey Tree or Large Shrub	Y	C			
Eucalyptus tricarpa subsp. tricarpa	Red Ironbark	Understorey Tree or Large Shrub	Y	C			
Eucalyptus viminalis subsp. viminalis	Manna Gum	Understorey Tree or Large Shrub	Y	C			
Eucalyptus yarraensis	Yarra Gum	Understorey Tree or Large Shrub	Y		r		
Euchiton involucratus s.s.	Star Cudweed	Medium Herb	Y	C			
Euchiton japonicus s.s.	Creeping Cudweed	Medium Herb	Y	C		T	
Euchiton sphaericus	Annual Cudweed	Medium Herb	Y	C			
Exocarpos cupressiformis	Cherry Ballart	Understorey Tree or Large Shrub	Y	C			
FAM. Asteraceae	Composite	Medium Herb					
FAM. Characeae	Stonewort	Small or Prostrate Herb					
Gahnia radula	Thatch Saw-sedge	Large Tufted Graminoid	Y	C			
Gahnia sieberiana	Red-fruit Saw-sedge	Large Tufted Graminoid	Y				
Galium binifolium	Reflexed Bedstraw	Medium Herb	Y	C			
Galium gaudichaudii	Rough Bedstraw	Medium Herb	Y	C			
Galium propinquum	Maori Bedstraw	Small or Prostrate Herb	Y	C			
Gastrodia sesamoides s.s.	Cinnamon Bells	Small or Prostrate Herb	Y			N	
Gentianella polysperes	Early Forest-gentian	Medium Herb		C	r		
Geranium gardneri	Rough Crane's-bill	Medium Herb	Y	C			
Geranium homeanum	Rainforest Crane's-bill	Large Herb	Y	C			
Geranium potentilloides var. potentilloides	Soft Crane's-bill	Medium Herb	Y	C			
Geranium sp. 14	Valley Crane's-bill	Medium Herb	Y			N	
Geranium sp. 2	Variable Crane's-bill	Medium Herb	Y	C			
Glossodia major	Wax-lip Orchid	Medium Herb	Y	C			
Glossostigma elatinoides	Small Mud-mat	Small or Prostrate Herb	Y				
Glyceria australis	Australian Sweet-grass	Medium to Small Tufted Graminoid	Y	C			
Glycine clandestina	Twining Glycine	Scrambler or Climber	Y	C			
Glycine microphylla	Small-leaf Glycine	Scrambler or Climber	Y	C			
Gnaphalium indutum	Tiny Cudweed	Medium Herb	Y	C			
Gompholobium huegelii	Common Wedge-pea	Small Shrub	Y	C			
Gonocarpus humilis	Shade Raspwort	Medium Herb	Y				
Gonocarpus tetragynus	Common Raspwort	Medium Herb	Y	C			
Goodenia blackiana	Black's Goodenia	Medium Herb		C			
Goodenia elongata	Lanky Goodenia	Medium Herb	Y	C			
Goodenia geniculata	Bent Goodenia	Medium Herb	Y				
Goodenia ovata	Hop Goodenia	Medium Shrub	Y	C			
Goodia lotifolia var. lotifolia	Common Golden-tip	Medium Shrub	Y	C			
Gratiola peruviana	Austral Brooklime	Medium Herb	Y	C			
Gratiola pubescens	Glandular Brooklime	Medium Herb	Y	C			
Grevillea rosmarinifolia subsp. rosmarinifolia	Rosemary Grevillea	Medium Shrub	Y		r	T	
Gynatrix pulchella s.s.	Hemp Bush	Medium Shrub	Y	C			
Hakea decurrens subsp. physocarpa	Bushy Needlewood	Medium Shrub	Y	C			

Hardenbergia violacea	Purple Coral-pea	Scrambler or Climber	Y	C			
Helichrysum luteoalbum	Jersey Cudweed	Medium Herb	Y	C			T
Hemarthria uncinata var. uncinata	Mat Grass	Medium-Tiny Non-Tufted Graminoid	Y	C			
Hibbertia porcata	Stalked Guinea-flower	Small Shrub		C		e	T
Histiopteris incisa	Bat's Wing Fern	Ground Fern	Y	C			
Hookerochloa hookeriana	Hooker Fescue	Medium to Small Tufted Graminoid		C			T
Hovea heterophylla	Common Hovea	Small Shrub	Y	C			
Hydrocotyle callicarpa	Small Pennywort	Medium Herb	Y	C			
Hydrocotyle foveolata	Yellow Pennywort	Medium Herb	Y	C			
Hydrocotyle hirta	Hairy Pennywort	Medium Herb	Y	C			
Hydrocotyle laxiflora	Stinking Pennywort	Small or Prostrate Herb	Y	C			
Hydrocotyle pterocarpa	Wing Pennywort	Medium Herb	Y				
Hydrocotyle sibthorpioides	Shining Pennywort	Small or Prostrate Herb	Y	C			
Hydrocotyle tripartita	Slender Pennywort	Small or Prostrate Herb	Y	C			
Hymenophyllum cupressiforme	Common Filmy-fern	Epiphyte	Y				
Hypericum japonicum	Matted St John's Wort	Small or Prostrate Herb	Y	C			
Hypericum spp. agg. gramineum	Small St John's Wort	Medium Herb	Y	C			T
Hypnum cupressiforme var. lacunosum	Great Plait-moss	Small or Prostrate Herb					
Hypolepis rugosula	Ruddy Ground-fern	Ground Fern	Y	C			
Hypoxis glabella var. glabella	Tiny Star	Medium Herb	Y				
Hypoxis vaginata var. vaginata	Yellow Star	Medium Herb	Y	C			
Imperata cylindrica	Blady Grass	Medium to Small Tufted Graminoid	Y	C			
Indigofera australis	Austral Indigo	Medium Shrub	Y	C			
Isolepis cernua var. platycarpa	Broad-fruit Club-sedge	Medium to Small Tufted Graminoid	Y	C			
Isolepis fluitans	Floating Club-sedge	Medium to Small Tufted Graminoid	Y	C			
Isolepis hookeriana	Grassy Club-sedge	Medium to Small Tufted Graminoid	Y				
Isolepis inundata	Swamp Club-sedge	Medium to Small Tufted Graminoid	Y	C			
Isolepis marginata	Little Club-sedge	Tiny Tufted Graminoid	Y	C			
Isotoma fluviatilis subsp. australis	Swamp Isotome	Small or Prostrate Herb	Y				
Juncus amabilis	Hollow Rush	Medium to Small Tufted Graminoid	Y	C			
Juncus bufonius	Toad Rush	Medium to Small Tufted Graminoid	Y	C			
Juncus gregiflorus	Green Rush	Large Tufted Graminoid	Y	C			
Juncus holoschoenus	Joint-leaf Rush	Medium to Small Tufted Graminoid	Y	C			
Juncus homalocaulis	Wiry Rush	Medium to Small Tufted Graminoid	Y				N
Juncus pallidus	Pale Rush	Large Tufted Graminoid	Y	C			
Juncus pauciflorus	Loose-flower Rush	Medium to Small Tufted Graminoid	Y	C			
Juncus planifolius	Broad-leaf Rush	Medium to Small Tufted Graminoid	Y	C			
Juncus prismatocarpus	Branching Rush	Medium to Small Tufted Graminoid	Y	C			
Juncus procerus	Tall Rush	Large Tufted Graminoid	Y				
Juncus sarophorus	Broom Rush	Large Tufted Graminoid	Y	C			
Juncus subsecundus	Finger Rush	Medium to Small Tufted Graminoid	Y	C			
Juncus vaginatus	Clustered Rush	Large Tufted Graminoid	Y				
Kennedia prostrata	Running Postman	Small or Prostrate Herb	Y	C			
Kunzea leptospermoides	Yarra Burgan	Medium Shrub	Y	C		k	T
Kunzea sp. (Upright form)	Forest Burgan	Medium Shrub					T
Lachnagrostis aemula s.s.	Leafy Blown-grass	Medium to Small Tufted Graminoid		C			
Lachnagrostis filiformis s.s.	Common Blown-grass	Medium to Small Tufted Graminoid	Y	C			
Lagenophora gracilis	Slender Bottle-daisy	Medium Herb	Y	C			
Lagenophora stipitata	Common Bottle-daisy	Medium Herb	Y	C			
Lemna disperma	Common Duckweed	Small or Prostrate Herb	Y	C			

Lepidosperma elatius	Tall Sword-sedge	Large Tufted Graminoid	Y	C		
Lepidosperma gunnii	Slender Sword-sedge	Medium to Small Tufted Graminoid	Y	C		
Lepidosperma laterale var. laterale	Variable Sword-sedge	Medium to Small Tufted Graminoid	Y	C		
Leptoceras menziesii	Hare Orchid	Medium Herb	Y	C		
Leptorhynchos squamatus subsp. squamatus	Scaly Buttons	Medium Herb	Y	C		
Leptorhynchos tenuifolius	Wiry Buttons	Large Herb	Y	C		
Leptospermum continentale	Prickly Tea-tree	Medium Shrub	Y	C		
Leptospermum lanigerum	Woolly Tea-tree	Medium Shrub	Y			
Leptospermum obovatum	River Tea-tree	Medium Shrub	Y			
Leucochrysum albicans ssp albicans var albicans	Hoary Sunray	Medium Herb	Y	C		
Leucopogon virgatus var. virgatus	Common Beard-heath	Small Shrub	Y	C		
Levenhookia dubia	Hairy Stylewort	Medium Herb	Y	C		
Levenhookia sonderi	Slender Stylewort	Small or Prostrate Herb	Y		r	
Lilaeopsis polyantha	Australian Lilaeopsis	Medium Herb	Y			
Lindsaea linearis	Screw Fern	Ground Fern		C		
Linum marginale	Native Flax	Large Herb	Y	C		
Lobelia anceps	Angled Lobelia	Medium Herb	Y	C		
Lobelia pedunculata s.l.	Matted Pratia	Small or Prostrate Herb	Y			
Lomandra filiformis subsp. coriacea	Wattle Mat-rush	Medium to Small Tufted Graminoid	Y	C		
Lomandra filiformis subsp. filiformis	Wattle Mat-rush	Medium to Small Tufted Graminoid	Y	C		
Lomandra longifolia subsp. exilis	Cluster-headed Mat-rush	Large Tufted Graminoid		C		N
Lomandra longifolia subsp. longifolia	Spiny-headed Mat-rush	Large Tufted Graminoid	Y	C		
Lomandra multiflora subsp. multiflora	Many-flowered Mat-rush	Medium to Small Tufted Graminoid	Y	C		
Lomatia myricoides	River Lomatia	Medium Shrub	Y			
Luzula meridionalis var. densiflora	Common Woodrush	Medium to Small Tufted Graminoid	Y	C		
Luzula meridionalis var. flaccida	Common Woodrush	Medium to Small Tufted Graminoid	Y	C		
Luzula meridionalis var. meridionalis	Common Woodrush	Medium to Small Tufted Graminoid	Y	C		
Lycopus australis	Australian Gipsywort	Large Herb	Y			
Lythrum hyssopifolia	Small Loosestrife	Medium Herb	Y	C		
Mazus pumilio	Swamp Mazus	Medium Herb	Y			
Melaleuca ericifolia	Swamp Paperbark	Medium Shrub	Y	C		
Melicytus dentatus s.s.	Tree Violet	Medium Shrub	Y	C		T
Mentha australis	River Mint	Medium Herb	Y	C		
Mentha diemenica	Slender Mint	Medium Herb	Y	C		
Microlaena stipoides var. stipoides	Weeping Grass	Medium-Tiny Non-Tufted Graminoid	Y	C		
Microseris sp. 3	Yam Daisy	Large Herb	Y	C		
Microtis arenaria	Notched Onion-orchid	Large Herb	Y			
Microtis parviflora	Slender Onion-orchid	Medium Herb	Y	C		
Microtis unifolia	Common Onion-orchid	Large Herb	Y	C		
Montia australasica	White Purslane	Small or Prostrate Herb	Y	C		T
Montia fontana	Water Blinks	Medium Herb	Y	C		
Muellerina eucalyptoides	Creeping Mistletoe	Epiphyte		C		
Myosotis australis	Austral Forget-me-not	Medium Herb	Y			
Myriophyllum crispatum	Upright Water-milfoil	Large Herb	Y	C		
Myriophyllum simulans	Amphibious Water-milfoil	Medium Herb	Y			
Myriophyllum variifolium	Varied Water-milfoil	Medium Herb	Y			
Myrsine howittiana	Mutton-wood	Understorey Tree or Large Shrub	Y			T
Notodanthonia semiannularis	Wetland Wallaby-grass	Medium to Small Tufted Graminoid	Y	C		
Olearia argophylla	Musk Daisy-bush	Understorey Tree or Large Shrub	Y	C		
Olearia lirata	Snowy Daisy-bush	Medium Shrub	Y	C		

Olearia myrsinoides	Silky Daisy-bush	Small Shrub	Y	C				
Opercularia ovata	Broad-leaf Stinkweed	Small or Prostrate Herb	Y	C				
Opercularia varia	Variable Stinkweed	Small or Prostrate Herb	Y	C				
Ophioglossum lusitanicum	Austral Adder's-tongue	Medium Herb	Y					
Ottelia ovalifolia subsp. ovalifolia	Swamp Lily	Medium Herb	Y	C				
Oxalis exilis	Shady Wood-sorrel	Small or Prostrate Herb	Y	C				
Oxalis exilis/perennans	Shady/Grassland Wood-sorrel	Small or Prostrate Herb	Y	C				
Oxalis perennans	Grassland Wood-sorrel	Medium Herb	Y	C				
Ozothamnus ferrugineus	Tree Everlasting	Medium Shrub	Y	C				
Ozothamnus obcordatus	Grey Everlasting	Medium Shrub	Y	C				
Pandorea pandorana	Wonga Vine	Scrambler or Climber	Y	C				
Parietaria debilis s.s.	Shade Pellitory	Medium Herb	Y					
Pelargonium australe	Austral Stork's-bill	Large Herb	Y					
Pelargonium inodorum	Kopata	Medium Herb	Y					
Pellaea falcata s.s.	Sickle Fern	Ground Fern	Y	C				
Pentapogon quadrifidus var. quadrifidus	Five-awned Spear-grass	Medium to Small Tufted Graminoid	Y	C				
Persicaria decipiens	Slender Knotweed	Large Herb	Y	C				
Persicaria hydropiper	Water Pepper	Large Herb	Y					
Persicaria lapathifolia	Pale Knotweed	Large Herb	Y					
Persicaria praetermissa	Spotted Knotweed	Large Herb	Y					
Persicaria prostrata	Creeping Knotweed	Medium Herb	Y	C				
Persicaria subsessilis	Hairy Knotweed	Large Herb	Y					
Pheladenia deformis	Bluebeard Orchid	Medium Herb		C				T
Phragmites australis	Common Reed	Large Non-Tufted Graminoid	Y	C				
Pimelea curviflora s.s.	Curved Rice-flower	Medium Shrub	Y					
Pimelea humilis	Common Rice-flower	Small Shrub	Y	C				
Pimelea linifolia subsp. linifolia	Slender Rice-flower	Medium Shrub	Y	C				
Plantago debilis	Shade Plantain	Medium Herb	Y	C				
Plantago varia	Variable Plantain	Medium Herb	Y	C				
Platylobium montanum subsp. prostratum	Mountain Flat-pea	Prostrate Shrub	Y	C		**k**		T
Poa ensiformis	Sword Tussock-grass	Medium to Small Tufted Graminoid	Y	C				
Poa labillardierei var. labillardierei	Common Tussock-grass	Medium to Small Tufted Graminoid	Y	C				
Poa morrisii	Soft Tussock-grass	Medium to Small Tufted Graminoid	Y	C				
Poa sieberiana var. hirtella	Grey Tussock-grass	Medium to Small Tufted Graminoid	Y					
Poa sieberiana var. sieberiana	Grey Tussock-grass	Medium to Small Tufted Graminoid	Y	C				
Poa tenera	Slender Tussock-grass	Medium-Tiny Non-Tufted Graminoid	Y	C				
Podolepis jaceoides s.s.	Showy Podolepis	Large Herb	Y					
Polyscias sambucifolia subsp. 3	Mountain Panax	Medium Shrub	Y					
Polystichum proliferum	Mother Shield-fern	Ground Fern	Y	C				
Polytrichum juniperinum	Juniper Haircap	Small or Prostrate Herb	Y	C				
Pomaderris aspera	Hazel Pomaderris	Understorey Tree or Large Shrub	Y	C				
Pomaderris elliptica var. elliptica	Smooth Pomaderris	Medium Shrub	Y					
Pomaderris lanigera	Woolly Pomaderris	Medium Shrub	Y	C				
Pomaderris prunifolia var. prunifolia	Prunus Pomaderris	Medium Shrub	Y	C				
Pomaderris racemosa	Cluster Pomaderris	Medium Shrub	Y					
Poranthera microphylla s.s.	Small Poranthera	Medium Herb	Y	C				
Potamogeton cheesemanii	Red Pondweed	Medium Herb	Y	C				
Potamogeton crispus	Curly Pondweed	Medium Herb	Y					
Potamogeton ochreatus	Blunt Pondweed	Medium Herb	Y	C				
Prasophyllum brevilabre	Short-lip Leek-orchid	Medium Herb		C				

Prostanthera lasianthos var. lasianthos	Victorian Christmas-bush	Medium Shrub	Y	C		
Pteridium esculentum	Austral Bracken	Ground Fern	Y	C		
Pteris tremula	Tender Brake	Ground Fern	Y	C		
Pterostylis alpina s.s.	Mountain Greenhood	Medium Herb	Y	C		
Pterostylis atrans	Dark-tip Greenhood	Medium Herb	Y			N
Pterostylis concinna	Trim Greenhood	Medium Herb	Y	C		
Pterostylis curta	Blunt Greenhood	Medium Herb	Y	C		
Pterostylis foliata	Slender Greenhood	Medium Herb		C		
Pterostylis melagramma	Tall Greenhood	Large Herb	Y	C		X
Pterostylis nana	Dwarf Greenhood	Medium Herb	Y	C		
Pterostylis nutans	Nodding Greenhood	Medium Herb	Y	C		
Pterostylis parviflora s.s.	Tiny Greenhood	Medium Herb	Y	C		
Pterostylis pedunculata	Maroonhood	Medium Herb	Y	C		
Pterostylis smyargyma	Emerald-lip Greenhood	Medium Herb		C	r	T
Pterostylis sp. aff. parviflora (Southern Vic.)	Red-tip Greenhood	Medium Herb		C	r	
Pterostylis sp. aff. plumosa (Woodland)	Woodland Plume-orchid	Medium Herb		C	r	
Pterostylis sp. aff. revoluta	Large Autumn Greenhood	Medium Herb	Y	C		N
Pterostylis squamata	Common Ruddyhood	Medium Herb	Y	C		T
Pultenaea gunnii subsp. gunnii	Golden Bush-pea	Medium Shrub	Y	C		
Ranunculus amphitrichus	Small River Buttercup	Small or Prostrate Herb	Y	C		
Ranunculus glabrifolius	Shining Buttercup	Medium Herb	Y	C		
Ranunculus inundatus	River Buttercup	Medium Herb	Y	C		
Ranunculus lappaceus	Australian Buttercup	Medium Herb	Y	C		
Ranunculus pumilio var. pumilio	Ferny Small-flower Buttercup	Medium Herb	Y	C		
Ranunculus sessiliflorus var. sessiliflorus	Annual Buttercup	Medium Herb	Y	C		
Riccia bifurca	Lizard Crystalwort	Small or Prostrate Herb				
Rosulabryum billarderi	Common Thread-moss	Small or Prostrate Herb				
Rosulabryum spp.	Thread Moss	Small or Prostrate Herb				
Rubus parvifolius	Small-leaf Bramble	Scrambler or Climber	Y	C		
Rumex brownii	Slender Dock	Medium Herb	Y	C		
Rytidosperma erianthum	Hill Wallaby-grass	Medium to Small Tufted Graminoid	Y	C		T
Rytidosperma fulvum	Copper-awned Wallaby-grass	Medium to Small Tufted Graminoid	Y	C		T
Rytidosperma geniculatum	Kneed Wallaby-grass	Medium to Small Tufted Graminoid	Y	C		T
Rytidosperma laeve	Smooth Wallaby-grass	Medium to Small Tufted Graminoid	Y			T
Rytidosperma pallidum	Silvertop Wallaby-grass	Large Tufted Graminoid	Y	C		T
Rytidosperma penicillatum	Weeping Wallaby-grass	Medium to Small Tufted Graminoid	Y	C		T
Rytidosperma pilosum	Velvet Wallaby-grass	Medium to Small Tufted Graminoid	Y	C		T
Rytidosperma racemosum var. racemosum	Slender Wallaby-grass	Medium to Small Tufted Graminoid	Y	C		T
Rytidosperma setaceum var. setaceum	Bristly Wallaby-grass	Medium to Small Tufted Graminoid	Y	C		T
Rytidosperma tenuius	Purplish Wallaby-grass	Medium to Small Tufted Graminoid	Y	C		T
Sambucus gaudichaudiana	White Elderberry	Medium Herb	Y	C		
Schoenoplectus tabernaemontani	River Club-sedge	Large Non-Tufted Graminoid	Y			
Schoenus apogon	Common Bog-sedge	Medium to Small Tufted Graminoid	Y	C		
Schoenus maschalinus	Leafy Bog-sedge	Medium to Small Tufted Graminoid	Y	C		
Sebaea ovata	Yellow Sebaea	Medium Herb	Y	C		
Senecio campylocarpus	Floodplain Fireweed	Large Herb	Y		r	
Senecio glomeratus	Annual Fireweed	Large Herb	Y	C		
Senecio hispidulus s.s.	Rough Fireweed	Large Herb	Y	C		
Senecio linearifolius	Fireweed Groundsel	Large Herb				
Senecio linearifolius var. denticulatus	Fireweed Groundsel (eastern var.)	Large Herb	Y			

