



Nillumbik Planning Scheme Review 2025

PRELIMINARY DRAFT – MAY 2025

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Acknowledgement of Country

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

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

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



Inclusion statement

Nillumbik Shire Council is committed to creating a fair, equitable and inclusive community where human rights are respected, participation is facilitated, barriers are addressed and diversity is celebrated. We support the rights of all people regardless of age, gender, ability or background. We value the diverse and changing nature of our community and understand that some groups and individuals experience more barriers than others.

1. Executive Summary

The Planning Scheme Review (PSR or the Review) aims to improve the effectiveness and efficiency of the Nillumbik Planning Scheme by ensuring it addresses locally relevant issues and aligns with state planning policies. In accordance with Section 12B of the *Planning and Environment Act 1987 (P&E Act)*, the planning scheme must be reviewed every four years. This review assesses the scheme's performance, identifies opportunities to strengthen policy objectives, and highlights areas where further strategic work is needed.

1.1. Summary of Key Findings

Context and demographics

Nillumbik Shire is known as the Green Wedge Shire, with 91% of its land designated as Green Wedge. It has an estimated population of 63,264 (ABS, 2023). Between 2019 and 2023, the population declined by 1.9%, with a modest increase of 0.31% in 2023—well below Greater Melbourne's 3.32% growth. Around 80% of residents live in the urban areas of Eltham, Diamond Creek, and Hurstbridge. Alongside population decline, the Shire faces infrastructure and service challenges due to topography, bushfire risk, flooding, significant canopy cover, and environmental values.

Housing and dwelling types:

- Dominant dwelling type: separate houses (93% of all housing stock).
- Compared to Greater Melbourne: Nillumbik has 20% more separate houses and 4x fewer medium-density dwellings.
- Household types: Couples with children (45.1%), couples without children (27% and increasing), lone persons (14.4% and increasing)

Employment and economic trends (2016–2021):

- Top employment industries: Construction (13.9%), Health Care & Social Assistance (13.8%), Education & Training (11.2%).
- Changes in key industries: decline in manufacturing, retail, and information media.

Community engagement (through various strategies and initiatives) between 2019 and 2024 has provided valuable insights into local priorities and concerns. Recurrent themes emerging from this engagement include the need for affordable and diverse housing, the preservation of neighbourhood character and the Green Wedge, protection of vegetation, biodiversity and heritage, as well as improved public transport and support for mental and physical wellbeing.

General planning scheme performance

The review found that the Nillumbik Planning Scheme is operating effectively but has experienced longer-than-average processing times compared to other outer urban councils. Council processes approximately 671 applications per year, primarily in Eltham and Diamond Creek, with a peak of 784 applications in 2020–21 due to increased demand and the transition from a paper-based system. Despite a complex planning environment, Nillumbik has steadily improved its processes. A digital transformation in April 2020 led to significantly better performance by 2021–22, bringing processing times in line with other councils. Ongoing business improvements, including Better Business Approvals, the Planning Advisory Service, email automation, and digital updates, have further streamlined and enhanced transparency in planning services.

Planning applications

The most common planning applications involve single dwellings, new buildings, native vegetation removal, and dwelling extensions, primarily affecting residential areas in Diamond Creek and Eltham, followed by Eltham North, Plenty, North Warrandyte, and Plenty. This reflects ongoing residential development in line with demographic trends toward larger separate houses. Nearly all of the top ten application categories relate to dwellings or vegetation removal, emphasising the significance of housing, neighbourhood character, and vegetation policies in the Planning Scheme.

Planning compliance

Planning compliance has remained steady, with approximately 280 cases actioned annually, mostly involving unauthorised buildings, works, or vegetation removal. The most common compliance issues relate to the Significant Landscape Overlay (Schedules 2 and 3), Clause 52.17 Native Vegetation, and the Environmental Significance Overlay (Schedule 1).

Planning panels

During the review period, six Planning Panels were held, with Planning Panels Victoria largely supporting Nillumbik's amendments. Only one amendment (C142nill – 50 Oatland Road, Plenty) was recommended for abandonment, while most were adopted as exhibited, demonstrating the effectiveness of Nillumbik's planning processes. However, heritage-related amendments required significant resources, culminating in Amendment C149nill – Heritage Review, which is expected to reduce future heritage workload.

VCAT appeals

From 2019–20 to 2023–24, 121 appeals were lodged with VCAT, with 117 decisions issued. The majority (53%) affirmed Council's decision, while 24% set aside and 14% varied the permit. As VCAT appeals were not assessed in the 2019 Planning Scheme Review, trends are based only on the past five financial years. To assess themes and common issues of VCAT cases, seventy-six (76) decisions were selected and compared. The majority (80%) of these cases related to multi-dwelling applications. Appendix 10 contains an analysis of VCAT cases.

State planning reform

The State Government has introduced a suite of significant planning reforms, including *Victoria's Housing Statement*, the *P&E Act* review, *Plan for Victoria*, the *Activity Centre Program*, *Future Homes*, *Small Secondary Dwellings*, and the codification of *ResCode*, among others. These initiatives are aimed at delivering 800,000 homes between 2024 and 2034 (and 2.24 million by 2051) and directly impact Council's planning responsibilities.

Nillumbik Shire was initially assigned a target of 12,000 new homes by 2051. However, following strong advocacy by Council highlighting the Shire's constraints, this target was reduced by 45% to 6,500 homes. This target is the lowest metro Melbourne, reflecting the development constraints in the Shire. In response, several Council-led housing and activity centre projects have been paused to ensure alignment with evolving State policy.

Council must now plan how best to accommodate this revised target, ensuring new housing is located near public transport and essential services, while respecting neighbourhood character, tree canopy and the environment. The Nillumbik Activity Centres of Eltham and Diamond Creek are well placed to accommodate this growth, with other areas of the Shire taking on modest levels of growth.

Future strategic work from this Review will aim to balance local community needs with the State Government's broader planning objectives.

Key themes

This Review identifies key themes shaped by research, community engagement, stakeholder input, and recent State Government reforms. Themes include Housing, Built Form and Urban Design, the Green Wedge, the Yarra River Corridor and Integrated Water Management, Open Space and Transport, and Bushfire and Flooding (among others)—each examined at both State and Local levels with related discussions, recommendations, and outcomes.

Recommendations

Following comprehensive analysis, Council officers have identified 24 recommendations to guide the strategic planning program over the next four years and shape the new Council Plan (2025–2029). These 24 recommendations are categorised by priority: 8 high, 10 medium, and 6 low. The high-priority items include:

- Complete the Nillumbik Housing Strategy
- Finalise the Neighbourhood Character Strategy
- Implement the Eltham Major Activity Centre Structure Plan into the Planning Scheme
- Implement the Diamond Creek Major Activity Centre Structure Plan into the Planning Scheme
- Finalise the Heritage Review
- Finalise the Diamond Creek Community Infrastructure Master Plan
- Finalise the Municipal Planning Strategy and implementation
- Progress work on Flood Modelling and Mapping

Key findings and recommendations have been informed by community feedback from a range of Council strategies and initiatives. These will guide updates to the Nillumbik Planning Scheme, aligning it with current policy, research, and community sentiment to support a resilient and thriving Shire.

It is important to note that while Council can shape local policy (e.g., strategies and planning scheme amendments), influencing State-level policy (e.g., housing targets) requires continued advocacy.

1.2. Summary of Recommendations

Table 1 briefly outlines and prioritises the 24 recommendations from the Planning Scheme Review 2025. A detailed explanation of each recommendation and its required actions is provided at Section 9 of this report.

Table 1 - Summary of recommendations

No.	Recommendations	Priority
<u>Housing</u>		
1.	Complete the Nillumbik Housing Strategy (HS) ensuring it is updated in accordance with Plan for Victoria.	High
2.	Implement the Nillumbik Housing and Neighbourhood Character Strategies into the Planning Scheme.	High
<u>Heritage</u>		
3.	Finalise Amendment C149nill - Heritage Review.	High
<u>Integrated Water Management</u>		
4.	Continue to support and collaborate with Melbourne Water on the Greater Melbourne flood modelling project.	High
<u>Activity Centres</u>		
5.	Finalise the Diamond Creek Community Infrastructure Master Plan project.	High
6.	Review and progress Amendment C143nill - Eltham Major Activity Centre Structure Plan.	High
7.	Review and progress Amendment C144nill - Diamond Creek Major Activity Centre Structure Plan.	High
8.	Commence development of a Hurstbridge Township Plan.	Med
<u>Planning Scheme Performance</u>		
9.	Review and update the adopted Municipal Planning Strategy (MPS) having regard to Plan for Victoria and adopted strategies including the Housing, Neighbourhood Character, Biodiversity, Climate Action, Urban Tree Canopy strategies and Major Activity Centre Structure Plans, and implement into the planning scheme via a Planning Scheme Amendment.	High
10.	Improve Planning and Compliance Services through improved data collection and record keeping.	Med
11.	Respond to the State Government's Planning Reforms to promote sustainable and diverse housing while ensuring the protection of Nillumbik's neighbourhood character, Green Wedge, urban tree canopy, flora and fauna.	Med
<u>Yarra River Corridor</u>		
12.	Review the 'waterways' controls with the Department of Planning and Transport's waterways Planning Practice Note.	Med
<u>Open Space</u>		

13.	Commence development of a new Nillumbik Open Space Strategy.	Med
<u>Development Contributions</u>		
14.	Review all Development Contribution Plan Overlay schedules, assess accuracy and potential to provide listed infrastructure.	Med
<u>Built Form and Urban Design</u>		
15.	Review Design and Development Overlays, in particular Schedules 1 and 10, and update accordingly.	Med
16.	Review all Development Plan Overlay schedules and provide an update on expected yields and outcomes.	Med
<u>Vegetation and Biodiversity</u>		
17.	Prepare and implement the Nillumbik Planting Guidelines.	Med
<u>Green Wedge</u>		
18.	Continue to action and support Melbourne Water's Christmas Hills Land Sale project.	Med
19.	Review strategic policy associated with small lots and accommodation in the Green Wedge and provide guidance on strengthening controls that aim to balance the need for rural living and conservation of the landscape and environment.	Low
20.	Prepare for the next Green Wedge Management Plan.	Low
<u>Advocacy & Research</u>		
21.	Advocate on behalf of Council in response to State Government, Municipal and other authority plans, strategies and policies that may affect Nillumbik Shire.	Low
22.	Research areas and topics of interest to the Nillumbik Shire Council to ensure accurate and appropriate strategic guidance and responses.	Low
<u>Audit and Assessment of the Planning Scheme</u>		
23.	Prepare an Urban Design project focusing on fences and boundary treatments across residential areas responding to the findings of the Neighbourhood Character Strategy.	Low
24.	Prepare a planning scheme amendment to correct identified errors and anomalies in accordance with Appendix 11.	Low

2. Introduction

2.1. Planning Scheme Review requirements

A planning scheme is a legal document prepared by local councils or the Minister for Planning, and approved by the Minister. Planning schemes apply to all private and public land in Victoria and are generally binding on everyone, with some exemptions.

All planning schemes have a standard structure drawn from the Victoria Planning Provisions (VPP) and specified in the Ministerial Direction on the Form and Content of Planning Schemes. Planning schemes contain policies and provisions that control land use and development, including the Municipal Planning Strategy (MPS), Planning Policy Framework (PPF) policies, zones, overlays and other provisions to achieve the objectives of the *P&E Act* in addition to State and local government planning strategies. Simply put however, they have three main parts:

- Maps showing how land is affected by zones and overlays.
- The ordinance setting out the written requirements of a scheme.
- Incorporated documents.

Nillumbik Shire Council as the planning authority for the Nillumbik Planning Scheme is required to review its planning scheme every four years under Section 12(B) of the *P&E Act*.

The Review must evaluate the planning scheme to ensure that it:

- Achieves the objectives of the Planning Policy Framework.
- Aligns with the Ministerial Direction on the Form and Content of Planning Schemes.
- Contains a clear and consistent narrative about the way use and development of land will be managed to achieve the planning objectives of the area.
- Aligns with the Council Plan and Community Vision.

The Review has been informed by:

- Demographic and housing data
- Previous Planning Scheme Review (2019)
- State and local initiatives
- Planning permit and amendment activity
- VCAT and Planning Panel reports
- Internal workshops and community engagement

The analysis covers key land use and planning challenges, including housing supply, activity centres, neighbourhood character, vegetation and biodiversity protection, climate adaptation, transport, heritage, bushfire and flooding risks, and social planning. Many recommendations focus on implementing strategic work to ensure the Planning Scheme remains relevant and responsive to community needs.

This review has been undertaken in accordance with Practice Note 32 - Review of Planning Schemes (June 2015) and the Continuous Improvement Review Kit for Planning and Responsible Authorities (February 2006).

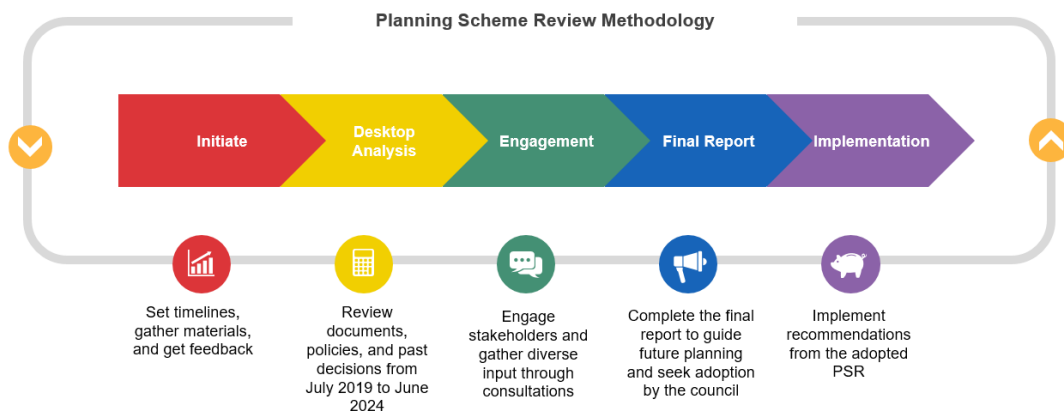
2.2. Planning Scheme Methodology

The Review has been managed by Council's Strategic Planning team in accordance with relevant Planning Practice Notes and Section 12B of the *P&E Act*. Extensive research and analysis of the previous four years has been undertaken to inform the Review, including:

- Demographic data
- Housing data
- The previous Planning Scheme Review
- State & Local initiatives
- Planning Permit & Amendment activity
- VCAT & Planning Panel reports
- Internal Workshops
- Community Engagement

Figure 1 shows the process of the Planning Scheme Methodology undertaken to produce the Review.

Figure 1 - Planning Scheme Review Methodology



Please Note:

It is important to note that certain contents of the planning scheme can only be amended by the Victorian Government. The primary focus of the Review is to evaluate how effectively the locally specific content in the Nillumbik Planning Scheme achieves the desired planning outcomes. It is also important to note that the Review involves a relatively high-level assessment of the current scheme provisions and opportunities for further general improvement. It does not assess the merits of any privately initiated, site-specific proposals for change to the planning scheme; such proposals are to be the subject of separate, rigorous assessment.

3. About Nillumbik Shire (.id Community Profile)

Nillumbik Shire has been home to the Wurundjeri-willam clan of the Woi-wurrung people for tens of thousands of years. The name 'Nillumbik,' meaning shallow earth, was later adopted by European settlers.

Known as the Green Wedge Shire, Nillumbik spans 432 square kilometres, with 91% designated as Green Wedge land. Its landscape features steep ridges, rivers, creeks, and dense bushland, with urban and rural areas interwoven. The major activity centres are Eltham and Diamond Creek, with Hurstbridge and Research serving as neighbourhood activity centres. Smaller local centres include Kangaroo Ground, Christmas Hills, Panton Hill, Smiths Gully, Yarrambat, and St Andrews.

The peri-urban characteristics that make Nillumbik liveable also contribute to it being one of the most bushfire prone areas in the world. Fire has been part of the landscape for millennia and is a complex issue that is exacerbated by climate change. The majority of Nillumbik Shire is a Designated Bushfire Prone Area (BPA) under section 192A of the Building Act 1993 and a large proportion (82.1%) of land within the Shire is also subject to the Bushfire Management Overlay.

The 2021 Census and ABS data were analysed for this Review, though the data may be skewed due to COVID-19 lockdowns. Future strategic work should use the most current statistics for accurate planning.

NILLUMBİK'S COMMUNITY PROFILE

POPULATION



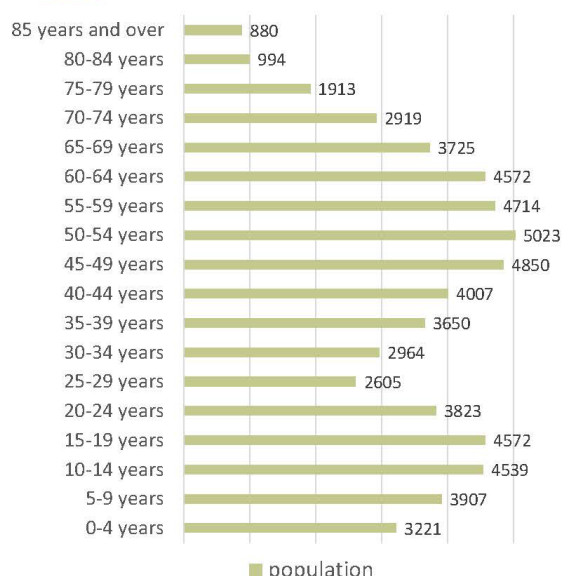
2019 - Population estimated at **64,464**

2023 - Population decreased to **63,264**

The growth rate, although negative over the four-year period, has more recently been positive at 0.31% in 2023

Although only 9% of the Shire is metropolitan land (inside the Urban Growth Boundary), this land contains approximately 80% of Nillumbik's population. The population is concentrated in the southern and south-western urban areas—Diamond Creek, Eltham, Eltham North, Greensborough, Hurstbridge, and Wattle Glen.

AGE STRUCTURE – SERVICE AGE GROUP, 2021



CHANGE IN AGE STRUCTURE – SERVICE AGE GROUP, 2016 TO 2021

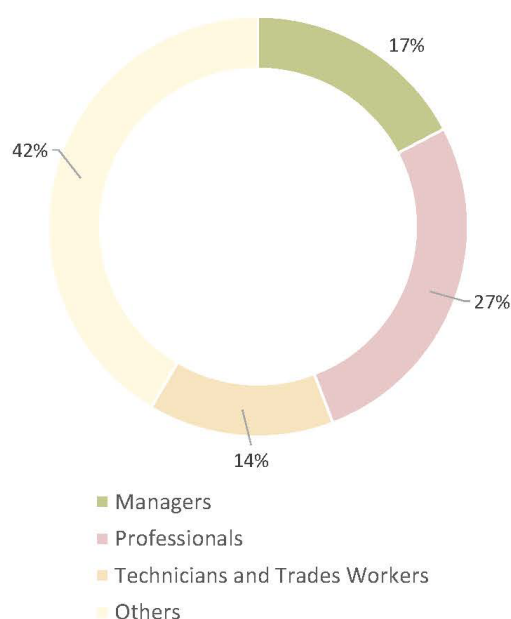
The largest changes in the age structure in this area between 2016 and 2021 were in the age groups:

- Seniors (70 to 84) (+1,741 people)
- Empty nesters and retirees (60 to 69) (+1,038 people)
- Parents and homebuilders (35 to 49) (-639 people)
- Primary schoolers (5 to 11) (-381 people)

PRIORITY POPULATION

- First Nations population
- Culturally and linguistically diverse population
- People with disability
- Carers
- LGBTIQA+ community
- People living in rural or isolated areas
- Women and girls
- Children and young people
- Older people

OCCUPATION OF EMPLOYMENT



MOST POPULAR INDUSTRY SECTORS

An analysis of the jobs held by the resident population in Nillumbik Shire in 2021 shows the three most popular industry sectors were:



Construction
13.9%



Health Care and Social Assistance
13.8%



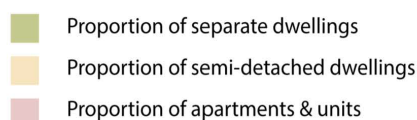
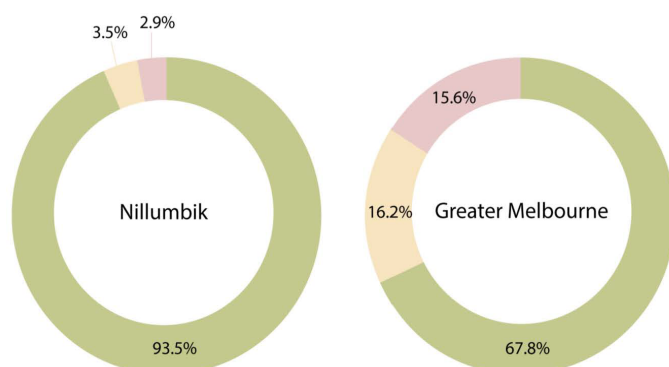
Education and Training
11.2%

LANGUAGE DIVERSITY

- 87.7% speak English only
- 9.6% speak a language other than English at home
 - Italian (1.3%)
 - Mandarin (1.2%)

NILLUMBIK'S HOUSING STATISTICS

COMPARISON OF PROPORTION OF DWELLING TYPES 2021



HOUSEHOLD TYPES



1st - 45.1%
Couples with children



2nd - 27%
Couples without children



3rd - 14.4%
Lone person

NUMBER OF BEDROOMS PER DWELLING, 2021 (CHANGE NUMBER FROM 2016)



0 or 1 bedrooms: 311 (+6)

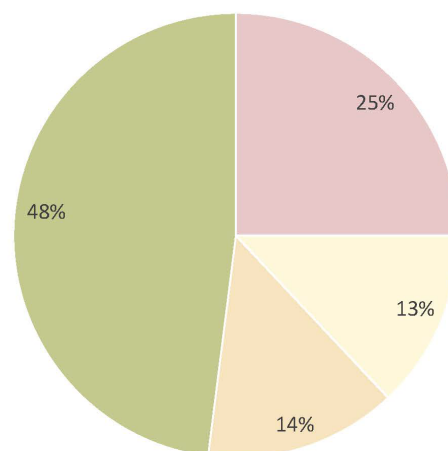
2 bedrooms: 1,534 (+61)

3 bedrooms: 8,088 (-81)

4 bedrooms: 8,459 (+854)

5 bedrooms or more: 2,453 (+460)

LAND USE



HOUSING AFFORDABILITY



39.5% of households with mortgages in the highest home loan payment quartile.
(Greater Melbourne **29%**)



Close to half (**45.5%**) of rental households are in the highest rental payment quartile
Only **3.7%** of rental properties are affordable for low-income earners



While housing stress is lower in those with a mortgage compared to the Greater Melbourne average, the rate of housing stress in rental households is **2.5 times** higher than the rate of mortgage stress in Nillumbik and is higher than the Greater Melbourne average.



Rental stress is most pronounced in Eltham - Edendale, Hurstbridge, Research and the St Andrews District. Mortgage stress is experienced at the highest rates in Kangaroo Ground, Yarrambat, Rural North West and Plenty-Yarrambat areas.



The rate of homelessness in Nillumbik is much lower than the rate for the Greater Melbourne region and Nillumbik females are **1.7 times** more likely than males to experience homelessness.

3.1. Social determinants of health

Nillumbik residents generally enjoy a high level of socioeconomic advantage, with high levels of education, employment and income. However, there are some challenges to the provision of a healthy environment where all residents can thrive.

Although the rate of low-income households is lower in Nillumbik than in Greater Melbourne, people living in such households experience significant disadvantage. They are more likely to be aged 60+, be unemployed or working part-time, or dependent on income-support payments, and are more likely to live alone and to have one or more long-term health conditions.

Housing costs are high in Nillumbik, and people that rent are more likely to experience housing stress. There are low rates of rental properties and very few are affordable for low-income earners

Service and infrastructure access is a challenge with a dispersed and relatively small population. There is a recognised shortage of a range of medical professionals. There is lower uptake of aged care services and antenatal services compared to Victorian averages.

There are a range of priority groups within the Nillumbik community that are at risk of poorer health and social outcomes due to discrimination and exclusion. Key findings and priority groups are outlined below.

3.2. Climate Change & Covid-19

Climate change is occurring and greenhouse gas emissions from human activities are the dominant cause. The Victorian government has identified climate change as one of the biggest threats to the future of the State; with warmer and drier conditions projected to have negative consequences for health, infrastructure, agriculture, water and biodiversity. The impacts of climate change cut across almost all areas of local government responsibility.

Nillumbik will be hotter, drier and more at risk of bushfires in future. More than 41 per cent of Nillumbik properties will be at risk of climate change-related damage by 2050, with bushfire the biggest risk.

Greenhouse gas emissions from human activities are the dominant cause of climate change. A reduction in emissions is required to reduce the cause and impacts of climate change. Major emissions sources for Nillumbik are:

- Electricity 44 per cent (mainly residential electricity consumption)
- Transport 30 per cent (mainly car use)
- Gas 16 per cent (mainly residential gas)
- Waste 4 per cent.

Domestic and international measures in response to COVID-19 have had a large economic and financial impact on Victoria, Australia and the rest of the world. Nillumbik Shire is not immune to these impacts, including social, health, education and employment impacts. Since Covid-19 there has been a noticeable change in the number of people per household, the number of bedrooms per dwelling, changes to feelings of inclusion, healthy behaviours and environments and changes to employment and education preferences.

4. Previous Review & Progress

4.1. Nillumbik Planning Scheme Review 2019

The previous planning scheme review was completed in 2019, and since then, substantial strategic work has been undertaken to implement its recommendations. At the same time, Victoria has experienced significant State-led initiatives and policy reforms, particularly in the housing space, requiring all councils to revisit their strategic planning programs to align with these changes.

4.1.1. The 2019 Review

The 2019 review proposed significant projects, including a more robust planning scheme review aligned with the State Government's Smart Planning Program. Of the 16 recommendations, five remain underway or yet to commence (see Appendix 1). This review explains the non-completion of three recommendations and advises prioritising the unfinished recommendations for further strategic work.

Key projects included the Green Wedge Management Plan 2019, Economic Development Strategy 2020, the Eltham and Diamond Creek Structure Plans, and the transformation of the Nillumbik Planning Scheme Local Planning Policy Framework. A full overview of the 2019 Planning Scheme Review, including details and explanations, is in Appendix 2.

Figure 2 - Audit of 2018 Planning Scheme Review Actions

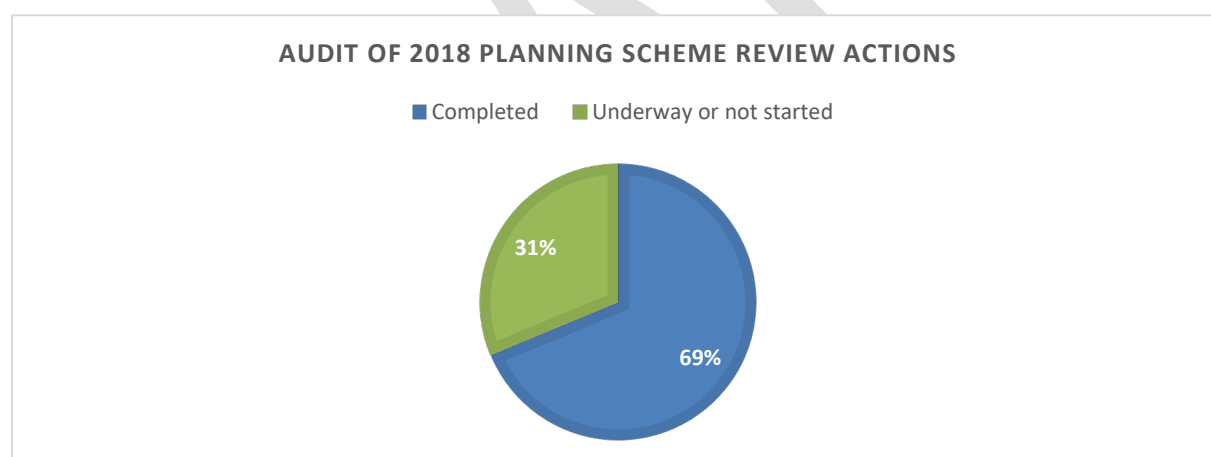


Table 2 - Planning Scheme Review 2019 recommendations status summary

2019 Planning Scheme Review Recommendations	Current Status
Green Wedge Management Plan	Completed 2019
Economic Development Strategy 2020-2030	Completed 2020
Activity Centre Structure Plans (Diamond Creek and Eltham)	Completed 2020
Errors & Anomalies Amendment (C115nill)	Completed 2020
Rezone to Public Park and Recreation Zone (C117nill)	Completed 2020 & 2021

Translation of Local Planning Policy Framework (LPPF) to the new Planning Policy Framework (PPF) Amendment (C135nill)	Completed 2021
Council Plan 2021-2025	Completed 2021
Errors & Anomalies Amendment (C116nill)	Completed 2024
Major Activity Centres Structure Plans Implementation Amendments (C143nill and C144nill)	Commenced but on hold
Heritage Amendment (C104nill)	Underway
Housing Strategy	Commenced but on hold
Open Space Strategy	Proposed
Planning Scheme Review Amendment (Municipal Planning Strategy, Local Planning, Zones & Overlays). Covering Housing, Economic Development, Small Lots & Green Wedge Management Plan.	Proposed
Linear reserve between Diamond Creek Rd, Greensborough and Ryans Rd, Diamond Creek strategic land use opportunities.	Abandoned

4.1.2. Strategic Work Completed

Including recommendations from the previous review, Strategic Planning has completed 34 projects and amendments over the review period. Notably, Amendment C131nill updated Green Wedge and Rural Conservation schedules, introducing permit triggers for earthworks to protect the landscape and biodiversity, and structure planning for the Eltham and Diamond Creek activity centres.