Senecio minimus	Shrubby Fireweed	Large Herb	Y	C			
Senecio odoratus	Scented Groundsel	Large Herb	Y				
Senecio phelleus	Stony Fireweed	Large Herb	Y	C			
Senecio pinnatifolius	Variable Groundsel	Large Herb	Y				
Senecio prenanthoides	Beaked Fireweed	Medium Herb	Y	C			
Senecio quadridentatus	Cotton Fireweed	Large Herb	Y	C			
Siloxerus multiflorus	Small Wrinklewort	Small or Prostrate Herb	Y	C			
Solanum laciniatum	Large Kangaroo Apple	Medium Shrub	Y	C			
Solanum prinophyllum	Forest Nightshade	Medium Herb	Y	C			
Solenogyne dominii	Smooth Solenogyne	Small or Prostrate Herb	Y	C			
Spiranthes australis	Austral Ladies' Tresses	Medium Herb	Y				
Spyridium parvifolium	Dusty Miller	Medium Shrub	Y	C			
Stackhousia monogyna	Creamy Stackhousia	Medium Herb	Y	C			
Stellaria angustifolia	Swamp Starwort	Medium Herb		C			
Stellaria caespitosa	Matted Starwort	Medium Herb	Y				
Stellaria flaccida	Forest Starwort	Medium Herb	Y	C			
Stellaria pungens	Prickly Starwort	Medium Herb	Y	C			
Stuartina muelleri	Spoon Cudweed	Medium Herb	Y	C			
Stylidium armeria subsp. armeria	Common Triggerplant	Medium to Small Tufted Graminoid	Y	C			T
Stylidium graminifolium s.s.	Grass Triggerplant	Medium to Small Tufted Graminoid	Y				T
Tetrarrhena distichophylla	Hairy Rice-grass	Medium-Tiny Non-Tufted Graminoid	Y				
Tetrarrhena juncea	Forest Wire-grass	Large Non-Tufted Graminoid		C			
Tetratheca ciliata	Pink-bells	Small Shrub	Y				
Thelymitra arenaria	Forest Sun-orchid	Medium Herb	Y				
Thelymitra brevifolia	Peppertop Sun-orchid	Medium Herb	Y	C			
Thelymitra flexuosa	Twisted Sun-orchid	Medium Herb		C			
Thelymitra ixioides s.s.	Spotted Sun-orchid	Large Herb	Y	C			
Thelymitra juncifolia	Rush-leaf Sun-orchid	Medium Herb		C			
Thelymitra media s.s.	Tall Sun-orchid	Large Herb	Y	C			
Thelymitra pauciflora s.s.	Slender Sun-orchid	Medium Herb	Y	C			
Thelymitra peniculata	Trim Sun-orchid	Medium Herb					
Thelymitra rubra	Salmon Sun-orchid	Medium Herb	Y	C			
Themeda triandra	Kangaroo Grass	Medium to Small Tufted Graminoid	Y	C			
Thuidiopsis spp.	Weft Moss		Y	C			
Thysanotus patersonii	Twining Fringe-lily	Scrambler or Climber	Y	C			
Thysanotus tuberosus	Common Fringe-lily	Medium Herb	Y				
Tricoryne elatior	Yellow Rush-lily	Large Herb	Y	C			
Triglochin procera s.l.	Common Water-ribbons	Large Tufted Graminoid	Y				
Triglochin striata	Streaked Arrowgrass	Large Tufted Graminoid	Y	C			N
Triptilodiscus pygmaeus	Common Sunray	Medium Herb		C			
Typha domingensis	Narrow-leaf Cumbungi	Large Herb	Y	C			
Typha orientalis	Broad-leaf Cumbungi	Large Herb	Y	C			
Urtica incisa	Scrub Nettle	Large Herb	Y	C			
Utricularia australis	Yellow Bladderwort	Medium Herb	Y	C			
Vallisneria americana var. americana	Eel Grass	Medium Herb	Y				
Velleia paradoxa	Spur Velleia	Medium Herb	Y				
Veronica calycina	Hairy Speedwell	Medium Herb	Y	C			
Veronica gracilis	Slender Speedwell	Large Herb	Y	C			
Veronica plebeia	Trailing Speedwell	Medium Herb	Y	C			
Viola betonicifolia subsp. betonicifolia	Showy Violet	Medium Herb	Y				

Viola hederacea sensu Entwisle (1996)	Ivy-leaf Violet	Medium Herb	Y	C		
Vittadinia muelleri	Narrow-leaf New Holland Daisy	Medium Herb		C		
Wahlenbergia communis s.l.	Tufted Bluebell	Large Herb				
Wahlenbergia gracilenta s.s.	Hairy Annual-bluebell	Medium Herb	Y	C		
Wahlenbergia gracilis	Sprawling Bluebell	Large Herb	Y	C		
Wahlenbergia graniticola s.l.	Granite Bluebell	Large Herb	Y	C		
Wahlenbergia multicaulis	Branching Bluebell	Large Herb				
Wahlenbergia stricta subsp. stricta	Tall Bluebell	Large Herb	Y	C		
Wurmbea dioica subsp. dioica	Common Early Nancy	Medium Herb	Y	C		
Xanthorrhoea minor subsp. lutea	Small Grass-tree	Large Tufted Graminoid	Y	C		
Xanthosia dissecta s.l.	Cut-leaf Xanthosia	Prostrate Shrub				
Xanthosia tridentata	Hill Xanthosia	Small Shrub				
Xerochrysum viscosum	Shiny Everlasting	Large Herb	Y			

DEFINITIONS

Origin: Taxa are indigenous to the Bend of Islands unless noted as follows: -

***** Naturalised exotic (introduced) taxa

Taxa treated as alien within the Bend of Islands (a Victorian native that has extended its geographical range of distribution beyond its known or suspected original distribution)

Scientific Name: Scientific or botanical name

Common Name: Common, English or vernacular name (as per the Victorian Biodiversity Atlas (DEPI, 2014).

Life form: Growth habit (as per the Victorian Biodiversity Atlas (DEPI, 2014).

Yarra Sector: All of the Bend of Islands south of the powerline easement

Co-op Sector: All of the Bend of Islands north of the powerline easement (roughly equivalent to the land comprising the Round the Bend Conservation Co-operative)

STATUS: Nominated on the DELWP Advisory List (previously known as Victorian Rare or Threatened Taxa (VROT)). Although there are no direct legal requirements that flow from inclusion of a species in the advisory list, taxa assessed as rare, threatened or endangered are considered through the native vegetation planning permit.

e Endangered in Victoria: at risk of disappearing from the wild state if present land use and other casual factors continue to operate

v Vulnerable in Victoria: not presently endangered but likely to become so soon due to continued depletion; occurring mainly on sites likely to experience changes in land-use which would threaten the survival of the plant in the wild; or. Taxa whose total population is so small that the likelihood of recovery from disturbance, including localised natural events such as drought, fire or landslip, is doubtful

r Rare is Victoria: rare but not considered otherwise threatened - there are relatively few known populations or the taxon is restricted to a relatively small area.

k poorly known is Victoria: poorly known or suspected, but not definitely known, to belong to one of the above categories (e, v or r) within Victoria. At present, accurate distribution information is inadequate.

Revision: Taxa which are new records for the Bend of Islands or have undergone taxonomic revision since 2012

T Recent taxonomic changes

N New record for the Bend of Islands

B.I.C.A. Bend of Islands Conservation Association Inc.
PO Box 37 Kangaroo Ground Vic. 3097
Inc No. A11100

SUBMISSION TO NILLUMBIK SHIRE COUNCIL RE 2021 Bend of Islands Local Law 4/12/2021

INTRODUCTION

This submission has been prepared by the Bend of Islands Conservation Association (BICA). This association was established by the community in 1966. Its main objectives being

- the preservation and enhancement of the biodiversity of native flora and fauna within this area of natural beauty, consistent with essential community needs including fire precaution
- promotion of community understanding of the local ecology
- to work with other organisations with aims consistent with these objectives and to act for and on behalf of members in negotiations with public authorities and other organisations.

Our membership includes more than 70% of the landowners in the Bend of Islands

The notion of Residential Conservation was achieved for the area through the establishment of the initial Environmental Living Zone in the Shire of Healesville (SoH) IDO 1976, (ELZ) which was later converted to the current **Special Use Zone 2 – Environmental Living – Bend of Islands** (ELZ or SUZ2), when the area was incorporated into the Shire of Nillumbik (SoN) in 1993.

BICA thanks Council for its efforts in the preparation of the 2021 Bend of Islands Local Law. We support its introduction to facilitate more effective implementation of the SUZ2 planning provisions which have been specifically designed to protect our unique concept of Residential Conservation.

COMMENTS ON ISSUES RELATING TO THE BEND OF ISLANDS LOCAL LAW

1. No changes to be made to the SUZ2 provisions or wording.

It is very important that the clauses of SUZ2, relating to Domestic Pets & Livestock, and other issues included in the Local Law, will not be removed from the SUZ2.
These provisions are fundamental to the intent/objectives of the SUZ2, are clearly articulated within the current provisions of the SUZ2. They need to remain unchanged in the SUZ2

2. Animal Restrictions in the Bend of Islands

The Animal Restrictions are fundamental to the very basis and intent of the ELZ and this has been well known to all residents since 1976.

The following brief outline of the history shows that the administration of these restrictions has been the subject of several high-level reviews since their introduction in 1976.

- The ELZ was introduced in **1976** as part of the Shire of Healesville IDO.
- In **1976** MMBW, the planning authority at the time, held a public meeting in Kangaroo Ground to discuss the proposed ELZ. This was supported by BICA which represented the overwhelming majority of the local residents and landowners.
- In **1976**, when the ELZ was introduced to the SoH IDO, all residents knew that they could no longer have domestic pets unless they had an existing NCUR and, since then, the scheme has been effectively administered on this basis.

- **1982** SoH IDO was gazetted
- **1982** Ministry of Planning and Environment (MPE) set up a Study Group, to monitor the effectiveness of the current ELZ controls
- **1984** Amendment 22 to Soh IDO looked at NCUR's for cleared properties – Panel recommended a NCURs Register
- **1986** MPE Study Group, recommended SoH creates a NCURs Register
- **~1986** SoH established a NCURs Register
- **~1988** SoH introduced its 'new format' Planning Scheme which included the ELZ and a NCURs Register
- **~1993** Change of Shire - BoI and ELZ to SoN – SoN transferred the 1993 SoH NCURs Register to its SUZ2 Planning Scheme provisions for the ELZ as Register of Non-conforming Uses-Animals in the SUZ2

This history involves numerous public consultations with all residents of the BoI as well as critical reviews and assessments of the administration of the Animal Restrictions and the creation of a Non-conforming Use Rights Register to facilitate the effective and transparent management of these by the Responsible Authority.

The overwhelming majority of BoI residents are passionate about the area, including the special Planning Provisions that have been designed to protect its environment whilst allowing residential occupation. The community will be outraged if any new rights to have domestic pets were granted after the scheme has been administered, as it has always been intended, for the last 40+ years.

3. Proposed Amendments to Clauses of the Draft Local Law

- **Clause e) and definition - regarding assistance animal**
  We agree that people who genuinely need assistance animals should be able to have them, and we have cooperated with the Shire and the community when this issue has arisen. However, the ELZ is a special area and it is appropriate that the following restrictions should be included: -
  - **The animal shall be 'indoor- animal'**
    - **kept indoors or in a small secure pen adjoining the residence**
    - **not allowed to roam freely on the property**
  - **The animal should not be exercised in outdoor areas within the BoI**,

    This will minimise the following issues: -
    - effects on wildlife, (any predator moving through an area will affect wildlife)
    - difficulties when owner is challenged, by other residents, for walking a dog in the ELZ
    - compromising the privacy of the owner, which we see as an important issue

    There are a number of precedents for application of these restrictions in the BoI. In the one case where the assistance animal is being exercised in the BoI, residents have challenged the owner walking the dog, as it is not obvious that it's a companion animal. Due to privacy considerations, general advice cannot be issued to the community regarding the assistance dog. This exacerbates the problem.
- **Clause f)**
  currently lawfully being kept on the ***land*** needs to be qualified with: -
  , as listed on the Register of Non-conforming Uses-Animals in the SUZ2'

  We strongly believe that administration of NCUR's, by reference to the Register, is a robust process that has operated over many years and achieves the intent/objectives of the ELZ

4. Other Provisions to be included in the Bend of Islands Local Law

- **Prohibition of Planting of Vegetation except for vegetation 'indigenous to the area'.**

Part of Section 5 of the SUZ2 prohibits planting in the BoI, except for vegetation indigenous to the area', except in Kitchen Gardens that are well defined.
There have been many instances of non-native plantings, as well as plants that are native to Australia, but not indigenous to the area'. This can be detrimental to the environmental integrity of the area and diminishes its high level of natural biodiversity.

Enforcement of this prohibition would be much easier, if it were included in the Local Law.

The concept of plants being 'indigenous to the area' can be confusing for new comers, however BICA has a comprehensive list of the **Plants indigenous to Bend of Islands.**
This list is attached with this submission, and should be either referred to, or attached to, the Local Law.

The status of this list is as follows

> Since the 1970s, numerous plant surveys have been carried out in Bend of Islands by various botanists and enthusiastic local naturalists. Given the diversity of sources and the time span over which the lists were compiled, in 2003 David Cameron, the Senior Botanist, Flora Database Curator & Threatened Species Officer, Department of Environment, Land, Water & Planning (DELWP) assisted BICA in compiling an up-to-date **Plant List for Bend of Islands**
>
> David worked methodically through the list confirming the reliability of each record by checking the original lists and conferring with the botanists regarding any interesting records. Only those species which could be reliably confirmed as being recorded within Bend of Islands were included in the list. This time-consuming process ensured that we had a reliable plant list which now forms the *Victorian Biodiversity Atlas* plant list for Bend of Islands.

- **Prohibition of Trail-bikes or Motorised Toy Vehicles in the Bend of Islands**
  The use of Trail-bikes or Motorised Toy Vehicles is at odds with the intent/objectives of the SUZ2 and is completely inappropriate in the Bend of Islands, due to their potential to damage the natural environment
  This prohibition needs to be included in the Bend of Islands Local Law because: -
  - the provisions in the General Shire-wide Local Law, regarding the use of these vehicles, are inappropriate for the BoI.
  - Any future amendments to the application of the General Shire-wide Local Law, regarding the use of these vehicles, will not affect the BoI (as occurred in 2017).

We again thank Council for its efforts in the preparation of the 2021 Bend of Islands Local Law, and confirm our support for it.
We look forward to its introduction in the hope that it will facilitate the more effective implementation of the SUZ2 planning provisions which are vital for the on-going preservation of the ELZ and its biodiversity.

Yours Faithfully,

[redacted]
[redacted]
Secretary
Bend of Islands Conservation Association **4/12/2021**

LOCAL LAW SURVEY

I support SUZ2 provisions and the proposed Local Law. The planning scheme is why we purchased in the area 30 years ago.

This local law is about maintaining and enforcing the Non Conforming animal register.

Since the register was introduced there has never been any review for the livestock uses. This proposed law contains requirements for annual permit applications which should address this.

I note that the change to administration of the register in respect to the lapsing of the use when the animal dies. The current arrangement is that the right prevails with the property if it is used continually. This may impact residents who have a genuine and consistent animal use. A compromise could be that the right ceases when the property changes hands?

Another primary provision of the SUZ2 requires planting of indigenous vegetation. This has not been enforced by councils in the past when blatant non indigenous planting has occurred. If there is a problem with enforcement capability, could a local law be applied to support the vegetation planning requirement?

There has been in the past a problem with motor cycle use on a Bend of Island property and the local law pertaining to this has been revised to accommodate use in the broader community and also to not allow it in the Bend. Would a stand-alone Bend of Islands Law be simpler and less confusing?

Thanks to council officers and Cr Ben Ramcharin for pursuing the Animal Register issue.

Bend of Isles Local Law.

I support the residents of the Bend of Isles prohibiting the keeping of domestic animals on THEIR OWN PROPERTIES.

However, one of the effects of of allowing the proposal to become a by law would prohibit the traversing of horse riders on the Aqueduct Track. I STRONGLY OPPOSE THIS.

The Aqueduct track passes through parts of the Bend of Isles Special Use Zone. **It is a public use space** and therefore should be accessible to all.

Currently the existing general use of the Aqueduct is blocked at Catani Bridge. It is hoped that in view of access to all the Aqueduct will be open to all in the future.

Weed spread by horses has been comprehensively proven to be a non issue. This was an argument in the past by residents of the old ELZ to prohibit horseriders use of the Aqueduct.

To prohibit horseriders access to the Aqueduct when it is proposed that it should link all the way through the Shire, becomes a justice issue and the Council should aim for justice and inclusivity in all areas.

Regards,

[redacted]

[redacted]







30 - 9 - 2020 10.45 am

at [redacted]







30 - 9 - 2020 10.45 am

at [redacted]

NILLUMBIK SHIRE COUNCIL

RECREATION AND LEISURE STRATEGY

2022 – 2030



nillumbik.vic.gov.au

LEISURE FACILITIES

Nillumbik
The Green Wedge Shire

If you require the Recreation Strategy 2022-2030 document in an alternative format, email leisure@nillumbik.vic.gov.au or phone 9433 3111.

If you are deaf or have a hearing or speech impairment, please contact us through the National Relay Service on 13 36 77.

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. We value the significance of the Wurundjeri Woi-wurrung 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's 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.

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Introduction

Nillumbik Shire Council values the roles that sport, leisure and active recreation play in improving the health, wellbeing and quality of life of Nillumbik residents.

People who live, work, study, volunteer and play in Nillumbik Shire are involved in a wide variety of recreation activities. Council understands the importance that physical activity, active participation and volunteerism play in building strong and healthy communities.

The purpose of this strategy is to renew Council's commitment to recreation across the municipality. The strategy provides strategic priorities and objectives which will inform the development of sport, leisure and active recreation in Nillumbik over the next 8 years. The strategy is underpinned by two 4-year action plans spanning from 2022-2026 and 2026-2030.

This strategy has been informed by extensive community consultation with key internal and external stakeholders, including community sporting clubs, peak bodies/State Sporting Associations and leisure providers, as well as community users of open space, skate parks, trails and playgrounds.

Vision

Nillumbik Shire will be characterised by well-planned, sustainable facilities and environments which meet the recreation needs of our community.

"Nillumbik is committed to providing high quality, inclusive sport and recreation facilities in partnership with the community to support participation for all."

Opportunities to participate will be supported through strong partnerships between Council, the community and leisure providers.

We will remove barriers to participation in sport and recreation for underrepresented groups in the community, including: women and girls, people with a disability, gender diverse people, the LGBTQIA+ community, First Nations people, socio-economically disadvantaged individuals, older adults and people from culturally and linguistically diverse (CALD) backgrounds.

Physical Activity in Nillumbik

Participation in physical activity is an important part of a healthy lifestyle.

Being physically active by engaging in sport and active recreation improves health outcomes, promotes mental wellbeing and can reduce the risk of developing chronic health conditions, such as obesity and heart disease. Being socially connected through physical activity has positive impacts on the psychological, social and emotional wellbeing of individuals and communities.

In Nillumbik, 63% of residents regularly engage in sufficient levels of physical activity, and 74% of residential properties are within 400m of public open space. A similar proportion of Nillumbik residents engaged in no physical activity during the week when compared against the rest of Victorians (Nillumbik =13.2%, Victoria = 18.9%). A significantly larger proportion of Nillumbik residents engaged in physical activity four or more days per week compared with the Victorian estimate (Nillumbik = 49.5%, Victoria = 41.3%).

Physical activity can take place in many forms. Recreation, for the purpose of this strategy, is a broad term encompassing both sporting activities and active recreation.

Sport includes competitive and non-competitive sporting activities which are organised, sanctioned by a governing body and are undertaken using Council resources and facilities (e.g. AFL Football, Netball and Soccer)

Active Recreation is not organised and is without a governing structure. The three most popular forms of active recreation in Nillumbik are walking (58.2%), cycling (15.4%), and jogging or running (12.4%). Other examples of active recreation include use of playgrounds, skate parks and trails.

In addition to community sport and active recreation assets, Council owns and manages 5 major leisure facilities:

- Yarrambat Park Golf Course
- Eltham Leisure Centre
- Diamond Creek Community Centre
- Diamond Valley Sport and Fitness Stadium, and
- Community Bank Stadium

These settings facilitate both sport and active recreation and are managed through long term contracts with specialised leisure providers.

COVID-19 and Recreation

As the coronavirus (COVID-19) pandemic has evolved, there have been a broad range of impacts on the lives of Victorians, including impacts to the economy, education, employment, healthcare and participation in community activities. The 2021 'Together in Nillumbik' survey found 52% of Nillumbik residents reported they were less physically active as a direct result of COVID-19 restrictions.

The height of the state's lockdown directive resulted in the temporary cessation of all community sport in Victoria. From adopting strict hygiene protocols to modifying training and game formats, community sport has been quick to adapt to the evolving public health guidelines in order to continue to provide participation opportunities to the community.

As part of the 2020-21 Club Development survey, Nillumbik sporting clubs identified their top concerns in regards to the impact of the COVID-19 pandemic on local community sport. 2/3 of Nillumbik clubs expressed concerns around their ability to retain members, where 1/2 of all clubs highlighted the detrimental financial impact of the pandemic. 1 in 5 clubs expressed concern at their capacity to comply with COVID-19 operational guidelines.

The possible longer-term outcomes of COVID-19 for community sport may include:

- Decline in participation and memberships
- Loss of volunteers
- Financial instability

Conversely, the restrictions experienced during the COVID-19 saw a significant increase in participation in active recreation, highlighting the important role that active recreation infrastructure and open space play in improving physical and mental health and well-being.





Strategic alignment

The *Local Government Act 2020* promotes an integrated approach to strategic planning and reporting. Integrated strategic planning and reporting seeks to ensure strong alignment between key strategic documents and policies that direct and influence initiatives, activities and projects undertaken by Council.

The following symbols will be used throughout each priority to indicate the direct alignment to strategies included within the Nillumbik's Municipal Public Health and Wellbeing Plan 2021-25 and Council Plan 2021-25.

Symbols
♥ Municipal Public Health and Wellbeing Plan 2021-25
© Council Plan 2021-25

In compliance with the Gender Equality Act 2020, Council will apply a gender and intersectional lens across the strategy and associated action plans.

More broadly, the Recreation Strategy plays a role in supporting Council to achieving objectives under each of the four themes for a Community Vision - Nillumbik 2040 which are *Our People, Our Place, Our Future and Our Council.*

Priorities

Nillumbik Shire Council have identified 6 key priorities which will guide the strategic direction of recreation over the next 8 years. These include:

1. **Increasing Participation and Usage of Facilities and Open Space**
2. **Promoting Equity and Inclusion**
3. **Infrastructure Renewal and Upgrade**
4. **Community Engagement and Partnerships**
5. **Community Development and Strengthening**
6. **Sustainable Environments**

Priority 1: Increasing Participation and Usage of Facilities and Open Space

Increasing participation in physical activity is a priority for both State and Federal governments.

As a local government authority, Nillumbik Shire Council has a responsibility to maximise participation opportunities for the local community.

Council are committed to actively maintaining and renewing recreation assets, including sport grounds, playgrounds, trails, skate parks and leisure facilities, in alignment with asset management plans, to ensure they are able to cater to an increase in usage.

Council will work closely with community sporting clubs and leisure providers to deliver programs and services which maximise opportunities for individuals and groups to be physically active.