Council officers also completed Heritage Reviews Stages A & B, updated the Municipal Planning Strategy, and advanced the Wattle Glen Public Framework project, alongside multiple housing-related projects.

The 27 completed amendments include updates to heritage places, land rezoning, and planning scheme corrections. A full list of completed projects and amendments, with dates and descriptions, is in Appendix 3.

Table 3 - Completed Amendments and Projects since July 2019

Amendment/Strategy	Gazetted/Completion Date
Corrections amendment (116nill)	7-Feb-2019
Heritage Overlay Amendment (C123nill)	24-Oct-2019
Specific Controls Overlay Amendment (C119nill)	12-Dec-2019
Eltham and Diamond Creek Major Activity Centre Structure Plans	Sep-2020
Rezoning to Public Park and Recreation Zone Amendment (C117nillpt1)	6-Feb-2020

Corrections Amendment (124nill)	6-Feb-2020
Specific Controls Overlay Amendment (C125nill)	2-Jul-2020
Rezoning to Public Park and Recreation Zone Amendment (C117nillpt2)	22-Oct-2020
Heritage Overlay Amendment (C132nill)	18-Dec-2020
Corrections Amendment (C134nill)	6-May-2021
Heritage Overlay Amendment (C136nill)	24-Jun-2021
Local Planning Policy Framework Transformation (C135nill)	22-Jul-2021
Heritage Overlay Amendment (C139nill)	27-Aug-2021
Heritage Overlay Amendment (133nill)	25-Nov-2021
Heritage Overlay Amendment (C145nill)	29-Nov-2021
Heritage Overlay Amendment (C137nill)	10-Feb-2022
Environmental Audit Overlay Removal Amendment (C129nill)	24-Feb-2022
John and Bridge St Rezoning Amendment (C126nill)	18-Mar-2022
Heritage Overlay Amendment (C141nill)	14-Apr-2022
Earthworks in the Green Wedge Amendment (C131nill)	13-May-2022
Interim Heritage Controls Amendment (C140nill)	26-May-2022
Corrections Amendment (C118nill)	07-Jul-2022
Heritage Overlay Amendment (C138nill)	21-Jul-2022
Heritage Review Study	26-Jul-2022
Heritage Control Amendment (C142nill)	27-Aug-2022
Heritage Overlay Amendment (C150nill)	18-Nov-2022
Municipal Planning Strategy	27-Jun-2023
Neighbourhood Character Strategy	12-Dec-2023
Interim Heritage Controls Amendment (C148nill)	28-Apr-2023
Wattle Glen Public Realm Framework Project	27-Aug-2024
Interim Heritage Controls Amendment (C152nill)	01-Oct-2024
Interim Heritage Controls Amendment (C153nill)	22-Jan-2025

4.1.3. Strategic Work Underway

Council's Strategic Planning Team are continuously working on amendments and projects, to ensure the planning scheme and strategic policy is up to date. All the projects and amendments underway are listed below (Further details are available in Appendix 4).

Table 4 - Strategic Work Underway

Projects	Amendments	Project Implementation
<ul style="list-style-type: none">• Nillumbik Housing Strategy• Diamond Creek Facilities Master Plan• Christmas Hills (Melbourne Water Land Divestment)	<ul style="list-style-type: none">• Eltham Major Activity Centre Amendment (C143nill)• Diamond Creek Major Activity Centre Amendment (C144nill)• Heritage Review Amendment (C149nill)	<ul style="list-style-type: none">• Implementation of Green Wedge Management Plan• Implementation of the Municipal Planning Strategy• Implementation of the Neighborhood Character Strategy• Implementation of Yarra Strategic Plan

4.2. Key State initiatives

Since the last Planning Scheme Review in 2019, the State Government has focussed on a number of key initiatives that are relevant to the Nillumbik Planning Scheme.

These include:

- Responding to major emergencies including recovery from bushfires and the global Covid-19 pandemic.
- Further managing and planning for population growth and evolving demands, including Plan for Victoria, Housing Targets, Small Second Dwellings and Future Homes, etc.
- Facilitating Major State Government Infrastructure projects to support Melbourne's growing population.
- Implementing the Smart Planning Program to simplify and modernise Victoria's planning policy.
- Providing a coordinated approach to protecting the Yarra River Corridor.
- Protection and managing Green Wedge through the Green Wedge and Agricultural Land Action Plan.
- Enhancing the liveability of built form and housing design including: ResCode Review and Better Apartment Design Standards.

The Smart Planning Program, *Gender Equality Act 2020*, Housing targets and Plan for Victoria are discussed below. Other key planning initiatives by State Government are discussed under each key theme in Section 7 of this Report.

4.2.1. Smart Planning Program

In July 2016, the Victorian Government introduced the Smart Planning program, to make the planning process in Victoria easier to understand, more efficient and accessible by:

- simplifying and modernising Victoria's planning rules
- making planning information easier to find and understand
- introducing new technologies to improve accessibility and interaction with information and services
- establishing more effective and accessible engagement with community, businesses, local government and industry

Detailed state level amendments are outlined in Appendix 5.

4.2.2. Planning and Environment Act Regulations 2024

The Planning and Environment Act Regulations 2024, which amends the Planning and Environment Regulations 2015, introduces changes aimed at updating and streamlining the planning permit process. The amendments focus on

- (a) to amend prescribed forms with respect to planning permits to update the matters contained in those forms; and
- (b) to revoke certain forms that are no longer required.

As a result of these changes, there is a need to update our planning decision templates and remove the now obsolete Form 22-24 templates. The adaptation process will involve revising current templates, training staff on the new procedures, and ensuring compatibility with the updated regulations. This transition, while challenging, is expected to enhance the efficiency and effectiveness of our planning services.

4.2.3. Housing Targets and Plan for Victoria

The National Housing Accord, announced in October 2022 and endorsed by all states was a landmark agreement designed by the Federal government to tackle housing supply and affordability right across Australia. In 2023, in response to the Accord and its own need to plan for housing, the Victorian government announced an array of policy changes aimed at increasing the supply of housing and to provide for more affordable homes in Victoria, including replacing *Plan Melbourne 2017-2050* with *Plan for Victoria* and reviewing the *P&E Act*.

As part of Plan Victoria, the Department of Transport and Planning (DTP) developed a long-term strategy to increase housing near transport, jobs, and essential services. On 16 June 2024, the Victorian Government announced draft housing targets for each Local Government Area, initially setting Nillumbik's target at 12,000—far exceeding local expectations and raising concerns about neighbourhood character. However, through Council's strong advocacy, the final target was reduced by 45% to 6,500, aligning with the draft housing strategy.

In February 2025, the State Government released the Final Plan for Victoria, covering Melbourne, regional cities, and rural towns. Structured around five pillars—self-determination, housing for all, access to jobs and services, great places, and sustainability—the plan mandates planning scheme revisions across all councils. Nillumbik and other councils must integrate housing targets into future decisions, with state intervention possible if commitments are not met.

4.3. Advocacy & Submissions

Nillumbik Shire Council has provided advocacy and submitted strategic responses to a number of important State led reforms. Providing support and local advice on important subjects that will directly affect the Nillumbik community is an important function of Council and supports crucial changes to the Planning Scheme. Of particular interest are State led initiatives concerning housing, the Green Wedge and the environment. Below is a list of adopted submissions made over the review period. Details and Summaries are provided at Appendix 6.

- Better Apartments in Neighbourhoods Submission (September 2019)
- Draft EPA Reforms (May 2020)
- Green Wedge and Agricultural Land Discussion Paper (February 2021)
- 10 Year Social and Affordable Housing (March 2021)
- Melbourne's Future Planning Framework (October 2021)
- Parliamentary Inquiry – Protections within the Victorian Planning Framework (December 2021)
- DELWP Planning Reforms - Improving the Operations of ResCode (February 2022)
- Parliamentary Enquiry - Victorian Food Supply (February 2022)
- Draft Plan for Victoria and Housing Targets Submission (August 2024)

4.4. Other Council Plans & Strategies of Importance

Council supports the community across various areas by developing plans and strategies that guide projects and planning scheme amendments. These ensure the Nillumbik Planning Scheme aligns with legislation, community needs, and policy direction. In addition to the plans directly related to the scheme (detailed in Sections 4.2 and 4.3), this review highlights other key strategies influencing planning, including the *Health and Wellbeing Plan 2021-2025*, *Biodiversity Strategy*, *Climate Action Plan*, *Integrated Transport Strategy*, and *Urban Tree Canopy Strategy*. A full list is provided in Appendix 7.

4.4.1. Nillumbik Shire Council Plan 2021-2025

Several Place and Space priority actions from the *Nillumbik Shire Council Plan 2021-2025* have been the responsibility of Council's Strategic Planning team and relate to the operation and update of the Planning Scheme. These listed priority actions align with the recommendations of the previous review and work currently underway. Of the 10 priority actions, four are complete, three are underway and three programmed to commence shortly. Appendix 8 lists these priority actions, their status and provides a brief description of the actions taken to date.

4.4.2. Climate Action Plan 2022-2032

Council has identified climate change as one of the biggest threats to the future of development. In response, legislation is strengthening. This has included the introduction of the *Climate Change Act 2017* and the *Local Government Act 2020* which require decision makers to have regard to climate change. Nillumbik community has told us that local climate 'mitigation' and 'adaptation' action is needed to tackle the climate emergency; and Council's insurer has provided advice that the risk of matters such as fire and flood need to be addressed.

In May 2022, Nillumbik Shire Council adopted the *Climate Action Plan 2022–2032*. This plan serves as a comprehensive framework guiding the Council's climate response over a decade, focusing on both mitigation and adaptation strategies. Key objectives and targets include net-zero emissions for Council operations by 2030 and for the broader community by 2035. The Planning Scheme Review has regard to Nillumbik's Climate Action Plan and supports inclusion of climate change mitigation and adaptation policy in the Planning Scheme.