Objectives

1.1 Overall participation in sport and recreation is increased annually♥

1.2 Participation in key targeted demographics (including women and girls, people with a disability, First Nations people, gender diverse people the LGBTQIA+ community, older adults, CALD communities and individuals from rural/remote areas) is increased annually♥

1.3 Nillumbik Shire Council work proactively with community groups to address decline or stagnation in participation through targeted action plans

1.4 Nillumbik Shire Council actively support and promote opportunities to participate in active recreation opportunities, including walking, skating, scootering and cycling♥©

1.5 Nillumbik Shire Council complete Gender Impact Assessments for all projects and planning (where applicable) to support the participation of women and girls, gender diverse people and the LGBTQIA+ community♥

Priority 2: Promoting Equity and Inclusion

Council has a responsibility to ensure that all people have the opportunity to participate in recreation, regardless of their age, gender, sexuality, ability, religion, location, cultural background or socio-economic status.

Council play a significant role in actively encouraging equity and inclusion across all aspects of recreation, and in addressing the inequities to ensure greater access to programs and facilities.

Council will prioritise projects and programs which provide equity of access and which support the meaningful participation of underrepresented groups in sport and recreation. This will be achieved through the adoption of universal design principles, as well as through equitable scheduling and resource distribution.

Council will incentivise equity, diversity and inclusion through fees and charges and funding opportunities.

Objectives

2.1 Projects, programs and services which support an increase in access, equity and inclusion in recreation are prioritised for funding♥©

2.2 Fees and charges for recreation facilities incentivise equitable access and promote inclusive practices♥©

2.3 Nillumbik Shire Council work proactively with community groups to increase awareness and build capacity around inclusion best practice♥©

2.4 Nillumbik Shire Council actively pursue options to make recreation and leisure facilities more accessible♥©

2.5 Lease agreements for sport and recreation assets are reviewed and adapted to promote fair and equal access

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Priority 3: Infrastructure Renewal and Upgrade

Council will actively pursue funding opportunities to renew ageing infrastructure, upgrade existing infrastructure and develop new infrastructure to meet the community's needs and expectations around recreation.

Council will work closely with partners, including but not limited to; community groups, leisure providers and the Department of Education to better understand community needs and deliver projects.

Council will make decisions around funding in a transparent, principled and consistent manner. Projects will be prioritised on a needs basis, with an emphasis on projects which deliver inclusive and accessible participation opportunities.

Objectives

3.1 Nillumbik playgrounds meet the needs of Nillumbik residents and visitors♥

3.2 Infrastructure renewal and upgrade projects that meet multiple strategy principles are prioritised©

3.3 Nillumbik Shire Council actively pursue grant and funding opportunities to develop and renew assets to meet community needs©



Priority 4: Community Engagement and Partnerships

Council will continue to engage enthusiastically with community sporting clubs, governing bodies, leisure providers and members of the community regarding recreation throughout the municipality.

Council will continue to build positive and supportive partnerships with community sporting clubs, with a focus on beneficial occupancy arrangements, acquisition of funding and grants and provision of club education.

Council values its relationships with the leagues, associations and the state and national sporting bodies which govern sporting activities. Council will continue to work collaboratively with them to advocate for Nillumbik community sporting clubs, strengthen partnerships and align strategic direction.

Council will undertake community consultation on recreation projects in accordance with Council's Community Engagement Policy. Council are committed to meaningful engagement with community members to identify and address the recreation needs of those who live, work and play in Nillumbik. Consultation findings will shape the development of the Recreation Strategy's Action Plans and Levels of Service.

Objectives

4.1 All community engagement is undertaken in alignment with Council's Community Engagement Policy

4.2 A Recreation Advisory Committee is formed to provide guidance on recreation and leisure opportunities within the Shire

4.3 Nillumbik Shire Council support community sporting clubs and contracted leisure providers to both seek new community partnerships and optimise existing partnerships with local businesses and community organisations

4.4 Nillumbik Shire Council proactively seek to form partnerships with groups and organisations who support the participation of underrepresented community groups in sport and recreation♥

Priority 5: Community Development and Strengthening

Council will support community sport and recreation clubs to become viable, independent and well-governed organisations.

Professional development opportunities, funding incentives and auditing processes will assist clubs in becoming financially secure, as well as safe, inclusive and welcoming environments. Nillumbik's sporting volunteers will be supported to upskill and we will celebrate their contribution to our community.

Council will continue to work closely with other partners, including contracted leisure providers, to provide programs which upskill the community to lead healthier and more active lifestyles.

Council will give priority to facilities, programs and services which encourage and support community strengthening and capacity building.

Objectives

5.1 Club development is delivered annually as per the Club Development Framework

5.2 Where relevant, community sporting clubs are provided with the opportunity to transition from seasonal user agreements onto lease or license agreements

5.3 Nillumbik Shire Council support clubs to be safe, welcoming and sustainable organisations♥

5.4 Nillumbik Shire Council supports community sporting clubs to apply for funding



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Priority 6: Sustainable Environments

The protection of the Shire's natural assets and outdoor recreation environment is of utmost importance.

Council supports the efficient use of resources and actively encourages the minimisation of waste production in its recreation projects and services.

The development and/or renewal of recreation assets, such as pavilions and leisure facilities, will incorporate sustainable management practices and environmentally sustainable design principles.

Objectives

6.1 Lease and licence agreements include a sustainability clause which outlines environmental considerations, including recycling and energy-saving measures

6.2 Nillumbik Shire Council adheres to Council's Climate Action Plan 2022-2032 in regards to the renewal, upgrade and maintenance of sport and recreation assets

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Implementation and evaluation

The Recreation strategy is underpinned by two 4-year action plans spanning from 2022-2026 and 2026-2030. Each action plan will provide detail on how Council will implement the strategic objectives in this strategy and measure progress. Actions will be reviewed every 12 months, and an evaluation on the 2022-2026 action plan will be completed prior to the 2026-2030 action plan being prepared.

The 4-year action plans will include:

- ✓ Actions related to each strategic objective in the strategy
- ✓ Timeframe each action will be delivered
- ✓ Who is responsible within Council to deliver the action
- ✓ Partners involved in delivering the action

Annual reviews

Annual reviews will be undertaken by Council officers to evaluate the progress made within each of the priority areas. A traffic light rating system will be used to identify action within the annual implementation plan that are **complete**, **on track** or **delayed**.

Case studies from key initiatives will also be included in each annual review.

The reports will also monitor trends, identify opportunities for improvements and inform the development of the next 4-year action plan to ensure actions remain relevant for continued investment by Council over the life of the strategy.

Council will prepare a summary report at the completion of each 4-year action plan to be shared with key stakeholders including Councilors, council officers, service providers and the wider community.

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Glossary of Terms

Health - A state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity [World Health Organization]

Physical Activity - Physical activity is defined as any bodily movement produced by skeletal muscle that requires energy expenditure. Popular ways to be physically active include walking, cycling, sports, and play, and can be done at any level of skill and for enjoyment by everybody [WHO]

Exercise - Planned physical activity with bodily movements that are structured and repetitive, performed for the purpose of improving or maintaining physical fitness [Australian Department of Health]

Recreation - Recreation is an activity that people engage in during their free time, that people enjoy and that people recognize as having socially redeeming values [The Park and Recreation Professional's Handbook]

Sport - includes competitive and non-competitive sporting activities which are organised, sanctioned by a governing body and are undertaken using Council resources and facilities (e.g. AFL Football, Netball and Soccer)

Active Recreation - Active recreation is leisure time physical activity undertaken outside of structured, competition sport. It is a set of activities within the wider range of physical activity options that also include active living, active transport and sport [Sport & Recreation Victoria]

Inclusion - the practice or policy of providing equal access to opportunities and resources for people who might otherwise be excluded or marginalised; such as those who have physical or mental disabilities and members of other minority groups [Oxford Languages]

Disability - Disability is an umbrella term for impairments of body function or structure, activity limitations or participation restrictions [Australian Institute of Health & Welfare]

Older Adult - Being an 'older' person is a relative concept—chronologically, medically and culturally. It does not have a precise definition and specific ages may be used for particular purposes. People over 65 are generally classified as 'older' for ABS purposes. [Australian Bureau of Statistics]

CALD - Culturally and linguistically diverse communities. A widely used definition of CALD refers to those people born overseas, in countries other than those classified by the Australian Bureau of Statistics as 'main English speaking countries' [Australian Bureau of Statistics]

Gender Diverse - A broad term that encompasses a diversity of gender identities and gender expressions including: bigender, trans, transgender, genderqueer, gender fluid, gender questioning, gender diverse, agender and non-binary. Gender diverse refers to identities and expressions that reject the belief that gender is determined by the sex someone is assigned at birth. [Rainbow Health Victoria]

LGBTQIA+ - People who identify as Lesbian, Gay, Bisexual, Trans, Queer/Questioning, Intersex and/or Asexual [Australian Institute of Family Studies]

First Nations People - 'First Nations People' respectfully encompasses the diversity of Aboriginal and Torres Strait Islander cultures and identities
[Narragunnawali: Reconciliation in Education]

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20290	Allocate space in the Nillumbik News each quarter for Leisure Centre's Sporting Clubs Community groups -e.g walking clubs to advise of current opportunities for involvement/participation in the broadest sense {including support people or volunteers] future new one off or ongoing programs -e.g over 55 walking basketball Also use Libraries, neighborhood houses etc to inform residents of these opportunities. Dedicated web page that is updated weekly The overarching goal is to make Nillumbik the Shire with the highest participation rates for formal & informal recreation & leisure activities in Victoria. The strategy is the tool to achieve the overarching goal so there is a clear vision of what the purpose of the "Recreation & Leisure Strategy is.	Equity & Inclusion to incorporate not just the orthodoxies of gender & disability but also - older Nillumbik residents - less socially confident or those groups that are prone to be isolated in some way-those with mental health issues etc - Access in the broadest use of that word -footpath's , safe crossing points incorporated in the use of the major infrastructure like the DVSFC , D/C playspace etc	Review existing Masterplans with a report outlining a specific timeline for implementation. The review would also identify which actions are no longer a priority & will be omitted from the implementation plan. Specifically the a- "Civic Drive Community Facilities Masterplan Funding or Grant opportunities to be allocated for those areas identified but not as yet delivered - the completion of the fitness trails around the precinct - the installation of fitness stations at strategic points - shelter & solar BBQs at the passive recreation area - benches & seating - drinking fountains - completion of the landscape plan - enhanced landscape maintenance to ensure existing natural plantings are not lost FoAP support a sensory garden -most likely located near the rain garden of which 50% was lost during the construction of the expanded DVSFC - signage & mapping. wayfinding illustrating the Greensborough Overpass, walking tracks to PR Drive & existing assets like the playground, outdoor	The most critical consideration needs to be the review of existing Masterplans as stated. This will provide clarity for the future & ensure resources previously outlaid to leisure planning professionals are not mothballed .	Community strengthening happen automatically when residents see their previous contributions recognized with tangible results on the ground. This will have a force multiplier effect & leverage greater participation from residents into the future.	Sustainability in an environmental context but also the leverage from greater participation will make all Leisure Centre's, Clubs , Community groups more sustainable.	Privacy	Privacy

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			performance center, library etc Residents & the Leisure planning professionals stated that a name is essential in establishing the unique identity of this area/s FoAP have agreed the "Rainbow Snake Park" would fulfil the objective identified in the Masterplan. b DVSFC Masterplan - a timeline for the expansion works is necessary - current gaps are retractable seating, multi purpose rooms for user groups specifically -					
20289	Increase the time restrictions for parking. People don't usually want to just do exercise. They want to shop, catch up with friends, attend an event etc all in the one outing. The current parking restrictions make this impossible. And no, PT is not an option for a lot of people - espcially those with young children & prams or people with mobility issues. A covered area to do exercise in outdoors would also be great - outdoor exercise groups could book time slots for use on hot or rainy days. But not at extra cost. Could also be used as a covered party / gathering space outside other booking times. Make sure playgrounds have good access to toilets - there are many parks I don't bother to go to as there is no access to facilities. Council buying empty shops, especially along main road & encouraging new activity with low rent to allow new businesses to		playgrounds need a good variety of challenges to suit multiple age groups. Not just a basketball court for older kids. Use of empty railway land could be turned into bmx jumps. Toilets at playgrounds are essential!! And some shelter with tables under it. Make playgrounds a place parents are happy to stay while kids run free. Build a proper water park like Wallan - we need something like this nearby!				Privacy	Privacy

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	start up. Perhaps used by multiple groups during the day.							
20288	The Diamond Valley Roller Derby Club was established in Eltham in 2011 and is a mixed gender community of fitness skaters, roller derby skaters, referees and non-skating officials. We are a not-for-profit club and members of Skate Australia, the recognised governing body for skate sports and skateboarding in Australia. Our club is fiercely proud of the diversity of our membership and is constantly seeking ways to be even more inclusive. Roller derby and fitness skating is ideally undertaken within large indoor hard-floored facilities. We currently train and play at the Eltham Leisure Centre basketball stadium and, due to a lack of availability of facilities in Nillumbik, at Viewbank College in neighbouring Banyule. For the Diamond Valley Roller Derby Club, there are two barriers to increasing participation: childcare options during training/games and availability of affordable training/playing venues. Regarding the latter, we would welcome Council meaningfully engaging with the Diamond Valley Roller Derby Club to explore alternative venue arrangements. Locally and globally roller derby clubs have creatively addressed the issue of affordable venues by working in partnership with their local community. The Diamond Valley Roller Derby Club would warmly welcome the opportunity to work with Council and others on this issue and draw on our knowledge of past successes from the roller derby community.	The Diamond Valley Roller Derby Club is pleased that equity and inclusion is being considered as part of Council's Recreation and Leisure Strategy 2022-2030 and believe that our suggestions in Priority 1 regarding childcare and venue availability will assist with Priority 2.	Some members of the Diamond Valley Roller Derby Club are also park skaters and as such would like to see Council commit funds over the next four years to the investment and maintenance of skate parks in the Shire including adjacent flat smooth hard surface areas for beginners.	For Council to form a partnership with the Diamond Valley Roller Derby Club as we CURRENTLY support the participation of underrepresented community groups.			Privacy [redacted]	Privacy Obligations [redacted]

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	Regarding childcare options during training/games, the Diamond Valley Roller Derby Club would encourage Council to be bold and activate flexible childcare options (ie outside of the "standard" workday Monday-Friday) to enable Nillumbik residents to not only participate in physical activity, but other aspects of community life including work, on weekends and at night. The Diamond Valley Roller Derby Club would be pleased to share with Council our initiatives in supporting participation in the key targeted demographics listed as we are very proud that our current membership comprises people in all these groups.							

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20287	Organize and promote whole family events focused on active lifestyle, adventure, and exploration of nature. Initiate research into local history and install interactive displays in frequently visited community hubs, eg around Civic Drive Precinct Greensborough. Run youth programs that channel creative and physical energy in socially acceptable settings: street art projects; music festivals; BMX, skateboarding, parkour meetups and competitions. Revitalize the Amphitheatre space at Civic Drive: stage community events such as outdoor movies, music performances and workshops, celebrations of culturally significant festivals (in conjunction with DV Library and DVSFC). Invite local traders to use the passive recreation space at Civic Drive for monthly markets.	Provide unisex bathrooms at all Council facilities to make inclusive spaces for gender fluid people. Feature gender creative people in Council publications and promotion materials for recreation and leisure facilities and programs. Organize training sessions, motivation talks and workshops with gender non-conforming people as facilitators. Make play spaces safe by installing secure fence on their perimeter. E.g., Civic Drive Play Space (or Rainbow Snake Playground) cannot be used by nearby Special Developmental School due to lack of fencing that stops children from running onto the road.	Link the trails and provide the signage with directions and distances to the toilets, playgrounds, landmarks. Build sturdy and safe bridges for walkers, joggers, and bike riders. Work with Parks Victoria, Yarra Valley Water, Lions and Rotary to upgrade and improve access to parts of Plenty River Gorge across the Plenty River and Dry Creek. Develop complimentary use of outdoor space between DVSFC and DV Library for passive and active recreation. Install fitness equipment, drinking fountains, sun protected sitting and tables. Provide adequate parking for basketball families at DVSFC on Saturdays without impacting passive recreation space between the bypass, gym and library.	Celebrate historical and cultural significance of the area. Collaborate with Greensborough Historic Society, Victorian archives, and Wurundjeri Cultural Council. Develop a local history discovery trail that encompasses both Banyule and Nillumbik sides of Apollo Parkways. This discovery trail can support local history programs at Primary and Secondary schools in the area. Install benches and historic signs at the Civic Drive Precinct and along the river.		Expand habitat of endangered species by planting native vegetation (e.g., Sweet Bursaria) on the perimeter of passive recreation space at Civic Drive, in the green corridor along Greensborough Bypass, and on both sides of Plenty River. Get Apollo residents on board by promoting the native plants as alternative to exotics for private gardens. Together, we can change the landscape for better more sustainable future.	Pri Vac V	Privacy
20286	Make appropriate, small improvements to the flat grass area near Whittingham Circuit (the land previously subject to proposed hospital) For example- a Sensory Garden, a few shelters with BBQs and chairs, an outdoor gym for use by Seniors and during lockdowns when buildings are locked down. Please don't fill the flat grass area- leave plenty of room for kids to play footy and kick a ball around/play cricket etc	Perhaps fence some of the Snake Playground so that children who need closer supervision can make use of this wonderful playground.					Priva	Privacy

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20285	We are working on maximising the use of our facilities, particularly at time and days when there is currently not much demand. Any help from Council to engage schools and any other community groups with our sport (tennis) would be fantastic.	We have courts that can support wheelchair tennis, but our clubhouse (including toilets) are is currently not accessible to anyone with a disability and particularly those in wheelchairs. This includes participants but also visitors, spectators, parents, etc. So if Council can assist us to either rebuild or redesign our clubhouse to make it accessible then many more people from all backgrounds and abilities could enjoy our sport.	We would very much like to have an asset renewal plan, so that maintenance or replacement of major parts of our facilities that Council are responsible for (eg fences, clubhouse) are part of a plan. As above, the main issue is accessibility of our clubhouse.	We would love to engage local groups more in our sport. In particular schools, but also groups like men's shed.	Not quite sure what this means. Help sourcing funding would be very useful.	We have a large opportunity when redesigning our clubhouse, to include water collection (for watering courts). Solar panels and batteries would allow us to use that stored power for our court lighting, which is by far our biggest power usage.	Privacy	Privacy
20284	planning for young peoples participation at formative years in terms of sports that are both the most culturally significant and the most physically and mentally beneficial This means putting land and funds aside to develop for growth i.e favors reserve as an area that can be used for organised sport	Womens football will continue to be growth area for many years to come - culturally and physically it is one of the most influential and effective sports that can be undertaken and therefore planning for this coming growth is critical to an area with such high participation	We would like to see a focus on continual upkeep and particularly activities that keep young girls and boys active thorough out their lifetime starting very early - which means ensuring facilities are sufficient to enable that to easily happen	we have a great working relationship with council and will seek to ensure it remains	not sure what this means?	Nillumbik is totally about sustainablility as an overall emphasis particulalry over development - i expect this will remain however if environment wins over health we all lose	Privac	Privacy
20283			Duplication of the Greensborough Bypass and Diamond Creek Rd to 3 lanes. From the end of the Ring Rd through to Yan Yean Rd.				Privacy	Privacy
20282	Think more laterally in relation to participation & facility usage. Groups should be encourages to share facilities where possible rather than building multiple facilities.		Council needs to: 1. Explain what it's "multiple strategy principals"are so that clubs know how priortisation is undertaken 2. Share it's "long term capital works plan" with clubs so they know where	1. Meet annually (minimum) with clubs so they all have a voice 2. Include club representation on the Recreation Advisory Committee	1. Continue to run development sessions for clubs as it did in 2021 2. Pro-actively liaise with clubs to help renew or upgrade facilities rather than		Privacy	Privacy

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			their club is ranked in regards to redevelopment (eg) Ground Lighting Upgrade 3. Ensure it doesn't miss funding opportunities or make decisions on grant applications on behalf of clubs without consultation		wait for clubs to initiate contact 3. Recreation /Leisure & Property teams implement & share a single set of contact details for clubs, so that clubs don't get multiple calls annually to confirm or provide the same information to different teams.			
20281	Increase the quality of the offerings. Get rid of Aligned Leisure. They have greatly reduced the number of human trainers for group fitness sessions and offer a heap of "virtual" video based sessions. They are like the Aldi of the fitness industry. They know how to tick compliance boxes but the quality of their offerings is shocking.		Ensure that grant funding is targeted fairly across the shire and not just centred on Eltham. This should be an explicit aim to reduce the risk of councillors hijacking the grants process.			This is not a primary consideration and should not be used to determine the outcome of contract tendering processes. The quality of the product and the value for money should be the consideration - then negotiate sustainability requirements with the preferred supplier.	Privacy	Privacy
20280	The Draft Strategy focuses too much on organised sport, and not enough on informal recreation and the value of open space. Informal recreation - especially (walking, bike & horse riding along) trails, are potentially the most equitable and accessible facility of all offerings. Rather than ".... in alignment with asset management plans ...", which implies a focus on costs / the bottom line only, 'investment' should be emphasised as it takes a broader and long term view (including comprehensive cost and benefit analyses), and is therefore a better management strategy and will ultimately deliver bigger bang		Throughout the document the prioritisation criteria of 'inclusivity and accessibility' is too singular and narrow. The criteria of Nillumbik's raison d'etre, namely contributions to 'conservation and biodiversity protection' and environmental benefits as well as climate change negation need top billing; and impacts on township and neighbourhood character are also important		To avoid unfair allocation of funding, this criteria needs broadening to include the not-organised / unstructured forms of active recreation in Nillumbik [eg. walking (58.2%), cycling (15.4%), jogging or running (12.4%), playgrounds, skate parks and trails].	This criteria needs broadening to emphasise demonstrative contributions to our natural environment and biodiversity - the indicators of which, despite being Nillumbik's primary strategic objective, continue to decline. Clearly, we are not doing enough; and all those environmental strategies and plans that Council has, need funding instead of just gathering dust.	Privacy	Privacy

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	for our buck, and better returns, infrastructure and services. Eg. Investment in open space will deliver not only great improvements in physical and mental health and well-being but also in our environment and biodiversity: clearly a broader evaluation approach is needed. In Wattle Glen, residents are lobbying for Council to buy important Rural Conservation Zoned land (36 Mannish Rd) as open space for community (providing a 'missing link' connecting the Diamond Creek and Green Wedge Regional Trails and recreation opportunities) & for nature (biodiversity). Indeed, if we link the Diamond Creek Regional Trail and the Green Wedge Regional Trail via this land, we will have a continuous trail from Melbourne CBD to the Kinglake Ranges National Park. The proposal epitomises: - Nillumbik and our future (conservation / biodiversity protection & trails). - Council's current 'Public Realm Project for Wattle Glen' and its two key aims to improve /strengthen connections within the township and Wattle Glen's preferred character. This proposal has many other benefits, and should be supported by council. Given our beautiful landscapes and good train connections, trails are potentially Nillumbik's 'comparative economic advantage' or 'economic niche', and Nillumbik could become the "Trails' Mecca" of metro Melbourne, if not Victoria. Investment in trails would also improve the environment /biodiversity and thus are much							