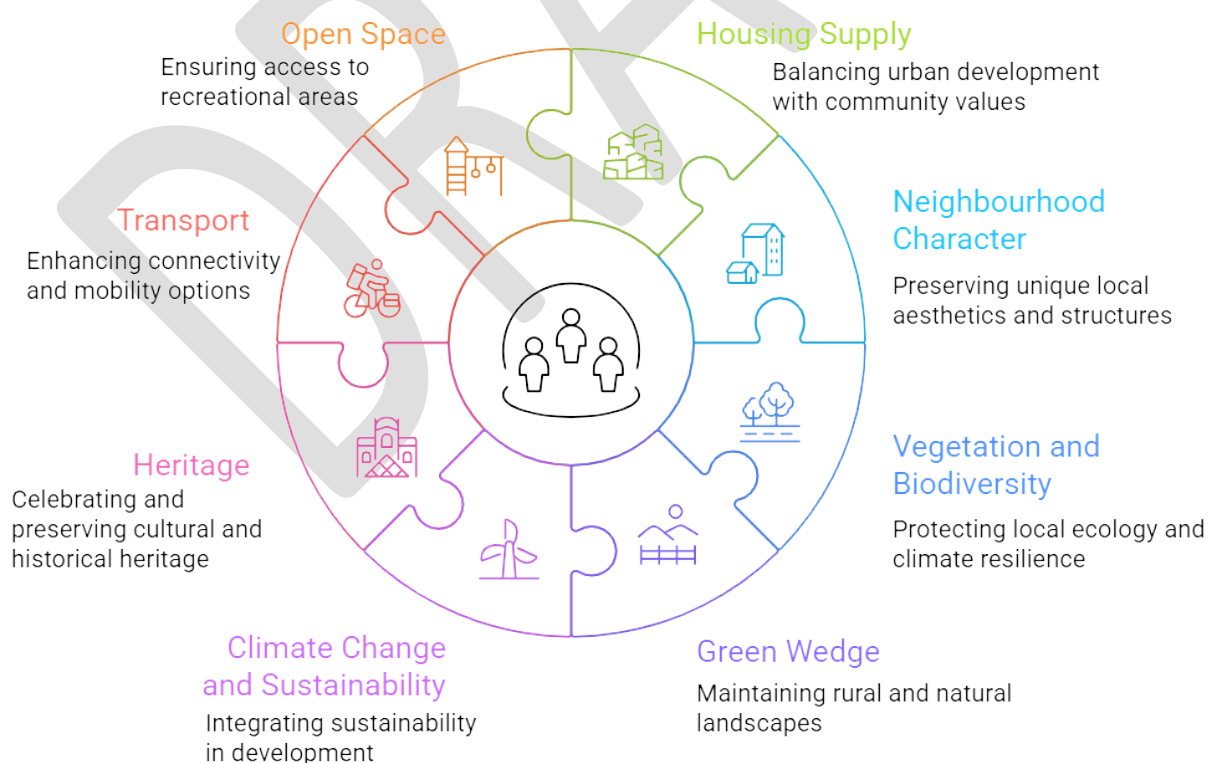
5. What We've Heard

Between 2019 and 2024, Nillumbik Shire Council undertook a range of community engagement activities for various projects to identify the needs of the community in today's ever-changing world. In addition to engagement with multiple community groups, this section of the report highlights the key findings from the following consultation and engagement processes:

- Our people Our Place Our Future Consultation – 2021
- Climate Action Plan Consultation – 2021
- Municipal Planning Strategy Consultation (Phase 3) – 2022
- Neighbourhood Character Strategy Consultation (Stage 2) – 2022
- Biodiversity Strategy Consultation – 2023
- Draft Housing Strategy Consultation (Stage 1) – 2024
- Urban Tree Canopy Strategy Consultation – 2024
- Integrated Transport Strategy 2024-2029 Consultation - 2024

Council has undertaken a comprehensive analysis of various community engagement programs, reviewing sentiments across key themes by extracting specific feedback related to engagement and project consultations. This process helped identify recurring topics and community priorities. The insights gained through these consultations provide a stronger understanding of community needs, informing this Review of the Planning Scheme. Below is a summary of topics most valued by the community, based on the consultations referenced above. Further details are available in Appendix 9.

These key topics are identified as core themes in Section 7, which also includes an analysis of relevant state and local initiatives during the review period, along with corresponding recommendations.



6. Planning Scheme performance

This section contains an analysis of planning permit activity and process improvement, VCAT cases, planning panels and compliance actions that have taken place during the last five years. The following data is sourced from both Nillumbik Shire Council and the State Government.

6.1. Continuous improvement

6.1.1. Planning Services

Over the review period, the Planning Services team has undergone business transformation with new positions, processes and digital improvements. The Senior Planning Advisory officer role was created in February 2020 to offer a dedicated planning pre-application meeting service to the community. The role was later reviewed and modified to offer a Planning and Business Concierge Service to support local businesses with the Council requirements and streamlining of the pre-application meeting process is resulting in better informed applicants and less incomplete applications.

Up until March 2020, the statutory planning service was a paper-based service, which required customers to lodge paper applications, including copies of paper architectural plans, and the resulting planning decisions were also paper-based. It also meant that customers could only engage with the planning service during business hours and on week days.

The service transitioned to a fully digital, online service in early April 2020 which saw considerable time efficiencies made to the service. In addition to improving processing timeframes, customers now can interact with the planning service at any time of the day, when it best suits their needs, through the online lodgement portal and customer portal.

Table 5 - Planning Service business transformation

Date	Business Transformation
February 2020	Senior Business and Planning Advisory service was developed and commenced with a new role
April 2020	All planning applications and pre-application meetings went live for online lodgement. In addition, the planning service which was 100% paper based, also moved to a 100% digital service at the same time.
June 2021	Advertising QR Codes were created and now appear on all public notice letters and site signs. This allows residents to scan the QR code and be taken straight to Council's web page with the online advertised plans.
July 2021	Update to the Planning online lodgement portal page so customers can navigate to the correct application type more easily
November 2021	Better Business Approval requests went live online, meaning that business customers can now apply online for a Better Business Approval meeting (e.g. a business pre-application meeting)
June 2023	Our planning customers now receive automated email updates for every step of their planning applications as it progresses through the system.
June 2024	Review and enhancement of content and accessibility for all Planning web pages completed, including the developments on new infographics and the

	recording of new information videos was completed. This project was able to be completed after receiving a State Government digital planning grant at the end of 2023
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6.1.2. Planning Compliance

Over the last four financial years Council has, on average, investigated approximately 280 cases per year. The most prevalent type of cases relating to unauthorised buildings and/or works and unauthorised vegetation removal/pruning. Cases of unauthorised buildings and/or works have predominantly been investigated in relation to breaches to the Significant Landscape Overlay, Schedules 2 and 3.

Cases concerning unauthorised vegetation removal/pruning have generally been found to be in relation to breaches of the Significant Landscape Overlay, Schedules 2 and 3, Clause 52.17 and the Environmental Significance Overlay – Schedule 1.

With the prevalence of unauthorised buildings and/or works and vegetation removal in areas of landscape and environmental significance, there appears to be a need for review of Significant Landscape Overlay Schedules and community education on the buildings, works and vegetation removal that requires a planning permit. Current strategic work including the Neighbourhood Character and Urban Tree Canopy Strategy aim to address these identified areas, however further work and monitoring will be required to ensure these compliance issues are addressed.

6.2. Planning Permit Activity

Council's statutory planning activity is regularly reviewed and reported to the Department of Transport and Planning (DTP) for inclusion in the Planning Permit Activity Reporting (PPAR). The PPAR's purpose is to ensure that councils effectively administer and enforce relevant legislation with accuracy, consistency, and efficiency. Additionally, it offers publicly accessible planning data for all councils across the State, supporting benchmarking and performance evaluations.

6.2.1. Number of permits assessed

Table 6 presents the number of permit applications processed from the 2019/20 to 2023/24 financial years, based on PPAR and internal data. The number of applications received fluctuated during this period, peaking at 784 in 2020/21 and dropping to a low of 589 in 2023/24, with an average of approximately 671 permits processed annually. The increase in permit activity, particularly during the peak years, aligns with trends observed across most other councils and is likely attributed to the impacts of the COVID-19 pandemic. While recent years have shown a decline in application volumes, signs of recovery and improved efficiency are evident, including an increase in permits issued and a reduction in withdrawals. This suggests a more streamlined and effective processing system in recent years.

Table 6 - Number of permits received

Permits	2019/20	2020/21	2021/22	2022/23	2023/24
Application Received	607	784	782	594	592
Amended permit application	68 (11%)	86 (11%)	95 (12%)	95 (16%)	82 (14%)

Data source: Planning permit activity reporting

Table 7 - Decision making

Permits (Including Refusals)	2019/20	2020/21	2021/22	2022/23	2023/24
Processed	609	750	831	544	617
Application lapsed/ withdrawn/Not required	105 (17%)	120 (16%)	124 (15%)	84 (15%)	82 (13%)
Notice of decision issued	66 (11%)	60 (8%)	47 (6%)	45 (8%)	63 (10%)
Permit issued	427 (70%)	544 (73%)	626 (75%)	384 (71%)	450 (73%)
Refusal Issued	11 (2%)	26 (3%)	34 (4%)	31 (6%)	32 (5%)

Data source: Planning permit activity reporting

Over the financial years 2019/20 and 2020/21, Nillumbik experienced an increase in the number of incoming applications and in April 2020, the Planning Service team transitioned to digital operations, presenting a significant learning curve within a condensed timeframe—particularly due to the constraints imposed by the lockdown.

6.2.2. Service performance

The analysis of statutory decision-making for permits from 2019/20 to 2023/24 shows that Nillumbik's median processing are higher when compared to other outer urban councils. Statutory timeframes are largely comparable to outer urban councils. Comparing Nillumbik Shire's service performance with other outer urban councils, it is evident that the trend of longer processing times and statutory days is not unique to Nillumbik. There are many aspects that affect planning decision timeframes. These include, but are not limited to, application complexity, the quality of applications lodges, application numbers, resourcing, staff turnover and planner experience.

Table 8 - Statutory days for decision making (All applications)

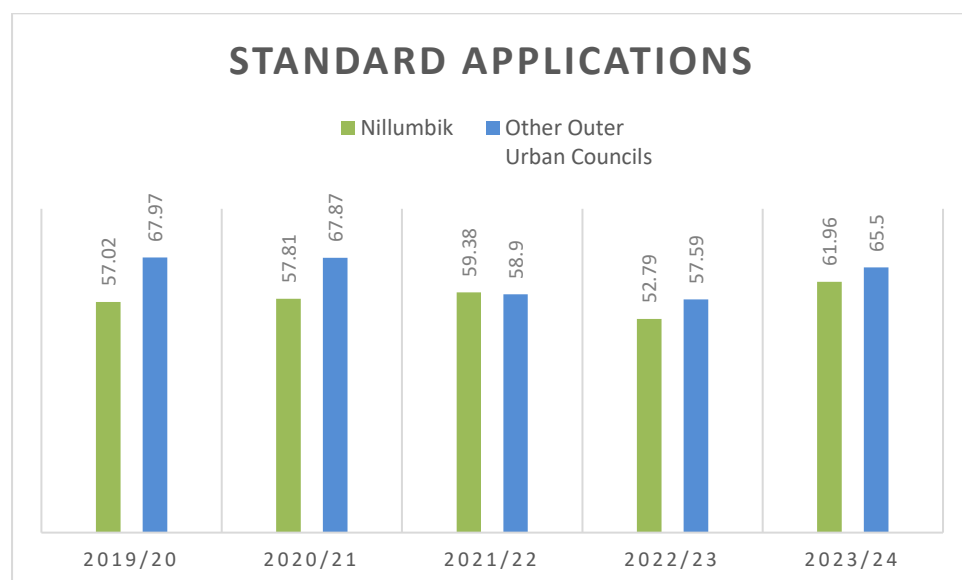
Permits (Including Refusals)		2019/20	2020/21	2021/22	2022/23	2023/24
Median processing days (all applications)	Nillumbik	101	92	100	103	91
	Other Outer Urban Councils ¹	71	67	81	98	86
	Melbourne Metro	77	77	87	95	84
Within statutory timeframe (%)	Nillumbik	62.07	66.13	60.17	55.7	64.02
	Other Outer Urban Councils	71.4	71.23	61.66	59.67	66.65
	Melbourne Metro	67.48	68.23	62.25	63.55	68.23

Data source: Planning permit activity reporting

¹ Brimbank, Frankston, Greater Dandenong, Knox, Maroondah, Mornington Peninsula and Yarra Ranges

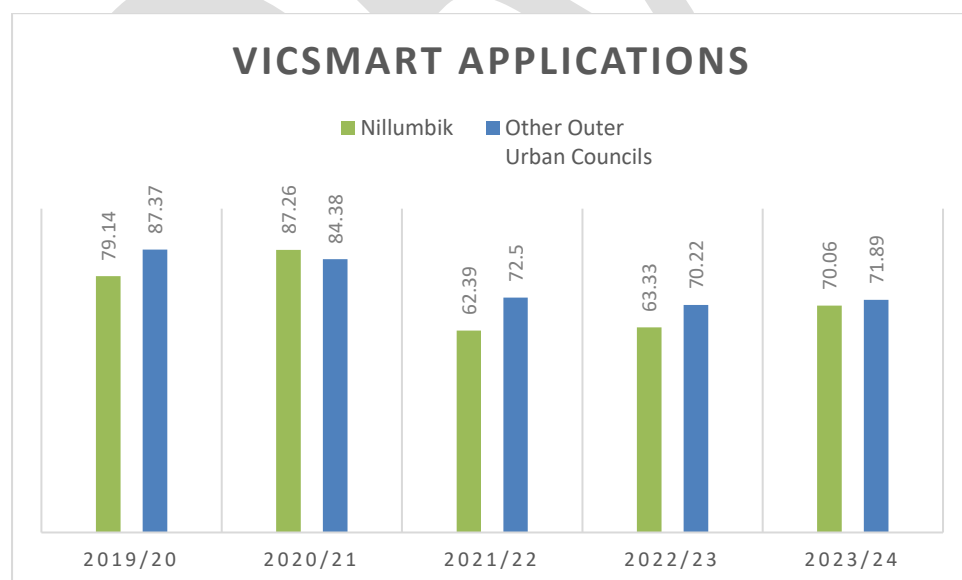
Nillumbik's adherence to statutory timeframes has steadily improved. For Standard Applications, a slight improvement was recorded from 57.02% in 2019/20 to 61.96% in 2023/24. For VicSmart Applications, Nillumbik saw a slight decline from 79.14% in 2019/20 to 70.71% in 2023/24, closely matching the decline of other councils from 87.37% to 71.89%. The gap between Nillumbik and other councils has narrowed in recent years, showing an improvement in performance.

Figure 3 - Within timeframe - Standard applications (% applications have been processed within timeframe)



Data source: Planning permit activity reporting

Figure 4 - Within timeframe - VicSmart applications (% applications have been processed within timeframe)



Data source: Planning permit activity reporting

6.2.3. Top 10 common permit issued by categories

The data below highlights the dominance of residential development and vegetation-related activities in permit approvals over the five-year period.

Table 9 - Top 10 Common Permits issued by Category Between 2019 /20 and 2023/24

Category	Permits Issued	Percentages for permits issued by category
Single dwelling	545	22%
One or more new buildings	524	22%
Extension to an existing dwelling or structure associated with a dwelling	520	21%
Native vegetation removal	458	19%
Other building and works (including septic tanks, dams earthworks)	233	10%
Other vegetation removal	225	9%
Multi-dwelling	149	6%
Subdivision buildings	119	5%
Alterations to a building structure or dwelling	100	4%
Change or extension of use	80	3%

Data source: Planning permit activity reporting

6.2.4. Geographic spread of applications

Table 10 highlights permit application volumes across various townships from 2019/20 to 2023/24, alongside the total for the period. Most permit decisions were concentrated in suburbs of Eltham and Diamond Creek. Eltham (including Eltham and Eltham North) consistently recorded the highest permit decisions, peaking at 494 permit decisions in 2020/21 and totalling 2,345 (36%) permit decisions from 2019 to 2024, significantly outpacing all other townships. Diamond Creek followed with a stable trend, recording a total of 1,303 applications.

In contrast, townships in the Green Wedge, particularly Smiths Gully, Strathewen, and Nutfield, had minimal development activity, reflected in consistently low application numbers. Overall, the data demonstrates strong permit activity in Eltham and Diamond Creek, likely driven proportionally by development and population growth.

Table 10 - Geographic spread of applications

Township	2019/20	2020/21	2021/22	2022/23	2023/24	2019/20 -2023/24	Percentage of decisions made by Township 2019/20-2023/24
ARTHURS CREEK VIC 3099	10	10	18	11	15	64	1%
BEND OF ISLANDS VIC 3097	5	5	7	6	1	24	0%
CHRISTMAS HILLS VIC 3775	16	21	19	10	2	68	1%
COTTLES BRIDGE VIC 3099	7	11	10	9	10	47	1%
DIAMOND CREEK VIC 3089	247	334	289	223	210	1303	20%
DOREEN VIC 3754	13	18	11	1	5	48	1%
ELTHAM NORTH VIC 3095	92	91	75	73	86	417	6%
ELTHAM VIC 3095	355	403	408	358	404	1928	29%
GREENSBOROUGH VIC 3088	20	12	23	31	21	107	2%
HURSTBRIDGE VIC 3099	69	82	81	66	77	375	6%
KANGAROO GROUND VIC 3097	20	44	38	29	37	168	3%
NORTH WARRANDYTE VIC 3113	83	79	91	55	81	389	6%
NUTFIELD VIC 3099	2	2	3	5	3	15	0%
PANTON HILL VIC 3759	25	30	22	23	15	115	2%
PLENTY VIC 3090	113	102	130	91	118	554	8%
RESEARCH VIC 3095	39	60	75	51	64	289	4%
SMITHS GULLY VIC 3760	13	8	13	7	7	48	1%
ST ANDREWS VIC 3761	25	31	46	28	35	165	2%
STRATHEWEN VIC 3099	10	9	12	5	9	45	1%
WATSONS CREEK VIC 3097	2	2	0	3	0	7	0%
WATTLE GLEN VIC 3096	39	28	38	39	31	175	3%
YAN YEAN VIC 3755	0	0	0	2	0	2	0%
YARRAMBAT VIC 3091	49	55	50	48	48	250	4%
TOTAL APPLICATIONS	1254	1437	1459	1174	1279	6603	100%

Data source: Internal data

6.2.5. Summary of Planning Scheme Performance

Permit activity within Nillumbik Shire has experienced fluctuations over recent years. Between 2022 and 2024, application volumes declined, largely due to downturns in both the building and planning sectors resulting from the pandemic. However, signs of recovery are now evident, as demonstrated by an increase in the number of permits issued and a decrease in the number of withdrawals.

Comparative analysis shows that longer processing times and higher statutory days are challenges faced broadly by outer urban councils, likely due to pandemic-related disruptions, as well as many other factors. However, Nillumbik's higher processing times and lower compliance rates point to additional local pressures.

Residential development and vegetation-related activities dominated permit approvals over the past five years. Most permit decisions were concentrated around the higher populated residential parts of the Shire, such as Eltham and Diamond Creek. In contrast, Green Wedge townships like Smiths Gully, Strathewen, and Nutfield experienced minimal development, with consistently low application numbers.

Additionally, rising interest rates and cost-of-living pressures have further influenced housing affordability. A rising cost of living significantly impacts the building and planning industry by driving up labour costs, increasing the price of construction materials, and more. This leads to potential

project delays, reduced new builds, and heightened pressure on housing affordability due to above reasons, all of which affect the performance of the Planning Scheme.

There are, however, several data sources that would provide greater insight into the development patterns and operation of the Nillumbik Planning Scheme that are currently not being recorded. These data sources include permit triggers, bedroom counts for dwelling approvals and amount of canopy tree loss/gain. Recording this data would enable further analysis and provide greater insight into how our shire is shaping.