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	aligned with Nillumbik's conservation ethos. Trails also should be a cornerstone of Nillumbik's tourism strategy.							
20279	More active response from the Council on supporting Local clubs like Eltham Redbacks Football Club (ERFC) to provide a pathway to support the participation of women and girls and gender diverse people in the Community. Many studies have been conducted, examining the barriers faced by women and girls when it comes to getting involved and staying involved in organized sport.	The Council needs to work closely with Clubs to genuinely identify these barriers in our Community and tackle them jointly.	As a Club we have increased our member number exponentially each year and have seen a great increase of girls & women joining as players. Unfortunately this is hindered by the lack of facilities on a National standard required to support this growth. The Club has limited soccer pitches available that are safe and conducive to girls & women's needs. The Council needs to urgently assist the Club to build more soccer pitches to accommodate for the needs of new players and the expanding demand from the community to play soccer. Soccer is no longer a winter sport. ERFC has an all year round program, particularly since successfully obtaining a License and joining the National Premier League (NPL), the national second tier competition in Australia which underpins the A-League and Westfield W-League. An amazing result for a Club that has supported the Community since 1967. The Club as provided plans and supporting documentation to Council for years, but to no avail. Ultimately the growing needs of the Community cannot be met	As above	As above	As above	Privacy	Privacy

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			by ERFC, without the support of Council. The Clubs success of joining an elite Soccer Program like NPL will be hindered long term as the strategic vision to make ERFC the largest Soccer club in the region to better connect elite player development , support the participation of women and girls and gender diverse people in the wider Community, will fail.					
20278	Paths and picnic areas to be made or restored while maintaining as much as possible the natural environment. It's the natural environment of eltham that makes it's enjoyable to be here. Some bridges on the diamond creek to be replaced so they are accessible when the creek swells. Eg: the one near Bunnings.	Some playgrounds could also have equipment for older people to use. I've seen this in other suburbs where there is equipment designed for the grandparents and the children in the same places. Eg: Thomas street, Hampton: quite elderly I've also seen a brilliant one that's more fitness focused in Townsville. It's called the Magnetic island fitness trail. It was even a little challenging for me as a 35 year old in some sections! Great for all ages really	Programs where local culturally and gender diverse people are involved in the planning and implementation. These programs may or may not necessarily be explicitly targeted at diverse groups directly but having inclusion in the planning and implementing can help to engage in all groups organically.				Priva	Privacy
20277	Accessible outdoor gym equipment in Hurstbridge	Flexible hours for working parents to access various facilities	Minimise waste and promote sustainability	Community directory	Minimise waste and promote sustainability	All strategies should consider sustainability and waste	Privacy	Privacy

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20276	Address rules prohibiting dogs near playgrounds. Dogs get families out exercising and families head to playgrounds. We are then forced to decide whether to break rules and face a fine, avoid playgrounds altogether, supervise our children on equipment or supervise our dog away from the playground. Other councils permit dogs in playgrounds and specify they be on lead. A supervised dog on a lead is safer than a dog tied up near a playground which may encourage children to leave the playground to interact with it unbeknownst to the dogs owner or child's parent. If council continue to maintain this rule then we need structures available that dogs can be tied to and which provide shade. Because at most playgrounds there is nowhere to tie a dog 5 metres from the playground.		More water bottle refill drink stations. Tapa that can't be left on instead of taps that nobody can use because it has no handle! Shade provided in all playgrounds.	There was extensive community engagement over the Greysharps rd development. However the recommendations which they debated and carefully considered have not been followed. There is now a new plan that does not completely reflect their conclusion over what is appropriate for the site. What a waste of time and money!	More sheltered areas for community groups to gather outside to increase more Covid safe options. And to encourage creative community group ideas that don't require hall hire. Something special could be done with the Hurstbridge kinder site. Whilst not recreation and leisurel can imagine a shared work hub where self-employed parents can hire affordable space to work in the building and their children can play in the playground or part of the kinder building. A carer could be employed, or parents share a roster for supervising kids. Provides an alternative to childcare which can be prohibitive to mums being able to work, especially when starting up their own business. Allows kids to play and socialise while parents work, rather than being babysat by tv at home while work from home mums try to get jobs done.	More community food forests. Edible plants planted wherever possible that people can harvest for free. Stop spraying poisonous weed killer in playgrounds and ovals. Invest in alternatives such as steam or organic weed killer. At very least always provide signage with dates as to when it has been applied. I'm sick of it being sprayed all around the edge of the playgrounds tan bark areas, and along paths. Toddlers sit and play in these areas and put tan bark in their mouths. My children have also been on ovals for sport training straight after treatments have been applied. It's not good enough.	Privacy	Privacy
20275	Dedicated performance space/amphitheater like a mini Music bowl on the slopes of Alistair Knox park, could be used to bring performances and festivals to Eltham and incorporated into existing festivals as a main stage	We don't have enough support for Netball, all the focus seems on BMX and Skateboarding.	Footpaths are desperately lacking in the high traffic areas around Hill crest Ave to Monsalvat and Rockliffe St to View Hill Crescent.	Not actually sure what your already do in this space	More awards and recognition for local businesses, that are run by locals and that give back to locals	Support residents with facilitating collective bargaining on rooftop solar, and install batteries	Privacy	Privacy

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20274	1.4 does not mentioned horse riding. I am the DC of Kangaroo Ground Pony Club we gave a fast growing membership of over 70 members. 75% of our members are females between the ages of 4-24 years old.	More support for horse riding activities and safe riding trials for our Nillumbik horse riders. Horse riding is a fantastic activity for mental health (especially teenage children) and really import for those who do not traditionally fit into teams sports. It creates confidence and inclusion fit those from all walks of life. Families with children either on their own properties or people that Agist horses in the areas. It creates a community feel and a strong community.	I have lived in Yarrambat for 17 years. We still have no township, no playground … still a township plan that has not been actioned. Not good enough. It's been pending for years and nothing happens. My children are now 11 & 14 and I pay the same rates as everyone but focus on Eltham and other townships. Safe riding trails for our horse riders. I love the Hurstbridge to Diamond creek trail. well done great initiative! New trail behind golf course on Plenty River awesome and very pleased!	Nillumbik has a large community of horse riders and children participating in the sport. Both boys and girls and I feel we are under-represented in sport and recreation in Nillumbik .	We own our own grounds so are not eligible for lots of funding. However to stay inclusive and ensure our membership is affordable we do not cover all our instructor fees in our membership. We need to run events to support Instructor fees and keep our fees affordable. A program supporting new riders to the sport or some sort of funding for our come and try riders would ensure our membership is open to all. I know there had been discussion of an equestrian facility in Nillumbik to support our riders and we would love to look at options. Ie no indoor arena to train at nights or during winter months unlike many other municipalities.	Assisting clubs with rebates for upgrading to solar or other alternatives to keep costs down	Privacy	Privacy
20273	- allow space in the Nillumbik News to inform residents of opportunities to participate from Leisure Centers, Sporting Clubs & community groups -eg walking basketball for over 55s, Come & Try days, Walking Clubs, Biking groups etc. - community boards at libraries & neighborhood houses advising of other events - a page on the website to expand on those opportunities with contacts , email addresses etc	to broaden the definition of inclusion to not just include the orthodox types of gender & disability but also - older Nillumbik residents - less socially confident or other "leisure reluctant groups' like those who may not typically consider fitness, recreation a priority	1- Review all existing Masterplans After that review produce an action or implementation timeline with dates to achieve specifies outcomes. Actions within Masterplans deemed not meeting current objectives be specifically excluded & the reasons for their exclusion. Immediate priorities for Nillumbik are the a. Civic Drive Community Facilities Masterplan	Community engagement will be enhanced by the review as described of existing Masterplans. These Masterplans have already been thru a consultation process along with expert leisure professional input. There implementation will have a force multiplier effect on future Council engagement. If residents can see outcomes & reasons certain actions are excluded that will	See answer to funding for programming at the Outdoor Performance Center. Assets are one part of the equation but so is recurrent resourcing of programs , summer concerts, other leisure & recreation oriented activities.	Sustainability is environmental but also achieved by increasing participation. Leveraging greater participation will make all Leisure assets more sustainable.	Friends of Apollo	{FoAP]

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		- footpaths & access more broadly to infrastructure assets always need consideration-this includes parking, walkability , safe crossings, lighting	- funding for fitness stations for the completion of the fitness trail on the perimeter of the site -bench seats on the passive recreation space - shelter & solar BBQ on the passive recreation space - drinking fountains - funding for activating the Outdoor Recreation Centre over summer with plays, concerts, other community events performed - additional play spaces & enhanced planting -additional maintenance to ensure existing landscaping is not lost -signage & mapping pointing out all points of interest -library ,greensborough bypass overpass , walking tracks to PR Drive ,Council Office , DVSFC, Outdoor Performance Centre, toilets - an immediate priority of FoAP is to make the "Rainbow Snake Park " the name of the playground & amphitheater area -A name will give the precinct its own unique identity. This was deemed critically important by leisure planning experts & residents who contributed to the Masterplan b DVSFC Masterplan - -retractable seating - -the current use of the mini court was not	reinforce the entire premise of community engagement as being meaningful & real & not merely tokenistic.				

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			foreshadowed in the Maserplan & Council should reconsider this use & its integration & use with the expanded Centre. - the expansion works needs a timeline for funding from other sources like federal & state governments & Council or sporting club contribution					
20272	No discrimination of any kind (no medical discrimination ie. vaccine status)	No discrimination of any kind (no medical discrimination ie. vaccine status)	No discrimination of any kind (no medical discrimination ie. vaccine status)	No discrimination of any kind (no medical discrimination ie. vaccine status)	No discrimination of any kind (no medical discrimination ie. vaccine status)	No discrimination of any kind (no medical discrimination ie. vaccine status)	Privacy Obligations	
20271	If participation is up overall, but key demographics are still an issue then perhaps specific, targeted programs that are more locally based across the shire might be of assistance. Access to recreation is key in this busy world. If people have to travel large distances to access facilities then they are perhaps less likely to use them. This might be especially the case of women, seniors and people with a disability. At the moment recreation facilities are very centralised in Eltham and Diamond Creek and many residents of the shire are more than 20 minutes drive away. This significantly effects usage of the exisiting resources and does not encourage participation	Equity of access for all is the key to equity of participation. Currently most sporting and recreation facilities such as pools and gyms are centrally located in Eltham and Diamond Creek. Limiting access to many of us in the other areas of the shire. This does not create equity or inclusion. I applaud Heath Gillett and his team for their response to my concern over the removal of the outreach programs from the Diamond Creek Community Centre since Aligned Leisure took over the contract. If the Council seriously intends to increase equity of access then these programs should be reinstated and expanded as a matter		I applaud any action that facilitate the collaboration between the Council and the community and believe that a well structured advisory committee would be a great support to ensuring that the sorts of projects and programs that are implemented do actually meet the needs of the whole of the shire. I believe that such a group needs a wide mix of members of different ages and from across the whole shire. Not just the urban areas. I find Point 4.3 especially interesting "Nillumbik Shire Council support community sporting clubs and contracted leisure providers to both seek new community partnerships and optimise existing partnerships with local businesses and community organisations. "One of the reasons I was			Privacy	Privacy

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		of urgency as it is now more than 2 years since the outreach programs were cancelled.		told that Aligned Leisure is hesitant to return some programs that were removed, such as yoga to Hurstbridge, is that there are now private operators running such programs and they don't want to impact on them. It would seem to me that the principle of forming some sort of collaboration with these providers would be just such an opportunity.				
20270	Priority 1 is silent to recreational horse riding, an activity largely carried out by women and girls. Item 1.4 is silent to horse riding as an example of the included active recreation opportunities. I would like to see Council take priority in acknowledging the large number of horse owners in the shirt and ensuring that open spaces and shared trails include riding of horses.	Priority 2 Equity and Inclusion must increase focus on activities that are enjoyed by women and girls. This includes equine related pursuits, which the Recreation and Leisure Strategy is silent to. Council must focus on expanding ways these pursuits can be embraced and supported by the large number of horse owners in the shire.	Priority 3 Infrastructure Renewal and Upgrade must focus on equine related pursuits as the strategy is silent on this point. The Kangaroo Ground Pony Club grounds have no infrastructure leading up to the grounds to support horse owners riding their horses to the facility. There are no paths on the very busy roads leading to the facility and where there were paths, metal road barriers have made using them impossible. This means large 4WD carbon emitting vehicles are required to be used to safely transport the horses when the vehicle could stay at home.	Priority 4 Community Engagement and Partnerships item 4.2 must include a representative on the Recreation Advisory Committee who is or was engaged in equine related recreational pursuits. The KG Pony Club or KG Adult Riders Club would be a good place to start with engagement opportunities. Item 4.4 would be supported by engaging horse riders, as most of the riding is pursued by women and girls.	Priority 5 Community Development and Strengthening must recognise the importance that pony clubs provide to the semi-rural and rural communities and provide them with the support that this priority offers. Item 5.4 must identify and recognise pony clubs as community sporting clubs.	Priority 6 Sustainable Environments must increase the ability to walk along our semi-rural and rural roadways. Needing to drive a car to do a daily walk goes against this priority. Needing to use a 4WD to take a horse for a ride goes against this priority. We live less than 1 kilometre to Kangaroo Ground Primary School; however our children cannot walk to school due to there being no path to walk along. Where there are paths to use, e.g., Pretty Hill Reserve, the paths are fenced off which excludes horses, bikes, the frail and disabled from accessing this open space.	Privac	[redacted]
20269	Build good quality basketball courts for public to use						Privacy	[redacted]

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20268	Keep planting indigenous plants and trees around these facilities to enhance user experience.	Not sure but inclusion is vital.	Using sustainable building methods and materials not sourcing timber from Vic forests.			Not sourcing timber from Vic Forest operations and enhancing the sorounds by planting heaps of native vegetation. Swailing water of built infrastructure to be used on site	Privac	[redacted]
20267	Put in a gravel track alongside the current Diamond Creek to Allandale Rd 5km Park Run loop. Running is still the most popular exercise and concrete paths are not the best for joints. Bicycles are not being monitored and race along the shared path. A specific running track would be safer and attract runners to the area.					Educate community around shared facilities. This includes bikes on shared path that travel at an appropriate speed, especially when passing. The shared path is not a freeway for bikes. Dangerous area for kids and pets with attitude of many riders. Education, Signage and enforcement of dogs on specific sporting grounds. Large financial investment in resurfacing grounds to find dog waste, holes dug and chewed and splintered sticks left by irresponsible dog owners. Signs taken down and not replaced or warnings given to those who disregard the rules. Results in unnecessary conflict between defiant dog owners with no regard or consideration for the main users or purpose of the grounds	Privacy	[redacted]
20266	I believe we need to address some of the underlying pressures of our modern lifestyles if we are to increase participation. Most parents I know struggle to participate in recreation and leisure activities. After they finish work,	I wholeheartedly support equity and inclusion for First Nations peoples, LGBTQIA+, CALD, people with disabilities, etc.	We need to create eco-villages and co-living spaces that address the challenges of our lifestyles.	I would be happy to partner with council to drive an eco-village / co-living initiative in Nillumbik.	As above: An eco-village / co-living initiative in Nillumbik.	As above: An eco-village / co-living initiative in Nillumbik.	Privacy	Privacy

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	taxi the kids to their extra-curricular activities, deal with the endless admin & paperwork of running a household, cook dinner, do the shopping, cleaning, etc, there's not enough time left for recreation and leisure! This is even worse for single parents. There is an opportunity to utilise open space and facilities to look beyond sport as recreation and leisure. The way we live our lives is busy busy busy. I would love to see council prioritise the use of facilities and open space to create LIFESTYLES that support recreation and leisure. For example, ecovillages and co-living arrangements create more connection, more time to dance, breathe, meditate, exercise.							
20265	I would like to see bike speed humps placed on the walking tracks in the Nillumbik shire. I and many others I know have had very close calls with very fast cyclist's on the walking tracks travelling over 20KMPH. I recently was forced off the track whilst riding nearly hitting a tree, by an oncoming bike travelling so fast around a coroner he knocked me off my bike. It's only a matter of time before a child or a toddler gets killed by a cyclist who should be on the road not the track. Speed humps will force them to either slow down or ride off the cement path.	Why do the Eltham gym and Diamond Creek YMCA have to charge high fees if Nillumbik Council are serious about the residents accessing affordable exercise and leisure facilities? Many residents in low incomes cannot afford a yearly membership at either venues. Perhaps the council could base the membership rates based on income levels?	I'm happy with the current number of playgrounds in the shire.	Change the current ownership of the Greensborough Leisure centre. They employ an external company to collect the membership fees, charge late fees quickly and require a medical certificate if the member wishes to cancel their membership. It's purely a money making enterprise for the current contractors. Not about engaging and supporting residents.	See my comments on Priority 4		Privacy	Privacy
20264	Prioritise the use of open space and parks as dedicated dog parks and off leash dog areas, Nillumbik has approximately 20,000 households and 11,000 dog registrations which pays over half a million dollars to council revenue. That amounts to over one dog for every second residence yet	same as above. Include people other than those with children and members of sporting clubs, Include dog owners!!!!!!	Create dog parks!!!!!				Privacy	Privacy

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	Nillumbik provides only 2 dedicated dog parks! The Hurstbridge one is a long way out for residents of Research Eltham North Eltham Diamond Creek etc and little more than a paddock. The Diamond Creek park on is so overused it is either a dust bowl in summer or a mud bog in winter and unusable. How many sports grounds and children's playgrounds are provided for given that "In Nillumbik Shire, 47.0% of households were made up of couples with children in 2016", so why aren't there as many dog parks as children's playgrounds? Facilities for dogs benefit their owners giving them a reason to go outside to play with their dogs and socialise with other dog owners. single people, childless couples, empty nesters and retirees and the elderly don't have children to take to a child's playground but often have dogs they can take to a dog park encouraging them to receive all of the health benefits from all of the things that the outdoors light exercise and socialising would give them							
20263	1.2 and 1.5	2.2 and 2.4	3.1 and 3.3	4.3 and 4.4	5.2, 5.3 and 5.4	6.1 and 6.2	Privacy Obligations	
20262	I would like to see the NSC invest in improving the passive green open space between the Diamond Valley Sports Centre and the Diamond Valley library (the "Southern Community Space" recently saved from the hospital development). Specifically I would like the Council to follow through with the recommendations of the NSC's Civic Drive Precinct Development – Master Plan for Community Facilities Upgrade Full Report 2015. The Masterplan suggests linking the 'Southern	I would like to see much more comprehensive visibility around Nillumbik and its parts about the Indigenous history and traditional ownership of the area. This could include a lot more translation of the history of our area - we know Indigenous Australians would have lived rich lives on the plenty gorge and the	The newish playground at the Civic Drive Greensborough space is beloved by many communities. It would be good to give this playground a name and have this clearly marked on google maps. A new attractive entry sign for the playground would be great, as it's hard to find or explain it to people who are not familiar.			Nappies - nappies are well known as a devastating contributor to landfill. Many councils are trialing reusable nappy programs, which is commendable. HOwever, cloth nappies are not necessarily the long term answer = they tend to push further labour, stress and inconvenience onto mothers who are	Privac	

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	Community Space' to bike and pedestrian routes, signposting it and planting trees and bushes on the perimeter to enhance its identity and support other activities. I would encourage the Council to plant a sensory garden in one part of the space that can be enjoyed by wildlife, people of all generations and abilities, while keeping other parts of the space open for picnics, play and events. The rest of the Civic Drive recreational space would be greatly improved by more signage, better lighting and paths, more seating, an adult outdoor exercise equipment, bike racks and so on. I'm not sure the right spot for it, but somewhere a learn to ride bike and scooter park for kids would be fantastic. There is a small one at the Delta Road Diamond Village shopping centre. A bigger one would encourage kids to learn the scooter and bike, and encourage outdoor play.	hills/streets where our houses now are. It would be good to have co-developed signage and stories available at all Nillumbik playgrounds, services, centres and so on, to enable that sense of connection and understanding. Could some spots be re-named with names and words in first nations languages? It would also be good to see NSC take part in the Vic Gov's Yoorook Justice Commission as appropriate.				already bearing disproportionate workloads across households, and they require high water consumption. I would like to see the NSC engage in further trials with compostable nappy companies, such as Bega Valley Shire was doing a few years ago, to see if there's a way to make convenient biodegradable nappies work with the assistance of locally managed collections and treatment. I believe many families will never be in the position to make cloth nappies work, and the problem of nappies should be a higher order social-environmental challenge, rather than something that gets pushed onto individual families.		
20261			Redevelopment of the clubrooms at Coventry Oval				Privacy	[redacted]
20260	Include the pending acquisition of land surrounding Christmas Hills Hall for part use by community as a shared start point by horseriders and other users to facilitate access of tracks around sugarloaf Dam. Continue to develop shared trails through the rural parts of the shire.	Equity for all recreational users- includes horseriders. All developments for walkers, off road cyclists should be open to horseriders as well.	Maintain what is here and spend rates on developing new recreational assets.	Consultation with user groups on appropriate access to new developments- ie Melb Water land subdivision, trails around but off road- on verges as walking tracks in Sugarloaf will be closed due to installation of solar farm and associated security measures.	Consultation	Discussion with stakeholders regarding best/ sustainable use and offsets where there is some impact.	Privacy	[redacted]
20259	What actions would you like to see Council take for Priority 1 over the next four years?	2.1 Projects, programs and services which support an increase in	3.2 Infrastructure renewal and upgrade projects that	4.1 All community engagement is undertaken in alignment	5.1 Club development is delivered annually as per the Club	6.1 Lease and licence agreements include a sustainability clause	Priva	[redacted]