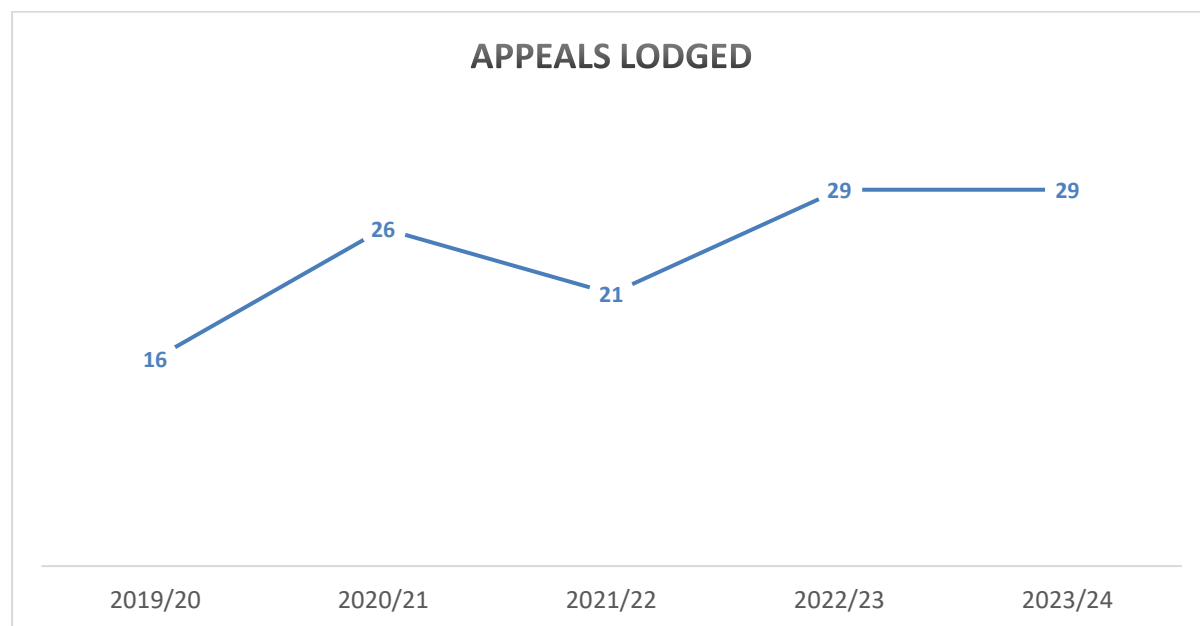
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6.3. VCAT & Planning Panels Victoria (PPV) Decisions

6.3.1. Decision making on permits between 2019 and 2024

There have been 121 application submitted to Victorian Civil and Administrative Tribunal (VCAT) since the last review of the Nillumbik Planning Scheme in the period of July 2019 to June 2024). Figure 5 shows the number of VCAT decisions were low in 2019/20, with the initial impact of Covid-19 evident in 2020.

Figure 5 - Appeals lodged between 2019 and 2024



Data source: Planning permit activity reporting

Table 11 - Percentage of applications that proceed to VCAT

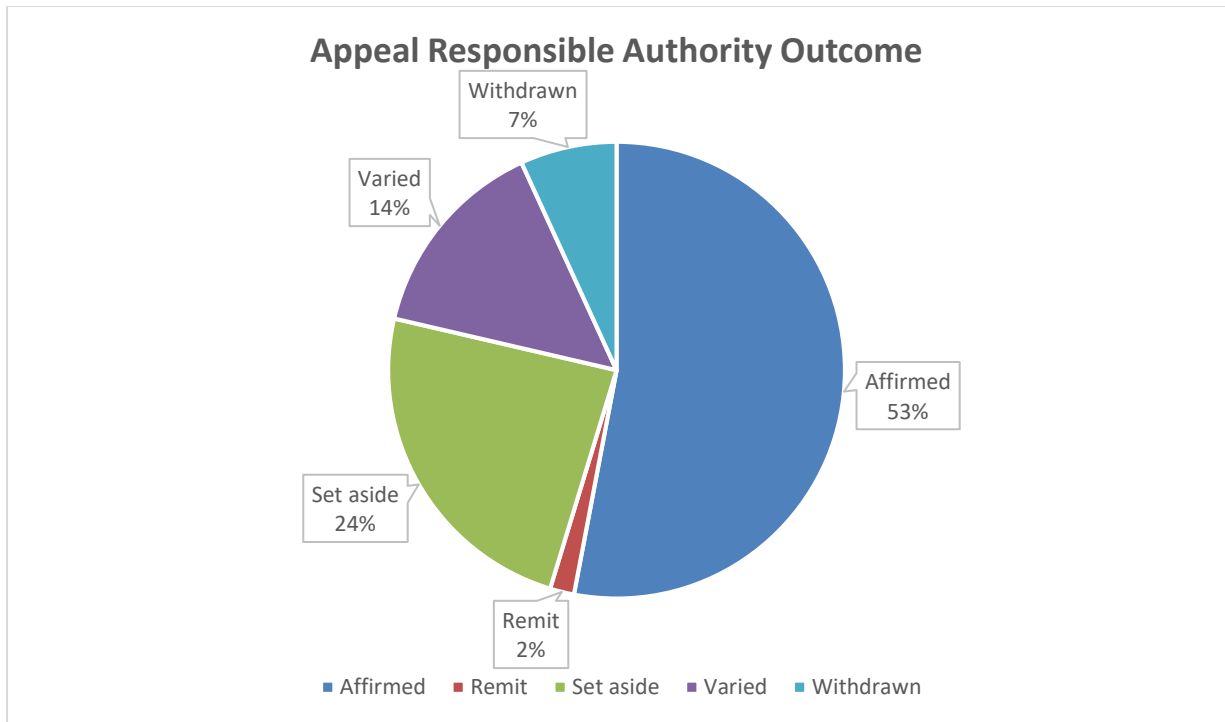
	2019/ 20	2020/ 21	2021/ 22	2022/ 23	2023/ 24	2019/20 -2023/24
Permits Processed	609	750	831	544	617	3351
VCAT	16	26	21	29	29	121
VCAT cases / Permits processed	2.63%	3.47%	2.53%	5.33%	4.70%	3.61%

Data source: Planning permit activity reporting

6.3.2. VCAT Data

Although a total of 121 applications were submitted to VCAT, details and decisions for only 76 cases are available on the VCAT website. The summaries of these 76 cases are presented in Appendix 10. The absence of details and decisions for the remaining 45 cases on the website may be attributable to withdrawals or resolutions achieved prior to hearings.

Figure 6 - Appeal RA outcome between 2019 and 2024



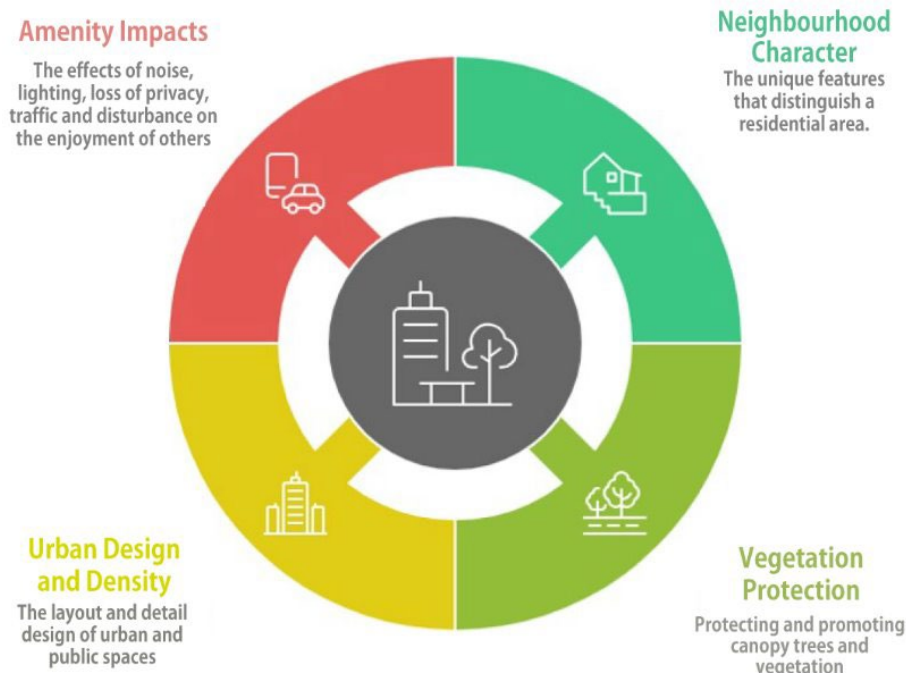
Data source: Planning permit activity reporting

Based on Figure 6:

- 53% of appeals were affirmed, where the Tribunal upheld the Council's original decision.
- 24% of appeals were set aside, meaning the Tribunal overturned the original decision.
- 14% of appeals were varied, with the Tribunal modifying the original decision.
- 7% of appeals were withdrawn, indicating the appellant chose not to proceed with the case.
- 2% of appeals were remitted back to Council for reconsideration.

Figure 6 demonstrates that the majority of appeals, account for 53%, upheld the Council's decisions. While 24% of the appeals were set aside, this does not necessarily indicate disagreement with the Council's views. Many of the set aside cases involved amendments to the original proposals and plans, typically made prior to reaching VCAT. Furthermore, VCAT may set aside the Council's decision but impose conditions to ensure that the development offers a balanced solution addressing the concerns of all stakeholders involved.

6.3.3. Main VCAT themes



6.4. Planning Panels

Over the review period Nillumbik Shire Council participated in six planning panels. The recommendations of Planning Panels Victoria were generally favourable with only one recommendation to abandon. The five other Panel Reports recommended adoption as exhibited with only two recommending additional changes. A review of the suggested changes found that all changes had been adopted and undertaken. Two of the six Panel Hearings, including the recommendation for abandonment, were concerned with heritage, and considering the number of amendments undertaken by Council, also concerning heritage, there is concern that heritage processes and policy are not functioning as intended.

Generally, the reports from Planning Panels Victoria have been supportive of our processes and implementation of the Nillumbik Planning Scheme. Table 12 provides a full list of Panel Hearings with dates and summarised recommendations.