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	Thank you for seeking feedback on the recreation and leisure strategy 2022 – 2030. It is particularly exciting as this strategy provides the opportunity for sporting and leisure activities, that are not of the mainstream, to access support, they have rarely had. Equine related sport and leisure are prominent activities in rural Nillumbik and predominately enjoyed by women, girls, seniors and all ability persons but is open to all, that have the love of horses. As it is not a mainstream sport/leisure activity and wrongly seen by some as an elitist activity, it has rarely been offered assistance and it often more inclined to have access reduced. Nillumbik council have recently acknowledged the significance of equine activities on our shire by adopting the equine in Nillumbik plan in June 20. The Equine in Nillumbik plan should have been acknowledged in the strategic alignment of this strategy as there is crossover and aligning support for both documents, objectives and priorities. The actions I would like Council take for all of the priorities of this strategy come directly from the Equine in Nillumbik plan which other than the trail audit (which is independent of the plan), little has been achieved. As these actions also align with the scope of this strategy, I would hope that officers would see the synergy and the need for these actions to be included in the plan Objectives 1.1 Overall participation in sport and recreation is increased annually. Council to work with the equine clubs to grow participation and	access, equity and inclusion in recreation are prioritised for funding. Council to work with the equine sector to promote and respond to relevant Commonwealth and State Government grant programs 2.2 Fees and charges for recreation facilities incentivise equitable access and promote inclusive practice. 2.3 Nillumbik Shire Council work proactively with community groups to increase awareness and build capacity around inclusion best practice. Council to work with the equine clubs to grow participation and promote the Riders without Horses and Riding Develops Ability programs 2.4 Nillumbik Shire Council actively pursue options to make recreation and leisure facilities more accessible. Council to work with the equine clubs to grow participation and promote the Riders without Horses and Riding Develops Ability programs Council and the equine community to work with relevant stakeholders and land	meet multiple strategy principles are prioritised. Council to investigate how to support clubs to improve and maintain their facilities Council to facilitate the equine community to collaborate with shared trail users, primarily cyclists and walkers, to understand and document synergies and common needs such as regularity of trail use and road sharing safety Council, in collaboration with the equine community, to develop an Equine Infrastructure Plan to identify how the current sites can be improved to maximise their potential Council to work with the equine community to understand and promote shared infrastructure and resource opportunities between clubs to improve facilities and reduce cost for critical maintenance Council to investigate potential of a larger shared equine facility for clubs, and viability of an indoor arena for competitions, training and RDA Council and the equine community to work with relevant stakeholders and land managers to identify and formalise access to trails for horse riders, including linkages and connections. 3.3 Nillumbik Shire Council actively pursue grant and funding opportunities to develop and renew assets to meet community needs.	with Council's Community Engagement Policy. Council has undertaken extensive community engagement with the equine sector for the Equine Plan which can be used to support the need for actions within this strategy. 4.2 A Recreation Advisory Committee is formed to provide guidance on recreation and leisure opportunities within the Shire. Council to work with the equine community to understand and promote shared infrastructure and resource opportunities between clubs to improve facilities and reduce cost for critical maintenance Council to collaborate with the equine sector to consider the development of appropriate horse and rider-friendly accommodation and associated guidelines 4.3 Nillumbik Shire Council support community sporting clubs and contracted leisure providers to both seek new community partnerships and optimise existing partnerships with local businesses and community organisations. Action - Council to support the equine sector to develop and maintain a comprehensive database of the equine community and supporting communications plan	Development Framework. Actions Council, in collaboration with the equine community, to develop an Equine Infrastructure Plan to identify how the current sites can be improved to maximise their potential. Council to work with the equine community to understand and promote shared infrastructure and resource opportunities between clubs to improve facilities and reduce cost for critical maintenance 5.2 Where relevant, community sporting clubs are provided with the opportunity to transition from seasonal user agreements onto lease or license agreements. Council to liaise with clubs to ensure lease agreements enhance their long term viability. 5.3 Nillumbik Shire Council support clubs to be safe, welcoming and sustainable organisations. Council to investigate how to support clubs to improve and maintain their facilities Council to work with clubs and state bodies to understand and action any risks associated with club-	which outlines environmental considerations, including recycling and energy-saving measures. Action Council to support the equine sector to promote land management group membership Council to investigate extending existing pest management programs to the equine sector around the following: • Weeds • Rabbits • Deer • Foxes • Blackberry 6.2 Nillumbik Shire Council adheres to Council's Climate Action Plan 2022-2032 in regards to the renewal, upgrade and maintenance of sport and recreation assets. Action Council, in collaboration with the equine community, to develop an Equine Infrastructure Plan to identify how the current sites can be improved to maximise their potential Council to investigate how to support clubs to improve and maintain their facilities		

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	promote the Riders without Horses and Riding Develops Ability programs Council will conduct its trails audit to ensure that existing and planned trails are fit for purpose. 1.2 Participation in key targeted demographics (including women and girls, people with a disability, First Nations people, gender diverse people the LGBTQIA+ community, older adults, CALD communities and individuals from rural/remote areas) is increased annually. Council to support Riding Develops Abilities activities in Nillumbik, through specific infrastructure analysis and linkage to client services Council to work with the equine clubs to grow participation and promote the Riders without Horses and Riding Develops Ability programs 1.3 Nillumbik Shire Council work proactively with community groups to address decline or stagnation in participation through targeted action plans. Council to work with the equine clubs to grow participation and promote the Riders without Horses and Riding Develops Ability programs Council to support volunteers engaged in equine activities. 1.4 Nillumbik Shire Council actively support and promote opportunities to participate in active recreation opportunities, including walking, skating, scootering and cycling. Council will continue to implement the Nillumbik Trails Strategy and Recreation Strategy	managers to identify and formalise access to trails for horse riders, including linkages and connections. Council to explore opportunities to collaborate with neighbouring municipalities that are planning equine infrastructure Council to work with the equine community to understand and promote shared infrastructure and resource opportunities between clubs to improve facilities and reduce cost for critical maintenance Council to investigate potential of a larger shared equine facility for clubs, and viability of an indoor arena for competitions, training and RDA 2.5 Lease agreements for sport and recreation assets are reviewed and adapted to promote fair and equal access. Council to liaise with clubs to ensure lease agreements enhance their long term viability	Council to work with the equine sector to promote and respond to relevant Commonwealth and State Government grant programs Council to investigate potential of a larger shared equine facility for clubs, and viability of an indoor arena for competitions, training and RDA. Council to explore opportunities to collaborate with neighbouring municipalities that are planning equine infrastructure	Council to collaborate with the equine community to understand capability and opportunities for visitation through individual businesses and partnerships. Council to design and implement equine-specific business engagement activities to facilitate business-to-business, business-to-consumer, and business-to-government opportunities 4.4 Nillumbik Shire Council proactively seek to form partnerships with groups and organisations who support the participation of underrepresented community groups in sport and recreation. Excerpt from Nillumbik equine plan executive summary "Equine activities encourage an active outdoor lifestyle, a connection with nature and social connectivity. These activities have been recognised as providing health benefits to all participants including people with mental and physical disabilities.5 At present, the majority of riders in Nillumbik are female (89 per cent of survey respondents) – women and girls of various ages who are often under-represented in organised sport"	built infrastructure on Council land Council to develop a Nillumbik Horse Trail Riding Guide highlighting information about riding in Nillumbik, trail user protocol and safety information. Council to investigate requirements and costs for improved signage regarding horse and rider safety on roads The equine sector, in collaboration with Council, to create and implement a horse and rider road safety education program for drivers Council to support volunteers engaged in equine activities 5.4 Nillumbik Shire Council supports community sporting clubs to apply for funding. Council to work with the equine sector to promote and respond to relevant Commonwealth and State Government grant programs			

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	Council to support the equine sector to enhance communications across the sector such as the promotion of events, seminars and information to assist horse owners and businesses 1.5 Nillumbik Shire Council complete Gender Impact Assessments for all projects and planning (where applicable) to support the participation of women and girls, gender diverse people and the LGBTQIA+ community.			Action the equine plan. Council to design and implement equine-specific business engagement activities to facilitate business-to-business, business-to-consumer, and business-to-government opportunities				
20258	Enhance the existing open space to provide additional amenity. E.g. the pipe trail near the gorge, the green space next to the stadium. More council community events using existing green spaces too.	I'm not sure I understand what actions would come out of this.	The current Apollo parkways iga precinct is a disgusting eyesore and badly needs redevelopment. The previously proposed hospital site was designated as part of a community master plan - would be good to see that come to fruition.	More council run events			Privacy	[redacted]
20257	Perhaps include an objective around identifying and addressing obstacles to participation. As a horse rider, I ask council to refer to its own 'Equine in Nillumbik Plan 2020-2030' Appendix A: Actions for short- and medium-term priorities that align with the '6 key priorities' that are central to the delivery of the Recreation & Leisure Strategy 2022-2030. ACTIONS: Council and the equine community to work with relevant stakeholders and land managers to identify and formalise access to trails for horse riders, including linkages and connections. Timeframe: SHORT The equine sector, in collaboration with Council, to create and implement a horse and rider road	Agree that funding opportunities should be directed to address current and future inequity for the sports and recreational activities that have historically (and continue) to miss out on council and government funding and support. Should this not also include staff resourcing from council? In the 3rd paragraph, should there be some comment around equitable planning, not just design principles, scheduling and resource distribution?	P.11 In the 2nd paragraph, the 'council partners' should also include local clubs, relevant government departments (instead of just mentioning the Department of Education) and other land managers. Include an objective around assisting clubs to audit their facilities to identify outdated and dangerous infrastructure and assist in planning and (sourcing) funding for renewal projects. ACTIONS: Council to investigate potential of a larger shared equine facility for clubs, and viability of an indoor arena for competitions, training and RDA. Timeframe: MEDIUM	P.12 In the 1st paragraph, include 'relevant government departments' in the list of who council will continue to engage with. 4.2 "A Recreation Advisory Committee is formed to provide guidance on recreation and leisure opportunities within the Shire" Agree, and a representative from council's Recreation Trails Advisory Committee needs to be included on this new committee to ensure adequate representation of the needs of shared trail users and to ensure good communication	See previous Actions.	There is nothing about the importance of community safety and welfare when residents participate in outdoor recreation. This is important too and needs to be considered and balanced in this priority. ACTIONS: Council to develop emergency management information to assist horse owners during the fire season, including possible options for large animal evacuation. Timeframe: SHORT While this Action is not relevant as such to the Recreation Strategy, this could be a	Privac	[redacted]

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	safety education program for drivers. Timeframe: SHORT Council will continue to implement the Nillumbik Trails Strategy Timeframe: ONGOING Council to digitally map tracks and trails. Timeframe: SHORT Council to work with the equine clubs to grow participation and promote the Riders without Horses and Riding Develops Ability programs. Timeframe: SHORT Council to support Riding Develops Abilities activities in Nillumbik, through specific infrastructure analysis and linkage to client services. Timeframe: SHORT	Perhaps include an additional objective that has proactive planning as a key solution to addressing Equity and Inclusion. ACTIONS: Council to liaise with (equine) clubs to ensure lease agreements enhance their long-term viability. Timeframe: SHORT Council to develop a Nillumbik Horse Trail Riding Guide highlighting information about riding in Nillumbik, trail user protocol and safety information. Timeframe: MEDIUM Council to support volunteers engaged in equine activities. Timeframe: MEDIUM	Council, in collaboration with the equine community, to develop an Equine Infrastructure Plan to identify how the current sites can be improved to maximise their potential. Timeframe: MEDIUM Council to investigate how to support clubs to improve and maintain their facilities Timeframe: MEDIUM Council to investigate requirements and costs for improved signage regarding horse and rider safety on roads. SHORT Council to work with the equine community to understand and promote shared infrastructure and resource opportunities between clubs to improve facilities and reduce cost for critical maintenance. Timeframe: MEDIUM Council to explore opportunities to collaborate with neighbouring municipalities that are planning equine infrastructure. Timeframe: MEDIUM Council to work with clubs and state bodies to understand and action any risks associated with club-built infrastructure on Council land. Timeframe: SHORT	between the two committees (not just a staff member or councillor). ACTIONS: Council to work with the equine sector to promote and respond to relevant Commonwealth and State Government grant programs. Timeframe: SHORT Council to facilitate the equine community to collaborate with shared trail users, primarily cyclists and walkers, to understand and document synergies and common needs such as regularity of trail use and road sharing safety. Timeframe: SHORT Council to support the equine sector to develop and maintain a comprehensive database of the equine community and supporting communications plan. Timeframe: SHORT		significant secondary outcome of a larger shared equine facility with a safe indoor arena and multiple yarding provision in defendable open space with good road access.		

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20256	If possible, I would like to see all council facilities at the same standard within the shire. Why does Diamond Creek seem to have everything and surrounding towns have depleted and substandard facilities?		I Live in Hurstbridge, Our local football ground have lights that are sub standard and not fit for purpose. Our netball courts are dilapidated and not fit for purpose, our indoor basketball stadium (1 court) is not to required standard and therefore unsafe and not fit for purpose!				Privacy [redacted]	[redacted]
20255	I would like to see council utilising environmentally sustainable companies, materials for any upgrades and developments. It would be a positive step to see increased recruitment of culturally and gender diverse people. If we see an increase in diverse recruitment, the follow on is an increase in diverse populations utilising services and facilities.	As in previous comments, equity and inclusion starts at home. Show us how Nillumbik is going on this to date and show us how you can do it better. We are able to tolerate not quite getting it right but we are not able to tolerate white washing. How does Nillumbik show what they stand for is authentic, meaningful, and accountable inclusion and equity and not just a load of words in a strategy?	This links with the previous points. Listening and taking note of the experience of volunteer groups like Landcare in relation to what is really happening at local recreation sites. Actively seeking to utislie non toxic sprays for weed removal around recreation areas. Remove use of herbicides such as Roundup and look for sustainable alternatives. Consider the number of children who climb, touch, and play around areas that have been sprayed. Other councils have banned the use of Roundup. Nillumbik should follow suit and show they are getting a grip on the effects of this toxic substance In March 2015, the International Agency for Research on Cancer (IARC) announced that it had reclassified the herbicide glyphosate, from 'possibly carcinogenic to humans' (Group 2B) to 'probably carcinogenic to humans' (Group 2A). Would be good to see that Nillumbik are at least reviewing this issue.	Again, talk to local groups who are living and loving the areas they choose to spend time in. There is opportunity to develop even more recreation areas that are not based on building but based on the environment and sustaining green areas. The 6th Assessment Report of the United Nations Intergovernmental Panel on Climate Change (2022) reminds us 'WE MUST RESTORE AND PROTECT AT LEAST 30% OF THE EARTH FOR IT TO PROTECT US'. Focus on environmental buffers across Nillumbik including areas such as Wattle Glen, Diamond Creek and Hurstbridge.		See above as many of my previous comments are linked to environmental sustainability. Thanks and appreciate the opportunity to comment	Privacy [redacted]	[redacted]

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20254	Unfortunately Nillumbik council's Feedback on Recreation and Leisure Strategy concentrates too much on organised sport and leisure activities, with very little appreciation for passive or informal exercise while appreciating our natural environment. Such as walking, dog walking, off road cycling and horse riding. Therefore, there needs to be new ways to encourage more informal use of Open Space with particular emphasis on protecting and nurturing the natural environment consistent with other Nillumbik Council strategies based on the environment. In particular, in Wattle Glen there is a resident proposal for Council to buy a vacant property on the outside of the UGB, but very close to residential areas. Buying this property will enable a safer connection between council's Green Wedge Regional Trail and the nearly finished Diamond Creek Regional Trail for passive use such as walking, off road cycling and horse riding. Also, during COVID lockdowns this land was very popular with local residents wanting a way of exercising that is consistent with Nillumbik being the Green Wedge Shire. – ie council enabling walking the talk, not just having policies that look good, but stay in the file.)						william	Lord
20253	See comments in priority 3		A big focus on increasing access to the Diamond Creek trail for users, whereby safe access can reduce reliance on vehicles, and increase access to exercise and walking access to shops. E.g. Pedestrian crossing at Ryans Road/Edinburgh St/Old			Solar panels should be installed on every new or refurbished council facility. Extra EV chargers should be installed for local amenity and also to attract tourists of EV's, which are doubling in number each year.	Privacy [redacted]	[redacted]

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			Diamond Creek road to allow access to the trail by users west of Ryans Road, and padestrian crossing across the railway line nroth of Edendale Farm, Eltham North to link with the "Dandallo Dr" area, and Diamond Creek near Diamond Valley College. Investigations should also take place into the viability and installation of a bike path linking the Diamond Creek trail to the Greensborough Bypass / Ring Road bikepath via the Vicroads land that runs between Kim St and Windmill rise in Diamond Creek, eastwards through St Helena to the Diamond Valey Sport roundabout. This would allow much much quicker access for those travelling by bike westbound and not via the city paths.					
20252	Make open space easily accessible and usable by people (toilets, taps, bins, parking, varied surfaces, etc)						Privacy	[redacted]
20251	1.3 & 1.4 Allow space in the quarterly Nillumbik News for listing and promotion of Sport clubs who seek to grow/remain viable and inform residents of opportunities to be engaged in a variety of sporting activities. eg daytime netball and basketball competition. Install and utilize community boards at leisure facilities & libraries to inform the public about come and try days, contact people for clubs and enquiries, 'Go To' website info to expand understanding of all that is on offer.	2.1 & 2.4 Ensure physical links exist between Council facilities located in the same proximity. eg the pedestrian crossing thru the DVSFC car park has improved safety but it is incomplete. It doesn't fully connect the library and playground for people with prams, wheelchairs, motorised scooter, children with bikes or seniors with mobility issues who all	3.2 & 3.3 Pursue Grant funding at every opportunity for final stage of the DVSFC masterplan, additional courts as deemed necessary in the Otium report stating a 10 court facility is needed in the area. The 4 new courts need seating surrounding the courts for players, team managers, parents & spectators. Folding tiered seating is required to accommodate a large audience when hosting feature games, NBL1 games & finals. A curtain is required	I would like to see priorities & plans that already exist (across the Shire for Rec & leisure) remain for consideration and grant applications that will lead to completion. Much staff time, resident input and contracted facilitators have led to masterplans at considerable expense and these must not be shelved as they are valuable in guiding Council -what residents			Privacy	[redacted]

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		need a path. Crossings from the sports centre do not join with a path either to the play area. (Endlessly frustrating for people just trying to move between A and B.) Ensure some of the playgrounds within the Shire are contained within pool safety standard fencing with safe gates allowing families who have a need or preference for such a park options in the Shire. ie Copper butterfly park	to divide the badminton courts from adjoining court so the noise and activity and wayward ball does not intrude on a group playing badminton or table tennis. Badminton players currently have to see the shuttle against a wall that is 4 courts away. Pursue additional funding for improvements to the Passive recreation and Free Play space adjoining the bypass in the Civic Drive Precinct. The Masterplan for this space outlined seating, picnic shelter, BBQs and fitness stations which have yet to be realised - this area has great potential with so many people nearby participating in library and sport centre activities. Many folk (young and senior) walk or ride thru these paths, others come specifically to walk and exercise. (a routine established during lockdowns) Extended families gather, kids cycle or scoot and adults supervise. Some additional features will draw people here to socialise with friends of all ages. Currently there are trees and paths and the DVSFC cafe is very close..... some seating here would be very welcome and it would meet the Masterplan objectives. Signage in the Civic Dr precinct is necessary so people are informed of the Library nearby and visitors can see where the toilets, drinking fountains, shared paths and cafes are in the	and experts alike have determined.				

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			vicinity. Posties and delivery drivers will appreciate it too. Simple colourful maps indicating 'You are here' will not just be useful but a learning tool for children. A Sign naming the areas of the Precinct is so important for Users and to formalise the specific unique identity. This was repeatedly listed as a priority by facilitators and workshop participants pre Masterplan phase.					
20250	You mention addressing key targeted demographics, could we please see weekly programs that particularly focus on these groups? For example, I recently asked the receptionists at the newly renovated Diamond Valley Sports and Fitness Centre what programs operated for seniors, and they couldn't name one. Off peak hours could be used to attract females, disabled or even seniors to participate in multi-sport activities.	Greater transparency between the Council demographic population and the actual current usage of recreation and leisure centers. Where particular groups are underrepresented, proactive incentives and/or council organised events could then be offered to attract and better understand these participant needs. For example, wheelchair or visually impaired users would find many access problems at some of the centers I have recently visited.	Excellent job with playgrounds - but worry that they are becoming a competition ground between councils. Would also encourage different pricing structures with cheaper prices given to Nillumbik residents.		Whilst I support the focus on clubs, many individuals today want to participate as individuals. Regular "Have a go sessions", such as fitness, badminton, squash, or even summer holiday activities could meet these individual needs as well as be a pathway to increased club engagement. To encourage greater understanding of what is available in the community, would suggest your current websites could be much improved e.g. minimally sports and prices included, rather than assume knowledge of current clubs using the facilities.	Excellent adherence to the Council's Climate Action Plan 2022-2032, as demonstrated by the recent developments of the Diamond Valley Fitness and Sports center.	Privac	[redacted]

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20249	I would like to see the continuation of the making of walking, bike and horse trails for recreational use. These are facilities that the whole community can take advantage of and are good for mental and physical health.	Horse riding is a recreational sport that is enjoyed particularly by children and women of all ages. It is a healthy sport and it is important that it can be done safely on off-road trails, away from cars and trucks. Promotion of Riding for the Disabled is important for inclusion and equity. It is a wonderful opportunity for people with a disability to feel the freedom of movement and the bonding with an animal.	A huge push for renewable energy with more solar panels to be put up by council. There are plenty of roof tops and car park structures which could support solar panels. Climate change is a huge concern and we urgently need to reduce our emissions by 2030. The council should be converting their fleet to electric cars. Council could consult environmental scientists on what other measures could be taken.	There are many grass roots organisations in the Shire. I think that they are generally well-catered for. I am on the committee of Welcome to Eltham which supports refugees and people seeking asylum. Pre-COVID we were able to use the community bus. We haven't used it recently, as it is quite a long process to organsie this. It would be good to see more events at Montsalvat, as we come out of COVID- 19. the eltham Festival is also a wonderful way of many organisations engaging in the local community.	I think it is important for Nillumbik to retain its natural surroundings. The development that might be planned should be linked to the cultural and artistic nature of the Shire. It would be great to see events like the Jazz Festival come back.	I have already mentioned more solar panels. Continued bush fire prevention and awareness. Removing dead trees and undergrowth that could be a fire hazard. Improving the aquaduct trail which currently has a lot of dead trees and scrub along the aquaduct. A push to decrease the use of plastics. Continued promotion of recycling all manner of goods. Cleaning the waterways, especially the Diamond Creek.	Privacy [redacted]	[redacted]
20248	I would like to see more use of the outdoors when weather permitted. Exercises yoga rumba on the grassed area. Bike s & stands outside gym and electric scooters.	I would like my Blue Lake Ward councilor Richard Stockman to be more positive and proactive requesting grants and volunteers to donate eg lions club to build pergolas to improve & finish Civic drive parklands.	Consult the community before not after of any changes or improvements. Need more seating undercover pergolas with barbecues shade cloths more trees to provide shade in the parkland. I would like for Civic Drive parklands to now be completed.	Always consult the community for their input.			Privacy [redacted]	[redacted]
20247	Involve SSA's early into sport and recreational facility planning to ensure facilities are fit for purpose and responsive to current and future participation trends. SSA's (State Sporting Associations) can assist council in facility planning to ensure facility planning and their open spaces network is responsive to changes in demand and can accommodate growth into the future.	Promoting equity and inclusion is important to ensure sport and recreation is reflective of local communities and allows anyone to participate in being physically active. Football Victoria (FV) is supportive of this priority as it provides more opportunities for the whole community	Football Victoria (FV) acknowledges that we play our sport within a wider context of the open spaces network, with competing demands for access to public space. FV wishes to work with the council to ensure investment and renewal projects achieve the strategic outcomes of FV while also ensuring the benefits of this investment is	Football Victoria (FV) supports the inclusion of sporting clubs and groups into council consultation processes. FV wishes to partner with the council to ensure our Football clubs ambitions and demands are factored into future planning and investment decisions. FV can assist the council in coordinating the	Football Victoria (FV) supports this priority as it assists clubs in becoming more sustainable and helping them to provide better services to the community. Council need to inform the sporting clubs of the Club Development Framework and other processes around	Football Victoria (FV) supports this priority as it is protecting the open space network that allows our sport to be played. Council need to ensure that there is clear information and processes within the sustainability clause outlined within this priority so sporting clubs know what they need to	Privacy [redacted]	[redacted]

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		to participate in whatever activity they prefer. Public infrastructure and investment into sport and recreational planning and facilities should promote equal access for the whole community. FV can assist with any future planning of open spaces and sporting facilities to ensure facilities are accessible for all those that play Football.	experienced by multiple stakeholders and community groups. FV wishes to work with other sporting codes or community groups to pool together resources and investment to generate outcomes that benefit a wide range of user groups and the wider community.	consultation process between football clubs and council to ensure the best outcomes are reached.	development as this will outline clear systems and processes for the clubs to follow. This will help them articulate their future planning and club aspirations as there is certainty around council process and seasonal allocations/ lease opportunities.	do to help protect the open spaces network.		
20246	The priority may be politically correct, but does not reflect the Nillumbik demographic and is not evidence/ research based. "1.2 Participation in key targeted demographics (including women and girls, people with a disability, First Nations people, gender diverse people the LGBTQIA+ community, older adults, CALD communities and individuals from rural/remote areas) is increased annually." I think that school age children and especially adolescents should be a target as there is research to show that these groups are not exercising enough for good health. The new WHO study, finds that more than 80 per cent of school-going adolescents globally did not meet current recommendations of at least one hour of physical activity per day – including 85 per cent of girls and 78 per cent of boys.(22 Nov 2019) Regular physical activity can help children and adolescents improve cardiorespiratory fitness, build strong bones and muscles, control weight, reduce symptoms of	2.2 Fees and charges for recreation facilities incentivise equitable access and promote inclusive practice. I would like specific reference to how low income people can be guaranteed access to recreation facilities.	3.1 Nillumbik playgrounds meet the needs of Nillumbik residents and visitors. Include reference to children with special needs.	4.2 A Recreation Advisory Committee is formed to provide guidance on recreation and leisure opportunities within the Shire. The committee should provide guidance/ advice on the strategies, plans and proposals as they are being developed. Consultation with the committee should take place throughout projects. Of course this may vary with the project. But the opportunities to provide advice should be real and meaningful, not just part of a process, so that Council can tick a box.	5.4 Nillumbik Shire Council supports community sporting clubs to apply for funding. Include a range of recreational and sporting clubs that have the aims of being active, fitness and social connection.	6.2 Nillumbik Shire Council adheres to Council's Climate Action Plan 2022-2032 in regards to the renewal, upgrade and maintenance of sport and recreation assets. This may need some explanation. Do you mean that if you were upgrading a sports centre that you would install solar? and water capture and storage systems to reduce water use?	Privacy	[redacted]

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	anxiety and depression, and reduce the risk of developing health conditions such as: Heart disease and Cancer. See also https://theconversation.com/fitness-levels-in-teenagers-linked-to-where-they-grow-up-new-research-144247 1.4 Nillumbik Shire Council actively support and promote opportunities to participate in active recreation opportunities, including walking, skating, scootering and cycling, ADD mention of activities that young people may enjoy such as: mountain bike riding, skate boarding, yoga and horse riding.							
20245	Stop focusing on fictional pushbike riders and start focusing on ratepayers of this council that pay your wages. I don't care how many fools on pushbikes you think may be attracted to Nillumbik from the concrete jungle to maybe buy a coffee on the weekend. I want you to focus on the ratepayers that spend money everyday in our towns and try to encourage them to stay here and not go to Doreen.	Drop the subject. Did you read that? Read it again, DROP THE SUBJECT. We are all different. We are born with either a vagina or a penis. We have, each one, a different perspective of life and we don't need council public servants dictating how to act, react, or ignore the status quo.	Start by acknowledging the FACT that there are a lot of ratepayers that own most of Nillumbik in the 'green wedge' that still want to live on their property. And a little support from council would be a change from ignoring them. Seal the roads that council claim are polluting the waterways. get a grant from Melbourne water or state government, get it done in 4 years.	Read my reply above! Council public servants are to work for ratepayers. Start supporting us. Help us control pests and weeds. Help us by providing bmx tracks not tearing them down. Pony club areas. Advertise the off road bike tracks that we have with a map.	As above- don't trash the community assets like the bmx jumps in Diamond creek. Warrnambool has a world class facility, build it. Don't exclude the horse riding community from Nillumbik at your peril. If you don't believe me then Go for a drive around Nillumbik with your eyes open this time.	By all means add solar to all community assets, and while our government is handing out grants add batteries. But do not try to force us to pay for any snake oil scheme. We have More than enough trees on the green wedge to offset the residents emissions. As a matter of fact I should be paid for my offsets by the residents that live in Eltham with a rate reduction to $0	Priva	[redacted]
20244	I would like Council to be inclusive of all sporting clubs in the area including EQUINE which is not mentioned at all in your proposal.	I would like council to be inclusive of every group in the communing including the EQUINE community which continues to be overlooked by this Council - especially when you see the great work other councils are doing to promote equine	AGAIN PLEASE INCLUDE EQUINE IN ANY INFRASTRUCTURE OR RENEWALS OR UPGRADES - they are a big part of the community - do you have rural areas in this shire?? If you don't like the rural areas please pass us over to the Shire of Murrindindi which is much more supportive of rural landholders	Be more inclusive for everyone - not just the options that the councillors want - I belong to 3 horse clubs in Nillumbik not one club was approached at any stage in this consultation!!	BE MORE INCLUSIVE OF EVERYONE	Again be more inclusive of all people in the community	Priva	[redacted]

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		activities in the community						
20243	Would like to see the Masterplan for the passive southern parkland at Civic Drive completed as per the 2015 plan. Would like to see the area named and signage displayed. Would like to see bench seating and drinking fountain for people and dogs. Would like to see adult exercise stations installed and general beautification with the area being made user friendly. If the children's activity area is named "Rainbow Snake Park" then perhaps of the "passive" area could be named "Goanna" Park.	I would like to see the southern park at Civic Drive made a park for all ages, i.e. well-maitained flat grass for ball games, adult exercise stations and decorative backed bench seats for the oldies.	I would like to see the southern park at Civic Drive made user-friendly as per the 2015 Masterplan. I would like to see the path along the by-pass completed in concrete so chuldren do not have to venture onto to the road to get to the footbridge over the bypass road.			More indigenous trees planted.	Privacy	[redacted]
20242	Improving Civic Drive open space, some seating and more trees would be wonderful. I live in Nandaly Court and the open space at the rear of my property (north) could do with enhancement also.		Improvement of facilities across the board, not a huge whack of money in one or few locations.				Privacy	[redacted]
20241	Continued upkeep on horse riding trails and green wedge areas given girls and women are a huge portion of equestrians in the Nillumbik Shire. I moved to this area again after living here pre 2000's attending pony club etc. My daughter has agitated horses here over the past 2 decades as have I and this is a huge drawcard for us, our friends and family			allow feedback and participation of horse riding trails by horse riding rate payers and their families		as above - properties keeping horses is in keeping with the green wedge culture and create support and business for surrounding business like horse feed saddleries etc not to mention local community groups such as pony club and adult riding clubs	Privac	[redacted]
20240	Encourage and include equine pursuits	This is more Privacy . Promote healthy lifestyle led activities such as riding bikes an horses	Support local pony and BMX clubs.	Concentrate on roads , rubbish and reducing costs to lower rates.	Reduce rates Empty bins Fix the bloody roads	Cut the Privac , concentrate on rate reduction , repairing roads and stop using our money to get on your high horse regarding environmental concerns.	Privacy	[redacted]

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20239	- More walking tracks and footpaths so we can safely walk including more off leash dog areas and parks - Well lit and clear paths so women can feel safe walking (sections of Yan Yean road are pitch black at night - no streetlights).		- outdoor gym equipment		- do more for local sporting clubs post covid		Privacy	[redacted]
20238	Equal priority to equine very important for many children and adults and disability for riding too	Why is equine being left out extremely important	Only if you include eqine	Equally prioritising all equine activities	Since equine has been left out I would say equine	Not to be tunnel visioned and exclude the love of horses as through a relationship with your horse mental health issues can be helped. The horse community is very strong and I cannot believe you would leave them out when in the past re 2018 st andrews ponyclub you helped the disability area with grants.	Privac	[redacted]
20237	The recreation and leisure strategy must reflect ownership & accessibility for equine users. Horse ownership, riding and related skill development are a major activity in Nillumbik and this needs to be noted and encouraged in this document. Use of open spaces should incorporate equine activities.	Fees and charges are not explained in enough detail and should not be a key factor in this strategy		Ensure that ALL community groups are involved. The public space is owned by all and managed by council on our behalf and all users must be factored into the strategy. Priority is ALL groups recorded and needs noted and managed.		Make sure that all community user needs are included as we manage the environment.	Privacy	[redacted]
20236	Equine activity. Why is there no mention of it? There are lots of horses in Nillumbik, and yes rural people need to be at least included	Rural people are not supported in their pursuits		Selected groups are consulted. Not a total representation of the community. Be transparent in the groups you've consulted with			Privacy	[redacted]

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20235	Including public equestrian spaces for shared use in nillumbik for the many children, adults, people with different abilities and needs to be able to use in or community	Supporting people with outdoor activities and pathways etc to enable usage of free facilities for those of varied income levels and encouraging community connection and engagement with each other.	More resources and upgraded facilities of park areas, bridle paths, equestrian facilities / ovals/ spaces for shared use by a large proportion of the residents beyond Elthams boundary who participate in equestrian outdoor pursuits at some level. Many children would love a safe space to ride and explore without the busy roadside (of whom most drivers are from outside the area and have no regard for local citizens doing recreation on foot or horse and simply zoom by at top speed thru our beautiful area as a shortcut)	Some more educational courses and varied times/dates to enable more locals to attend and of varied age groups also. Gardening, permaculture, sustainable energy practise etc. (some have been offered, but not many options for attendance times)		More widely available courses and encouragement of participation in them. Resources for clubs and groups to also be educated in sustainability- not just at household level, but widely practised by all groups in the community.	Privacy	[redacted]
20234		The inclusion should also include the equine part of the community as well.	would like to see renewable resources used in the upgrades .	More pop up forums that cater for those of us that have to work during the week.	Some more assistance with funding	Some more sites with solar systems	Privacy	[redacted]
20233	when you have to include labels its a disgrace, everyone is valued.	include all people see previous answer. exluded hirse riders yet again.		again need to include all people in this		we are getting tooooooooo woke! stop the craziness.	Privacy Obligations [redacted]	
20232	Build a/ couple of learn to ride areas in nillumbik for small children to learn to ride on and parents can integrate road rules knowledge during play.		Upgrade some of the older small local parks with more modern equipment to avoid overcrowding at the larger parks. Covid proved how important the smaller playground and green spaces are.				Privac	[redacted]
20231	Increase access to car and float parking at trails so horse riders can use trails a distance from home. Increase informal opportunities and equestrian access to all trails Decrease regulatory intrusion. It's hard to remember that once upon a time public space was for public use…..now days it seems like the public isn't welcome at public space	Same response as q1 Stop discriminating against community group access to and use of council owned public meeting areas. Council currently provides free use of these areas to environmental groups but not other groups.	Rationalise public space that is not available to be used Renew the kangaroo ground public toilets Finish master planning the kg tip site Identify shared public space opportunities	Stop ignoring horse riders….they are the financial backbone of rural areas and it's really frustrating that you expect us to pay for everyone else's privilege and use of all public spaces without seeing any appetite to accommodate the very	Practice mindful inclusion…..you discriminate without even being aware that you do….and sometimes knowingly. Stop it. Support CFA and BRI in rural areas as rural community	Manage roads and roadsides in rural areas so they are able to be used as informal trails. Many are inaccessible and dangerous Open up all public trails to horse riders. There is no evidence the quantum of riding activities out in rural	Privacy	[redacted]

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	Rationalise spaces that are not used, not encouraging access and use, and do not provide facility and amenity of use. It is all funded by the public. If the public are excluded, for whatever the reason, then perhaps it is not public space and needs to become private space, privately funded	This is inequitable and not inclusive. Either offer the same terms to all groups or don't offer them to any. After all these are spaces funded by everyone		modest and reasonable needs of horse owners and riders to use public spaces in rural areas	development and strengthening Promote fire risk mitigation as an active community strengthening activity. It's a rural thing. Stop pretending it isn't Increase opportunities to promote equine pursuits, which also supports womens activities and multi inclusive generational knowledge sharing. It's a rural thing, stop pretending it isn't.	areas causes harm. Stop pretending it does Fulfill your statutory requirements to manage rural public land for safety and thoroughfare Revise your significant roadsides mapping. Most roadsides you once classed as significant now pose a public risk because you have not managed them as you are required to do		
20230	in increasing usage, I would like to see some clarity and signage to protect horse riders. Aside from pony and adult riding clubs there are hundreds of people who live in the area to be able to trail ride (near their own homes). Traffic and attitudes are getting worse especially if you are a female rider on your own. This inclusion and council supported 'protection' of riders - by making rules clear and/ or maintaining the trails beside the road would be wonderful. 80% of riders are female and horses create good animal therapy (all scientifically proven) .	as mentioned above most horse riders are female and would like to feel safe in their community in which they live. People train their horses to be a road proof as possible but a female rider/s face extra risks from drivers. Promoting horse riding in our community has many benefits. Aside from membership at pony and adult riding clubs look at FB sites such as Kangaroo Ground Trail Riders - not a club, just a site where people mainly female, reach out for safety in numbers for many reasons. THere alone on this site are over 140 members in the few months the page has been running.	keep the horse trails going signage to discourage large motorbikes being ridden on the trails that are designated for walkers, bike and horse riders			more support for landowner s who are trying to keep the balance and action taken against those who continually moon scape and clear land as they think it won't be seen or sense the council won't take action	Privacy [redacted]	[redacted]

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20229	Please include horse riders and equestrian activities	Including equestrians	Love to see an under cover arena or large covering over the sand arenas at the Yarramabat horse riding grounds. With an undercover area, there could be clinics, demonstrations, lessons and opportunity for the wider community to engage in equestrian sports	Inclusion of horse riding in new "come and try" programs, promoting increased participation in equestrian sports	Inclusion of the wider community in equestrian sports	Maintaining a healthy relationship between equestrian associations and the environment increases sustainability	Privacy	[redacted]
20228	There is a very large number of women and children that participate in horse riding throughout Nillumbik and I would love to see an open space designed for horse riders, a horse arena, similar to a dog park but a horse riding facility for locals. Other local councils, namely Gembrook in Victoria have a local grounds, all people have access too. It reduces the use of trails and danger of dogs/bike/cars for the safety of riders. We have Arthurs Creek Oval available but the amenity's are so outdated, it would be good to review the parking to allow for this type of project.	Ryders Flat in Arthurs Creek needs to be addressed as a priority over the next 2 to 4 years.	Take a look at Ryders Flat in Arthurs Creek - One of the highest rate paying suburbs and we still have a drop toilet, a playground that has puddles and low lying mozzie infested water surrounding it. Fencing is all falling down. A serious consideration needs to be made to the condition of this facility. We have a lot of people pass through Arthurs Creek from the Yarra Valley heading to holiday destinations and they stop to use bins/toilets. We should have a much higher standard of park/infrastructure at this location - It needs considerable upgrade to amenity's and it continues to never has any attention/money spent on it. If Council continue to not take care of it adequately, they would be better off selling the land.		No sporting can be conducted on Arthurs Creek Oval due to it not being maintained adequately enough.	No upgrade and maintenance of sport and recreation assets has been considered at Arthurs Creek Oval. A new playground was put in for older children, no work was done with the local community to understand the need for this equipment but they put it in place anyway. The playground quality is poor in comparison to the work that went into other playground within this local council. Rarely is this part of the playground used as it continually has long grass or water emerged around it.	Privacy	[redacted]
20227	Inclusion of horse riding in development of open spaces	Yes, gender equity across all activities		Yes, engage equine community to meet needs		Yes, working collaboratively with all residents of Nillumbik- including land owners with grazing stock	Priva	[redacted]

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20226	As a member of the Yarrambat Adult Riding Club (YARC) I see no reference in the 2022-2030 Recreation and Leisure Strategy include any work in the Equine space The Equine in Nillumbik document was released in 2021 and to date there has been no money allocated to this group. Nillumbik has 12 trail, adult, pony and all abilities clubs which are 79% females. The Equestrian sector contributes $1.143 billion to the Australian economy every year but Nillumbik Council still doesn't allocate any funding in this field Nillumbik horse riders have asked for safe off road trails and an undercover arena which was well documented in the Equine Plan Why is there no mention of horse and horse riders in this Recreation & Leisure Strategy?	Lease agreements for sport and recreation assets are reviewed and adapted to promote fair and equal access - longer leases are required so clubs can secure funding for larger projects like new clubrooms At this stage I have not seen any horse riding club receive any funding for upgrades. The horse riding clubs with RDA have riders of all abilities and all other clubs are inclusive of LGBTQIA+ communities.	3.3 Nillumbik Shire Council actively pursue grant and funding opportunities to develop and renew assets to meet community needs. As detailed above - the horse riding clubs have not received any assistance from council	4.4 Nillumbik Shire Council proactively seek to form partnerships with groups and organisations who support the participation of underrepresented community groups in sport and recreation. The horse riding community are the underrepresented community groups and I would like to see changes in this area	5.2 Where relevant, community sporting clubs are provided with the opportunity to transition from seasonal user agreements onto lease or license agreements. I agree with the above statement as we have use of the grounds all year round. 5.4 Nillumbik Shire Council supports community sporting clubs to apply for funding. At this stage YARC has not seen any benefits in this area	6.1 Lease and licence agreements include a sustainability clause which outlines environmental considerations, including recycling and energy-saving measures. YARC & Yarrambat Horse and Pony Club have seeked off their own back recycling bins but as our bins are not collected by council they go into a skip for monthy pickup with the general rubbish. Our members are still encouraged to divide the recyclables from the rubbish. As for energy saving measures - each of our clubs only run a fridge each so the expense of energy saving methods out way any gains for the clubs.	Privacy	[redacted]
20225	Increase opportunities for women to safely access open spaces. Women are denied access to bush trails and many outdoor recreational spaces unless they are accompanied. Horse riding provides women a safe means of access.	Increase accessibility for females in particular who have been historically denied opportunities. Women are also less likely to ask for help and support as they have been conditioned to put others needs before their own.	Infrastructure renewal has to be equitable. Male dominated sporting facilities have been very well serviced with infrastructure. Women dominated sports, particularly equestrian sport have been neglected.	Community engagement is important but small, less vocal, less financial individuals, sports and clubs are often neglected. Organized groups tend to get the better outcomes and these groups usually already have the better facilities.	I would like to see council provide active support to the female dominated equestrian community in Nillumbik. Horse riding provides women with the opportunity to exercise and enjoy our environment. Women feel unsafe alone doing many outdoor activities such as bush walking and hiking. Horse riding allows women safe access to these same areas. The equestrian community provide a huge financial	I support recycling / re-using and energy efficiency.	Privacy	[redacted]

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					contribution to Nillumbik and should be valued, supported and encouraged.			
20224		Would love to see disability toilets built at yarrambat park, near the lake			Funding for yarrambat pony club and adults riders , for a disabled toilet		Privacy	[redacted]
20223	Ensure there are area like the old DC netball courts for younger children to learn to ride, scooter ect- somewhere flat with a decent surface. Keen for the trail to hurstbridge to be completed - would have like a seperate riding & walking section as some riders are not very considerate & it can get scary/dangerous & adding dogs even on leads into the mix- an accident is going to happen Would be good to have a pedestrian crossing or lights or even just o safety stop in the middle at the North Warrandyte fire station & Yarra Warra preschool- seen quite a few close calls with parents trying to cross the road to get into the kinder		Upgrade Ryan's reserve playground & add a shade sail Add picnic area around the Diamond creek outdoor pool				Privacy	[redacted]
20222	Free exercise equipment along current pathways with good lighting	Better lighting around pathways so vulnerable people feel more comfortable and safe.	Pony club facilities need upgrading		It would be great to see some free exercise classes in the parkland to foster community spirit		Privacy	[redacted]
20221	Priority 5	Priority 5					Privacy	[redacted]
20220						You need a seat along every so often for elderly to rest on	Privacy	[redacted]

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20219	We have so many equestrian people in Nillumbik - I'm in Arthurs Creek and would love to go trail riding with the kids, safely where there aren't mountain bikes zooming past, or skateboards etc. So many kids with ponies don't come from wealthy backgrounds but have ponies and horses, and they don't have parents that can get them to pony club etc. I genuinely think that the main sports in this area are horse sports so bridle paths would be wonderful so we don't have to ride on the roads full of bikes and motorbikes and cars on weekends - that's why people choose this area, so that they can have their horses at home - yet we don't have public facilites at all. Horse people care for this area so much - and yet we don't even rate a mention in your blurb above. Most of us horse people are girls and women, of all ages from young to elderly. We spend a lot of money in the area, supporting local businesses, but we get no support from the council. It would be nice to have public spaces we can all use many of us just want to get out and trail ride in a safe zone.	Supporting activities such as equine therapy, horse businesses, wildlife flora and fauna regeneration projects, taking control of dangerous minor bird populations, pathways off road for NON-wheeled activities that are safe for elderly walkers and horse riders.	Supporting the above. Non-wheeled paths for walkers and equestrians.	To see that priority 1 and 2 and 3 actually happen - to see ideas and support, and due diligence/census is done to support the N. horse community, and flora and fauna groups. Minor bird data collection.	To support more equine businesses, more tourist (b and b, airbnb, tiny houses etc) stays are encouraged so the area is really valued for what it is - a short trip to Australian countryside where wildlife and flora and fauna, equine activities etc are abundant, affordable and fun for the whole family. It is so hard to get any planning/sense for tiny houses, airbnb etc - how do we do this in order to generate income and encourage country tourism to the area, so it is not swallowed up like Doreen, Whittlesea and Mernda?	Please - can we have discounted or sustainable planting programmes for cleared land, so that landowners can afford to plant wildlife supporting ecosystems on their properties. The costs are inhibitive and I'd love to be able to do this on our 20 acres - as would many. I would also like to see the council take control of encroaching populations of minor birds that destroy native birdlife nests and young chicks. they are now in Arthurs Creek where they weren't two years ago - and the birdlife population is already being affected - no more willy wagtails this year, no more pardalotes or pipits on the roads and around our property because of minor birds killing the young chicks.	Privacy	[redacted]
20218	If love for council to be more inclusive of horse riders. It would definitely increase the participation and usage in Nillimbik		I'd love for council to include horse riders in their thinking when upgrading and renewing infrastructure where possible			I'd like council to include horse riding clubs in Nillumbik in their thought instead of just footy clubs.	Priva	[redacted]
20217	As there are a large number of horse riders who ride in this area, the majority who are women in their middle/older years, it is disappointing that there is no mention of their use of trails.	I support the use by ALL people with no one group prioritised to the detriment of othets	The information is vague, I would like to see work done to include shared trails (horse, walk and bike) to allow healthy outdoor activity to be accessible to the greatest number of people	Formal and informal groups should be included			Privacy	[redacted]

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20216	Financial investment in widespread usage of Tennis Victoria's ClubSpark & Book A Court system would be perfect for all tennis clubs in being able to track venue usage and data accurately. Tennis Victoria is currently trialing a Bluetooth padlock which connects to the system and would be the best, affordable solution for clubs that are interested, and wouldn't require a massive investment from Council for the full BAC system at every venue. Council want to have targeted action plans for community groups where participation isn't as strong – every tennis club will have a Thriving Tennis Communities (Tennis Victoria) action plan by midyear, so these could form the basis of an annual checkup. Council will also have their own TTC action plan for tennis more broadly, so this again can form the basis of action planning for tennis moving forward.	Book A Court for tennis club accessibility and inclusion at all times of the day	Transparency – great that Council want to actively pursue grants for works, but I think it would be a big positive to agree with clubs individually around what their needs are and what their main infrastructure priority is, so that the club can plan for it, save for it (in order to contribute), and be involved in the process. I think it just comes back to being open with everyone and ensuring that clubs are being heard and involved.	Opportunity to align club lease agreement responsibilities with affiliation requirements of Tennis Victoria in order to make the process easier for club volunteers and cover both sets of requirements at once.	Would be good to see an annual tennis forum become part of their 'Community Development & Strengthening' calendar. In particular, I know clubs would like to have the chance to discuss and negotiate lease agreements and increase transparency with venue and club responsibilities on this topic.	Investment and planning for renewable energy facilities - solar power, LED lighting etc.	Privacy	[redacted]
20215	I would like to see the Southern Plenty Gorge trails formally recognised as a cross country mountain bike park.	I have recently had my foot broken by someone on an electric mobility scooter riding on the footpath while I was walking. Equal opportunity does not mean that people using that people using mobility devices should be able to act recklessly and cause injury to others.	I would like to see mountain bike trails recognised and maintained.	There needs to be greater regulation around the use of electronic mobility devices such as e scooters.	Greater engagement with cycling and mountain bike groups.	More green space and space for wildlife. Less property development.	Privacy	[redacted]

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20214	Increase community space availability in the plenty/Yarrambat area. This includes open spaces and community services. You can't improve usage if it doesn't exist in the suburb.	Provision and retrofitting of spaces that use the universal design principles. Ensure that spaces are designed collaboratively, including First Nations people.	I would like plenty and Yarrambat community spaces to be the focus. We have no services, both outdoor and indoor spaces.	Focus on First Nations people. Focus on environmental partnerships.	I would like focus on community spaces in Yarrambat and plenty.	Focus on plenty gorge. Develop it as a tourist destination and an environmentally maintained treasure.	Privacy	[redacted]
20213	1. It'd be helpful to have trainers demonstrate the usage of the fitness equipment along the Diamond Creek Trail. It would encourage people who want to have a go but are unsure, if it was part of a community catch up (could be offered as a living and learning course, or as an activity grandparents and grandchildren could sign up for together). 2. The dog park at Wattletree Rd looks good, but there is not much open run space. Being able to run dogs on the top soccer / cricket oval at Red-backs (or alternatively the Adventure Playground oval) is important for older-and-those-with-mobility-issues dog owners. The off leash areas are great for only some dogs and some dog owners. There is also the fear of snakes in Oct - April.	1. Encourage the use of the training equipment by teaching people to use it (e.g. Run a weekend - for high visibility- where you can book time in a group of 5 with a trainer for 30 mins). 2. Set a community walk date e.g. try the Diamond Creek to Hurstbridge walking track/ the Aquaduct or bring your dog walk date			It is important that the sporting clubs continue to share the properties they use with Nillumbik residents. We are very lucky to have a broad range of clubs in our local area. People travel from all over Melbourne to join them. Hopefully club grounds remain available to Nillumbik residents when not used for sport.		Privacy	[redacted]
20212	Better cycling infrastructure. Better paths, on road paths and cycling infrastructure will increase participation particularly by women who are less likely to ride on roads without a properly maintained bike lane	As above, better and safer cycling facilities and infrastructure-lane. Paths and parking.		More engagement with local cycling groups			Privacy	[redacted]
20211	I have seen in other shires outdoor gym stations that are used regularly by lots of people from numerous demographics and they get used at different parts of the day and night if well lit.	I think Council is doing well in this field at the moment.	The parks in Diamond Creek and Hurstbridge are quite new and used regularly	Where possible funding for any sporting facility or event is always beneficial and has a positive pay off	Whenever there's a cultural festival or event it is good to have a recognition, ANZAC day and religious recognitions are just two examples	The use of ponds to harvest storm water as in Hurstbridge, that is used to water the ovals and grow wet land plants is a great example	Privacy	[redacted]

Community Engagement Submissions – Draft Recreation and Leisure Strategy 31 January- 6 March 2022

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	So I am suggesting putting in outdoor gyms in the parks.							
20210	Improve the safety of roads for cyclists, especially Diamond Creek Rd. Actively participate in the development of legal Mountain Bike trails, especially in Plenty Gorge Park where the local Mountain Bike Club is working with Parks Victoria to formalise some trails but this needs to be expanded.		Make Diamond Creek Rd safe for Cyclists	Actively find out what groups are already doing things towards this strategy. See what you can do to help them. An example would be Plenty Gorge Mountain Bike Clubs project working with Parks Victoria to formalise trails that are within Nillumbic. Community Engagement - Consider folk who live just outside of Nillumbic. I live just 150 meters from Nillumbic. Many of my local facilities are in Nillumbic.			Priva	[redacted]
20209	Find recreational uses for under-utilised land. There are already plenty of parks for dog walking and sports like footy, but what about sports/activities that have less participation due to having no facilities or land/parkland set aside for it? Examples: build a Disc golf course build some dirt jumps for bikes (not just bmx but mountain bike jumps too) If kids, teenagers and adults, are going out into odd bits of land here and there with their shovels and building, and spending hours and hours digging and building by hand, then CLEARLY, there is a high demand for it. These jumps are not just being used by the few people who build them, they're	Build more diverse facilities for young people, they are the future.	Listen to your community imput before building.	Remember that there are lots of naysayers - people who don't like change, don't like young people doing new and exciting things, don't agree with gender equality etc. Basically, just racist old boomers. They are very vocal and might seem to be in the majority because they respond to every survey like this. Well, they're not. For every person like me there are 20 more who don't bother woth your surveys because, guess what, we work full time or study full time and are too busy. Retiree's have loads of time on their hands and always give		When assessing major works such as the train line duplication or roundabout removal, calculate and tell us the TREE CANOPY REMOVAL in square metres. Don't just say 'we'll remove 500 trees and so we'll plant 1000 new ones instead, aren't we great', because what you've actually done is remove 50,000 square metres of mature tree canopy and replaced it with 1000 square metres, that wil take 100 years to even equal what you removed.	Privacy	[redacted]

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	being used by hundreds of others too! And if the jumps were professionally built to better standards to allow riders to progress from esier jumps to harder ones, then they would be used by thousands of riders. Look at the jumps built in Eaglemont behind the tennis courts - they are not even built that well, but there are thousands of kids using them every week. They are a fantastic asset. And if yo build one really really good set of jumps, then you'd stop all of the illegal building, because why would you bother building a crappy home-made jump when there are much better ones to use already there?			feedback. Please remember that when assessing your results - you will have a disproportionate amount of boomers responding who do not represent your community. I'd suggest that you take a statistically socially representative sample of responses instead of giving them all equal weight.				
20208	More focus on informal active recreation with greater data collection of users, activities, and the network of public spaces used. The data would be great information to assist in achieving Priority 2 and 3 outcomes. This would also allow for a more equitable distribution of resources to increase participation and usage of facilities across a wider user group than organised sports.	Action 2.6 - equality and inclusion should be ingrained in all public facilities, in particular those for informal active recreation. Making public spaces safer, easier to access, and inclusive would facilitate the success of programs from Priority 1. This would include - public lighting (preferably smart systems with dimming with no users), wayfinding with braile, TGSIs on popular path networks, fitness equipment with accessible options, seating at regular intervals, and drinking fountains for all users.	More public facilities for senior children or young adults - skate parks, bouldering walls, whatever they want. More public facilities for seniors and the older generation - fitness stations or walking circuits at parks/shared paths.				Privacy [redacted]	[redacted]

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20207	Improving the current infrastructure to accomodate changing needs. We have a huge boost in mountain bike participation across all ages although zero infrastructure. The trails already in place across the rail lines could easily have some MTB skills features like wooden ramps, roll overs and a few jumps built at low cost alongside the trails. They are certainly wide enough. Candlebark reserve/smiths gully or other similar reserves could do with some investments as this is the community doing it themselves as the council won't. Yarra ranges/marribrynong/Geelong city are progressing in these type of infrastructure. Pump tracks, jump park etc.	Infrastructure for all abilities	As detailed above. How many millions are spent on basketball court/tennis etc. MTB is low cost and has a huge return on investment well-being, health and a more liveable council. At the moment Nillumbik is expensive and not as desirable as it used to be. The council is reactive for anything recreational or for wellbeing.	Get kids involved. How much money is spent on destroying kids Jumps? Let them build in a designated area and provide tools and dirt.	Na.	We seem ti be sustainable in lots of ways expect for roads, car parks and any income generating project.	Privac	[redacted]
20206	Continue the DC bike trail to link up with the Plenty River Trail. Increase outdoor gym equipment in under-utilised parks and playgrounds and along walking trails, eg Playground under the Greensborough Bypass on Plenty River Drive. Explore/audit why girls don't feel comfortable using particular spaces, eg skate parks and take this into account in design. Heat map of Melbourne places https://yourgroundarchive.org/ shows a lack of lighting and overgrown vegetation often make places feel unsafe.	Very disappointing to see the crèche "room" at the lovely updated light and airy Diamond Valley Sports Centre is a dark bunker with no outdoor view, minimal natural daylight, or access to garden space.	Many playgrounds look tired, lack seating, shade, access to water fountains, picnic tables. It would be good to survey the use of playgrounds and look at why some are under-utilised/avoided. Include smaller skate/scooter areas for younger children as the main ones can be very busy with teens. EG Norris Bank. More water play and shade Water bottle filling stations along trails and at parks where people exercise.			I don't support movement sensor lighting in public areas, this is one thing that makes using spaces after dark safer. eg Diamond Valley Sport Centre has many unlit areas and is quite empty at times- does not feel safe being the only person in the gym when the sensor lights go out and you are miles from the reception area.	Privacy	[redacted]
20205				Community activities that support culture diversity and local businesses, including cultural event celebration and farmer markets	Community activities that support culture diversity and local businesses, including cultural event celebration and farmer markets	Promote solar and renewable energy initiatives and encourage a wider community to consider a sustainable plan	Privacy	[redacted]

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20204	People with a disability need to be able to access their local pool at Diamond creek. The Diamond creek pool is not accessible to those with living with a disability. This needs to happen sooner rather than later.	Facilities for all to access. That are equal, diverse and comfortable to be in. E.g., Diamond creek pool toilets and change rooms are not accessible for all and not the nicest/cleanest environment to be in.	Upgrades to the outdoor pool. Disability accessible with a ramp or chair lift for wheelchair access.			More sustainability with rubbish and accountability for businesses.	Privacy [redacted]	[redacted]
20203	Don't wreck the Diamond Creek pool. Everything doesn't have to be flash and fancy. There's no parking to support that either. Upgrade toilet and changing facilities and then leave it alone.		As per one don't wreck the diamond creek pool trying to make it flash and fancy.				Privacy [redacted]	[redacted]
20202	Ensure that newer areas have footpaths that are accessible and promote walking.	Everything built should be made accessible. Consultation should occur with peak bodies.	Would like to see more detail on which projects are planked				Privacy [redacted]	[redacted]
20201	Some of the facilities are overused at particular times. Many of our roads are not designed to carry a large number of cyclists and cars at the same time, but this is increasing. Roads need upgrading if we continue to see increases in cyclists, especially as people travel from inner urban areas to ride through the more rural parts of Nillumbik,	Making fees for community owned infrastructure accessible to all	Diamond Creek pool is a wonderful community asset with change-rooms that are long overdue for a clean-up. Also, Diamond Creek is often treated as the poor cousin to Eltham, particularly in terms of the two community centres. Diamond Creek needs to be prioritised.	I really support objective 4.4. If an advisory group is formed it will need to have diverse representation.		Conservation needs to be considered. Increasing recreation shouldn't mean opening the whole shire to visitors, there must be places where wildlife is protected.	Privacy [redacted]	[redacted]
20200	Have a swimming pool at diamond valley sports and rec centre with a hydro pool with access for kids with disability	Have a swimming pool at diamond valley sports and rec centre with a hydro pool with access for kids with disability				Run fully on solar energy	Privacy [redacted]	[redacted]
20199	Increase use for disabled Open Diamond creek pool for more months aiming for all year		Keep Diamond Creek pool outdoor				Privacy [redacted]	[redacted]

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20196	More open spaces available for organised sports, including sporting clubs (soccer, rugby, etc.,) which are still often not considered 'traditional' sports.	Facilities that cater for everyone, equally. Specific balance for male and female facilities at all venues.	Maintenance on facilities across the council. This is obviously an ongoing measure. Each facility tenant could argue why they need something more than others, but working groups will determine steps. As long as they are happening.	Really important to keep community connected and provide opportunities for people to experience all parts of the Nillumbik community - events, clubs and groups, services. Engaging cross community group events - open days at football clubs (where stores can pop up, or food trucks can activate), or discounts for sports or community groups to encourage spending in Nillumbik shops. These kinds of initiatives are important to build engagement.	See action points in Priority 4. Cross community engagement is key to developing connected communities and strengthening an affiliation with council and the "our community" mindset. This will develop safer and more sustainable businesses and community groups where local members know and support each other, before going out of the locality.	Green energy opportunities. More solar and self-sufficient buildings. There's plenty of trees, but making sure they remain and are not sacrificed for bigger houses or buildings.	Priva	[redacted]
20192	More sport and recreation expenditure for all ages of people who live in the shire.	Greater expenditure for majority groups with proportional expenditure for minority groups	Support increased sport and recreation infrastructure in the rural parts of the shire				Privacy	[redacted]
20190			Turn the land between the Research CFA and the newly installed or being installed toilets at the shops into a mini Warrandyte precinct. There is literally nowhere for Research residents to enjoy a coffee. It is stepped back from the road, it can even have screening too. Residents need somewhere nice. Eltham seems to get all the love!!!! Renew the whole precinct the shops too. Put pressure on landowners to improve the locality and aesthetic. Spend money on the aquaduct trail from research/main rd to Allendale road. Create recreational stations along				Priva	[redacted]

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			where possible that invites people to sit down, have a picnic etc. The prior drains etc.they literally look like bodies are dumped in there. Full of graffiti and weeds. Spend some money on research so what I'm saying!! Always the poor cousin. Although we did get nice toilets.					
20182	I would like to see more basketball court facilities in the Eltham north precinct. There are no local public basketball areas to encourage physical activity within the area. Compare this to montmorency where there are baseball areas everywhere. Please invest now for the future, it is a great way to keep kids off screens.						Privacy	[redacted]
20181	Splash park for Eltham! One of the suburbs furthest from the beach - some of the highest summer temperatures too! We need to stay cool		Splash park for Eltham! One of the suburbs furthest from the beach - some of the highest summer temperatures too! We need to stay cool. Better kids playgrounds and incorporation of cafe concessions for charities. Position of the tram cafe at diamond creek park was ill considered - too far from the actual park - feel like the kids need a packed lunch for the trip				Priva	[redacted]
20180	priority should be given to disabled and age groups not every foreseeable cluster	all ok	infrastructure should not be amended to provide for every minor group	all ok	no provision is given toward providing for passive recreation, eg seating and shelters	development of solar farm and community battery banks	Privacy	[redacted]
20177							Privacy	[redacted]
20170	New playgrounds and facilities in new part of diamond creek .... Collard drive and beyond	As above	Massive requirement for infrastructure and children's facilities in new diamond Creek beyond collard drive	As above	As above	As above	Privacy	[redacted]

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20166	Require Eltham leisure centre to enforce Covid public health laws in respect of mask wearing. Centre management has told staff it's a matter for the police. Meantime almost no one in the gym wears one and it's not credible to say that they are all exempt or excused.		The Research and Aqueduct trails are shared between cyclists, runners and walkers and are not wide enough. Around half of the Research trail is no more than a footpath. It's a cycle path only in name requiring riders to leave it to accommodate other users at considerable risk.		Do much more to separate cyclists from pedestrians and vehicles including marking cycle lanes on Main Rd	Reduce vehicle traffic by developing a strategy to boost trips taken on foot or a cycle.	Priva	[redacted]
20165			It should start with an -ing verb like the first two priorities	Ing verb - also how is this not the same as 5	See comments for #4		Private	[redacted]
20164		Improve on seating along Research's Aqueduct. For the somewhat frail, the aqueduct trail is ideal for exercise because it is on the contour. But seating is a challenge.					Privacy	[redacted]

Participate Nillumbik

Report Type: Form Results Summary
Date Range: 31-01-2022 - 06-03-2022
Exported: 07-03-2022 08:33:24

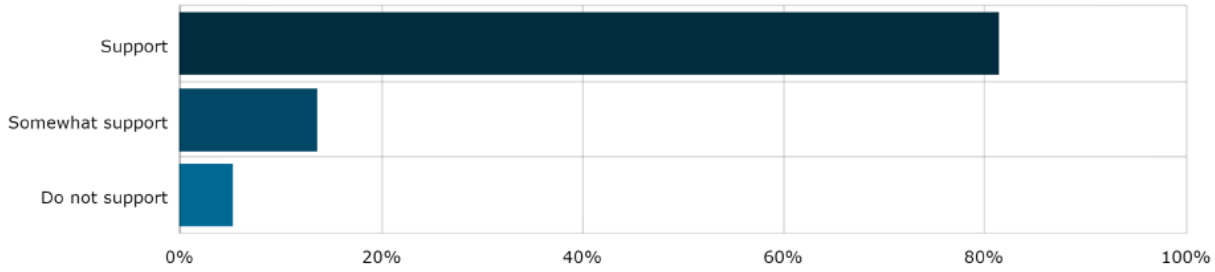
Closed

Recreation and Leisure Strategy 2022-2030 Recreation and Leisure Strategy 2022-2030	101 Contributors	103 Contributions

Contribution summary

1. Do you support Priority 1 - Increasing Participation and Usage of Facilities and Open Space?

Select Box | Skipped: 7 | Answered: 96 (93.2%)



Answer choices	Percent	Count
Support	81.25%	78
Somewhat support	13.54%	13
Do not support	5.21%	5
Total	100.00%	96

2. What actions would you like to see Council take for Priority 1 over the next four years?
Long Text | Skipped: 10 | Answered: 93 (90.3%)

Sentiment

No sentiment data

Tags

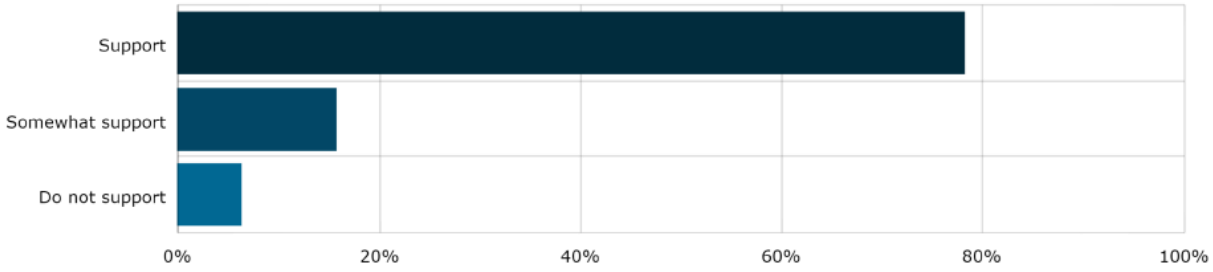
No tag data

Featured Contributions

No featured contributions

3. Do you support Priority 2 - Promoting Equity and Inclusion?

Select Box | Skipped: 7 | Answered: 96 (93.2%)



Answer choices	Percent	Count
Support	78.13%	75
Somewhat support	15.63%	15
Do not support	6.25%	6
Total	100.00%	96

4. What actions would you like to see Council take for Priority 2 over the next four years?
Long Text | Skipped: 30 | Answered: 73 (70.9%)

Sentiment

No sentiment data

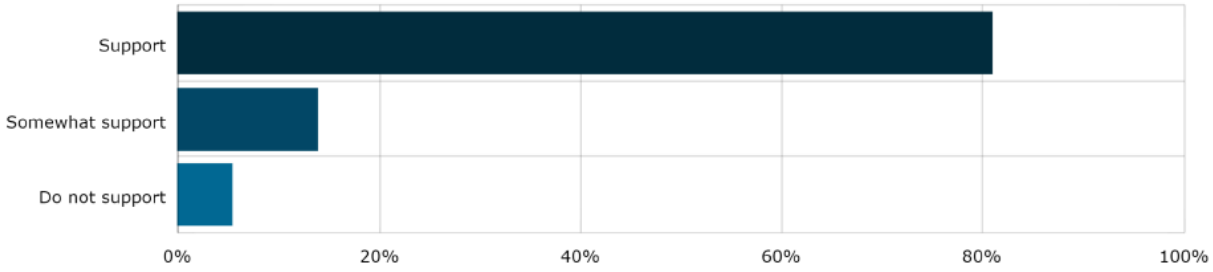
Tags

No tag data

Featured Contributions

No featured contributions

5. Do you support Priority 3 - Infrastructure Renewal and Upgrade?
Select Box | Skipped: 9 | Answered: 94 (91.3%)



Answer choices	Percent	Count
Support	80.85%	76
Somewhat support	13.83%	13
Do not support	5.32%	5
Total	100.00%	94

6. What actions would you like to see Council take for Priority 3 over the next four years?
Long Text | Skipped: 21 | Answered: 82 (79.6%)

Sentiment

No sentiment data

Tags

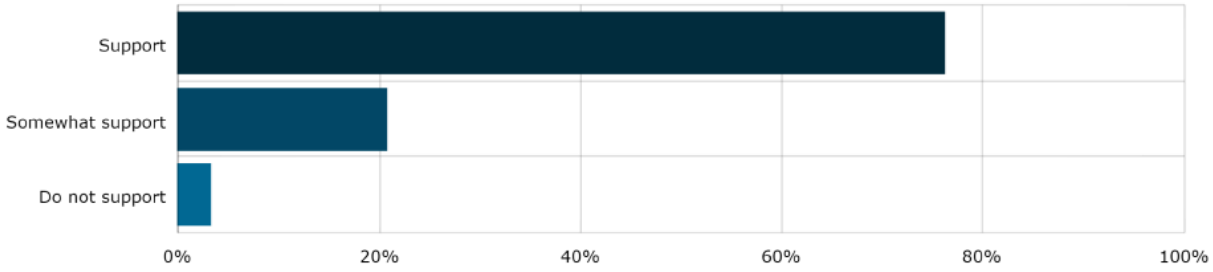
No tag data

Featured Contributions

No featured contributions

7. Do you support Priority 4 - Community Engagement and Partnerships?

Select Box | Skipped: 11 | Answered: 92 (89.3%)



Answer choices	Percent	Count
Support	76.09%	70
Somewhat support	20.65%	19
Do not support	3.26%	3
Total	100.00%	92

8. What actions would you like to see Council take under Priority 4 over the next four years?
Long Text | Skipped: 44 | Answered: 59 (57.3%)

Sentiment

No sentiment data

Tags

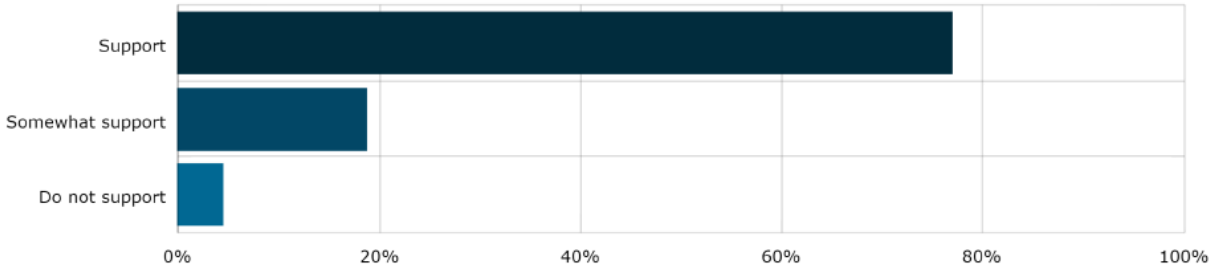
No tag data

Featured Contributions

No featured contributions

9. Do you support Priority 5 - Community Development and Strengthening?

Select Box | Skipped: 12 | Answered: 91 (88.3%)



Answer choices	Percent	Count
Support	76.92%	70
Somewhat support	18.68%	17
Do not support	4.40%	4
Total	100.00%	91

10. What actions would you like to see Council take for Priority 5 over the next four years?
Long Text | Skipped: 54 | Answered: 49 (47.6%)

Sentiment

No sentiment data

Tags

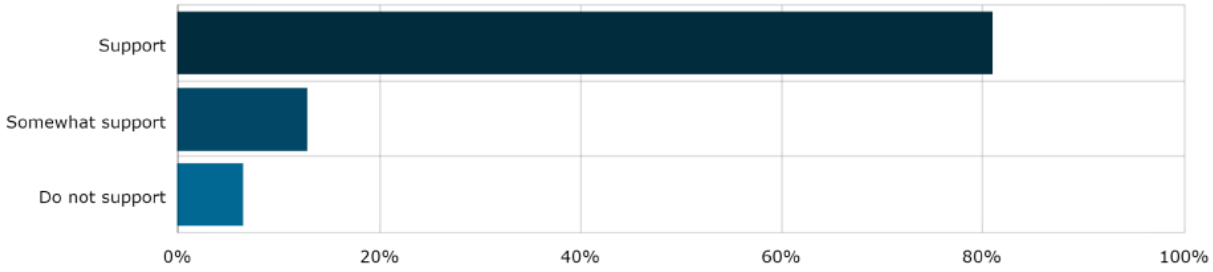
No tag data

Featured Contributions

No featured contributions

11. Do you support Priority 6 - Sustainable Environments?

Select Box | Skipped: 9 | Answered: 94 (91.3%)



Answer choices	Percent	Count
Support	80.85%	76
Somewhat support	12.77%	12
Do not support	6.38%	6
Total	100.00%	94

12. What actions would you like to see Council take for Priority 6 over the next four years?
Long Text | Skipped: 40 | Answered: 63 (61.2%)

Sentiment

No sentiment data

Tags

No tag data

Featured Contributions

No featured contributions

13. First Name Required
Short Text | Skipped: 0 | Answered: 103 (100%)

Sentiment

No sentiment data

Tags

No tag data

Featured Contributions

No featured contributions

14. Last Name Required
Short Text | Skipped: 0 | Answered: 103 (100%)

Sentiment

No sentiment data

Tags

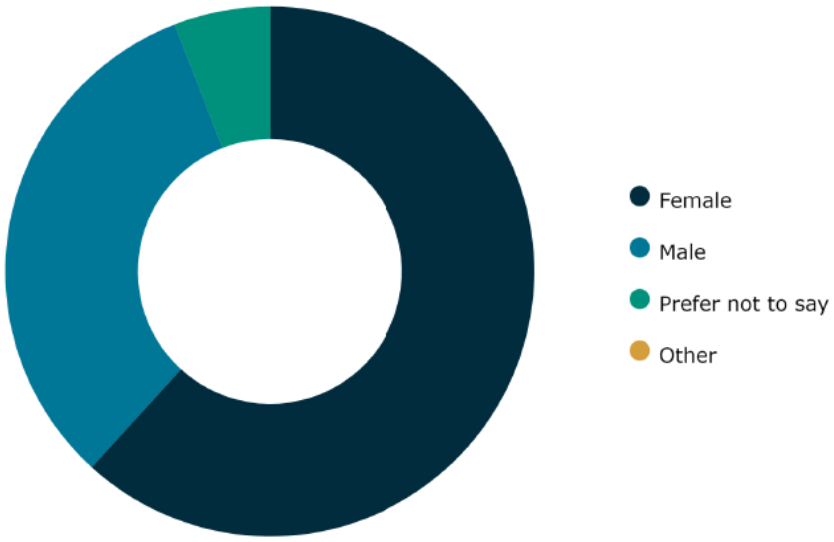
No tag data

Featured Contributions

No featured contributions

16. Gender

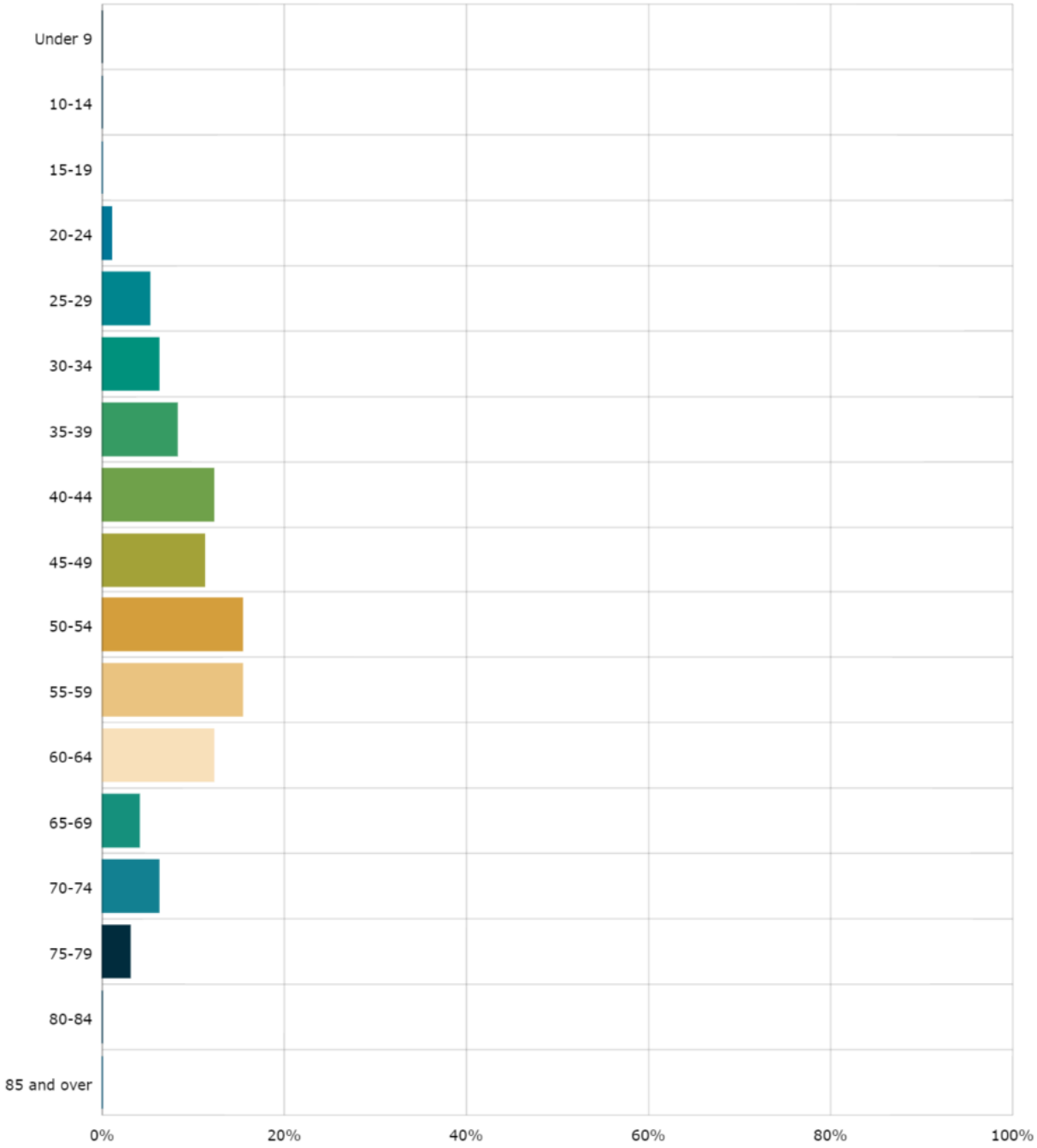
Multi Choice | Skipped: 1 | Answered: 102 (99%)



Answer choices	Percent	Count
Female	61.76%	63
Male	32.35%	33
Prefer not to say	5.88%	6
Other	0%	0
Total	100.00%	102

17. Age Group

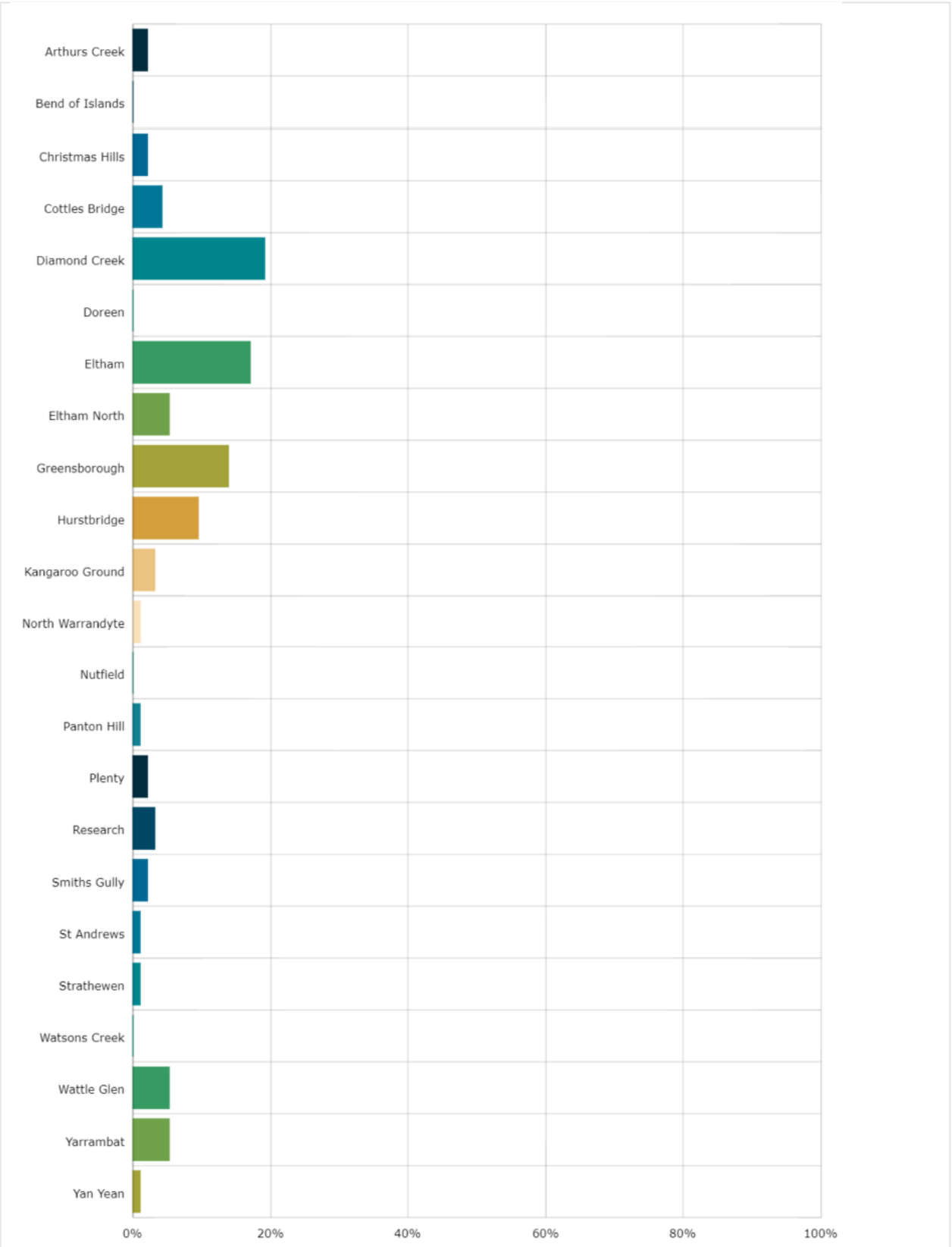
Select Box | Skipped: 5 | Answered: 98 (95.1%)



Answer choices	Percent	Count
Under 9	0%	0

10-14	0%	0
15-19	0%	0
20-24	1.02%	1
25-29	5.10%	5
30-34	6.12%	6
35-39	8.16%	8
40-44	12.24%	12
45-49	11.22%	11
50-54	15.31%	15
55-59	15.31%	15
60-64	12.24%	12
65-69	4.08%	4
70-74	6.12%	6
75-79	3.06%	3
80-84	0%	0
85 and over	0%	0
Total	100.00%	98

18. Township
Select Box | Skipped: 9 | Answered: 94 (91.3%)

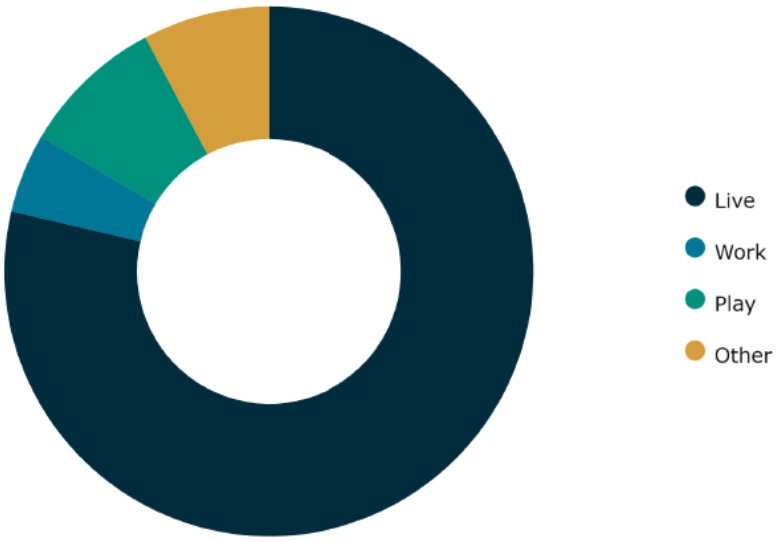

Arthurs Creek
Bend of Islands
Christmas Hills
Cottles Bridge
Diamond Creek
Doreen
Eltham
Eltham North
Greensborough
Hurstbridge
Kangaroo Ground
North Warrandyte
Nutfield
Panton Hill
Plenty
Research
Smiths Gully
St Andrews
Strathewen
Watsons Creek
Wattle Glen
Yarrambat
Yan Yean
0%
20%
40%
60%
80%
100%

Answer choices	Percent	Count
Arthurs Creek	2.13%	2
Bend of Islands	0%	0
Christmas Hills	2.13%	2
Cottles Bridge	4.26%	4
Diamond Creek	19.15%	18
Doreen	0%	0
Eltham	17.02%	16
Eltham North	5.32%	5
Greensborough	13.83%	13
Hurstbridge	9.57%	9
Kangaroo Ground	3.19%	3
North Warrandyte	1.06%	1
Nutfield	0%	0
Panton Hill	1.06%	1
Plenty	2.13%	2
Research	3.19%	3
Smiths Gully	2.13%	2
St Andrews	1.06%	1
Strathewen	1.06%	1
Watsons Creek	0%	0
Wattle Glen	5.32%	5
Yarrambat	5.32%	5

Yan Yean	1.06%	1
Total	100.00%	94

19. Relationship to Nillumbik

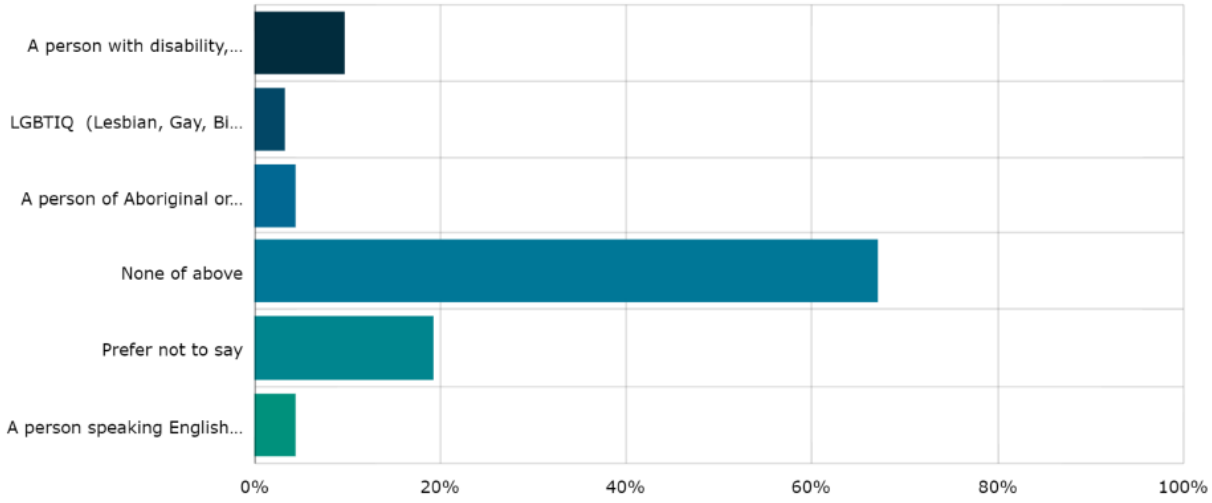
Multi Choice | Skipped: 0 | Answered: 103 (100%)



Answer choices	Percent	Count
Live	78.64%	81
Work	4.85%	5
Play	8.74%	9
Other	7.77%	8
Total	100.00%	103

20. Do you identify as

Multi Choice | Skipped: 9 | Answered: 94 (91.3%)



Answer choices	Percent	Count
A person with disability, inclusive of mental illness	9.57%	9
LGBTIQ (Lesbian, Gay, Bisexual, Transgender, Intersex, Queer)	3.19%	3
A person of Aboriginal or Torres Strait Islander decent	4.26%	4
None of above	67.02%	63
Prefer not to say	19.15%	18
A person speaking English as a second language	4.26%	4

21. What languages other than English do you speak at home?
Short Text | Skipped: 82 | Answered: 21 (20.4%)

Sentiment

No sentiment data

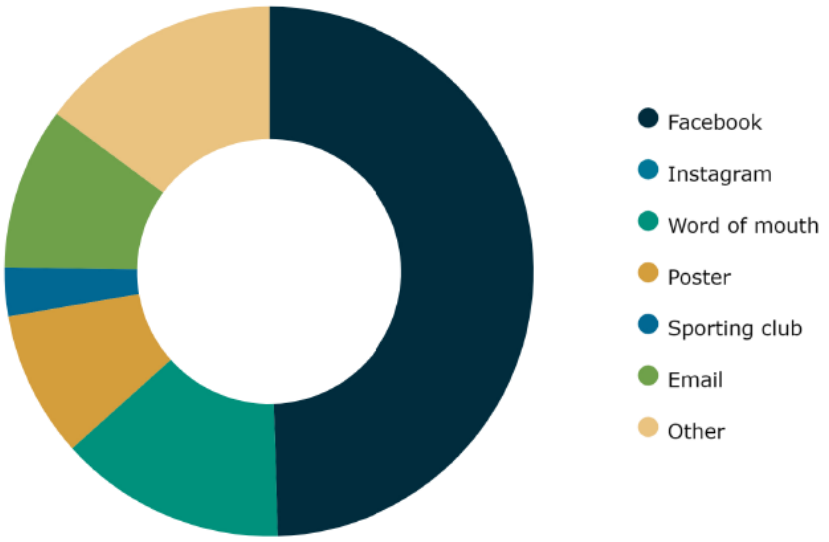
Tags

No tag data

Featured Contributions

No featured contributions

22. How did you hear about this consultation?
Multi Choice | Skipped: 2 | Answered: 101 (98.1%)



Answer choices	Percent	Count
Facebook	49.50%	50
Instagram	0%	0
Word of mouth	13.86%	14
Poster	8.91%	9
Sporting club	2.97%	3
Email	9.90%	10
Other	14.85%	15
Total	100.00%	101