Table 12 - Planning Panels and recommendations

Planning Panel	Date	Theme	Recommendations
Nillumbik C149 – Heritage Review	19/12/2024	Heritage	<p>Panel recommended that amendment C149mill be adopted as exhibited subject to a series of changes.</p> <p>These changes were predominantly related to Council's own findings but also included consistency and error fixes.</p>

Nillumbik C142 - 50 Oatland Road, Plenty	27/07/2022	Heritage	Panel recommended that amendment C142nill be abandoned.
Nillumbik C131 – Earthworks in the Green Wedge	20/10/2021	Green Wedge, Earthworks	Panel recommended that amendment C131nill be adopted as exhibited.
Nillumbik C126 – John and Bridge St Rezoning	11/06/2021	Rezoning (GRZ1 > PPRZ)	Panel recommended that amendment C126nill be adopted as exhibited with changes subject to the following: An additional section of land at the eastern end Bridge Street, Eltham (to the edge of Plumtree Close) be rezoned from Neighbourhood Residential Zone Schedule 1 to Public Park and Recreation Zone, once that land is vested in or controlled by a Minister, government department, public authority or a municipal Council.
Nillumbik C129 Environmental Audit Overlay Removal	5/05/2021	Removal of EAO	Panel recommended that amendment C129nill be adopted as exhibited.
Nillumbik C117 Part 2 - 44 Graysharps Road, Hurstbridge	16/03/2020	Rezoning (Council Land > PPRZ)	Panel recommended that amendment C117nill Part 2 be adopted as exhibited.

6.5. Audit and Assessment of the Nillumbik Planning Scheme

6.5.1. Municipal Planning Strategy and Planning Policy Framework Audit

The Municipal Planning Strategy (MPS) was reviewed and an updated version adopted June 2023. Council is currently preparing an amendment to the Nillumbik Planning Scheme to implement the adopted MPS. Two years have passed since the adoption of the MPS and a number of State initiatives and local events have shifted planning context and focus. As such, it is recommended that as part of the proposed amendment, minor changes be made to ensure the MPS is up to date and in line with current planning policy and direction.

6.5.2. Zone and Overlay Schedule Audit

An audit of the Planning Scheme's zone and overlay schedules has highlighted a number of general areas where the planning scheme could improve. Due to the age of some schedules they do not adhere to current form and content guidelines. Language and methods for measuring requirements also differs, sometimes in the same schedule. And, maps are not up to date and often lack required elements to assist users in interpreting them.

Detailed line by line assessment of each local schedule has not been undertaken and more detailed work will be carried out as particular schedules require updating. Schedules will be updated on a basis

of importance and in line with State Government reforms and market pressure. Internal workshops have already identified particular schedules, issues and topics that require attention.

6.5.3. Internal Workshops

Three workshops were held with Council's planners to identify policy and controls that needed updating or modification to ensure consistency, clarity and accuracy in meeting state and local objectives. The workshops focused on the most common controls and included schedules to the Activity Centre Zone, Design and Development, Environmental Significance and the Significant Landscape Overlays.

Outcomes from the workshops identified the need to review and update the following:

- Design and Development Overlay, Schedule 1
- Significant Landscape Overlay Schedules
- Activity Centre Structure Plan Schedules
- Use of subjective language and undefined terms
- Fence controls
- Diagrams, particularly maps for ease of reading and interpretation
- Form and content guidelines

Note that the Significant Landscape Overlays are proposed to be amended in accordance with the recommendations of the Neighbourhood Character Strategy. The findings of the internal workshops and future engagement should be incorporated into the proposed changes.

6.5.4. Identified Errors & Anomalies

Since the last planning scheme review a list of errors and anomalies has been recorded and updated as they were identified. These items have been corrected when deemed urgent or when associated with policy affected by an applicable Planning Scheme Amendment. The last 'corrective' amendment was completed on 07 July 2022 and there are now a number of outstanding errors / anomalies that will need to be addressed soon. Of particular note are land rezoning that could cause land use conflicts at 130 Allendale Rd, Eltham North and 28 Station Street, Diamond Creek.

The remaining errors and anomalies are listed in Appendix 11, it is recommended that these items be reviewed and the planning scheme updated.

6.5.5. Form and Content

The correct form and content is important to ensure consistent and correct understanding and interpretation of the Nillumbik Planning Scheme. Planning authorities must comply with the Ministerial direction on the form and content of planning schemes, issued under Section 7(5) of the *P&E Act*. The Review has identified a number of local policies and schedules that do not comply with 'The Form and Content of Planning Schemes'. These policies and schedules will be updated to the correct form and content in conjunction with updates to the Nillumbik Planning Scheme or via a Section 20(4) Planning Scheme Amendment when budget and resources allow. The identified form and content does not adversely affect policy or the function of the Nillumbik Planning Scheme.

6.6. Recommendations

Planning Scheme Performance

- Review and update the adopted Municipal Planning Statement (MPS) having regard to Plan for Victoria and adopted strategies including the Housing, Neighbourhood Character, Biodiversity, Climate Action, Urban Tree Canopy strategies and Major Activity Centre Structure Plans, and implement into the planning scheme via a Planning Scheme Amendment.

High Priority

- Improve Planning and Compliance Services through improved data collection and record keeping.

Medium Priority

- Respond to the State Government's Planning Reforms to promote sustainable and diverse housing while ensuring the protection of Nillumbik's neighbourhood character, Green Wedge, urban tree canopy, flora and fauna.

Medium Priority

Audit and Assessment of the Planning Scheme

- Prepare an Urban Design project focusing on fences and boundary treatments across residential areas responding to the findings of the Neighbourhood Character Strategy.

Low Priority

- Prepare a planning scheme amendment to correct identified errors and anomalies in accordance with Appendix 11.

Low Priority

7. Key themes

The following sections discuss and analyse important topics and their relation to the planning scheme. Key initiatives at the State and Local level are noted and each topic discussed in relation to the findings of this Review. The Review has pinpointed critical issues organised into 17 themes:

- | | |
|--|---|
| 1. Housing Supply | 10. Integrated Water Management and Flood Risk |
| 2. Activity Centres | 11. Transport |
| 3. Neighbourhood Character | 12. Open Space |
| 4. Built Form and Urban Design | 13. Heritage |
| 5. Green Wedge | 14. Development Contributions |
| 6. Vegetation and Biodiversity | 15. Economic Development |
| 7. Climate Change and Environmentally Sustainable Development (ESD) | 16. Social planning |
| 8. Bushfire | 17. Advocacy & Research |
| 9. The Yarra River Corridor | |

Each theme includes an evaluation covering:

- State initiatives
- Local initiatives
- Discussion
- Recommendations

7.1. Housing

7.1.1. State Initiatives

As mentioned in Section 4.2.3, the Victorian Government announced draft Housing Targets for each Local Government Area in Victoria in 2024. These targets are part of the Plan for Victoria, providing a strategic planning vision and supporting the Government's ambitious goal of 2.24 million new homes in Victoria by 2051. Nillumbik Shire was initially assigned a target of 12,000 new homes by 2051. In response, Nillumbik Council developed a comprehensive submission to the Department of Transport and Planning (DTP). This submission evaluated the feasibility of the proposed residential expansion within Nillumbik's distinctive planning, environmental, and market constraints and proposed more achievable growth scenarios. This analysis and dialogue with the DTP were crucial in the decision to reduce the housing targets by 45%, resulting in a revised target of 6,500 homes, released by the state government in February 2025. This adjustment better aligns with the shire's capacity and commitment to preserve its character and environment.

While there are some positive State initiatives, there remains a notable gap in the delivery of affordable housing contributions within Nillumbik at the State level.

To support the Plan for Victoria, the state government has delivered or is delivering a range of housing and planning reforms (Plan for Victoria, p71), including:

- Victoria's Housing Statement
- Big Housing Build
- Cutting planning red tape
- Future Homes and Better Apartments
- Regulatory changes including:
 - small secondary dwellings
 - ResCode
 - New Zones and Overlays

7.1.2. Local initiatives

Nillumbik Shire is developing a new Housing Strategy to navigate the complexities of modern challenges and manage growth effectively. The Housing Strategy is a Council planning policy document that guides future residential development, and the location and types of homes needed for next 15 years to suit a municipality's forecast population. The goal is to identify specific areas suitable for housing expansion and others where minimal changes are necessary, ensuring a balanced approach to development that aligns with both current needs and future sustainability.

At the Planning and Consultation Committee meeting of 16 July 2024, the committee noted that the draft Housing Strategy will remain on hold pending the release of the Victorian State government's final housing targets. Once Council understands the final housing targets, which will require further analysis, an updated draft Housing Strategy will be prepared for community consultation in late 2025, subject to Council endorsement. Once the Nillumbik Housing Strategy is adopted by Council, Council will propose changes to the Nillumbik Planning Scheme to implement the adopted Housing and Neighbourhood Strategies. This will better balance housing growth with the protection of neighbourhood character.

7.1.3. Discussion

During the first consultation phase of the Draft Housing strategy, Council received 103 submissions, predominantly supporting the strategy's focus on preserving Nillumbik's unique neighbourhood

character and environment alongside fulfilling housing needs. Community engagement found the following themes to be important to the community:

- Neighbourhood Character
- Diversity of housing options
- Lack of local infrastructure and services
- Mixed views about higher density
- Downsizing and ageing in place
- Bushfire and flooding risks
- Retirement villages and aged care facilities

Due to Nillumbik's unique neighbourhood character, it became clear that the definition of medium density in the Shire differs from that of other areas. Therefore, it is essential to establish a clear definition for medium density housing specific to Nillumbik.

VCAT analysis

VCAT cases underscore the ongoing tension between increasing housing demand and other priorities, especially environmental, character protection and amenity. Strategic policies advocate for housing diversity and medium-density developments near activity centres and public transport; however, these proposals often face community resistance due to concerns over overdevelopment.

VCAT's decisions are shaped by planning policies, site-specific constraints, and the public benefits of proposal. Cases such as *Akdeniz v Nillumbik SC* and *Phipps CR Investment Holdings Pty Ltd v Nillumbik SC* (Refer to Appendix 10 for details) highlight VCAT's agreement with council objections when proposals fail to align with zoning requirements, exceed acceptable bulk, or lack meaningful landscaping. However, VCAT may overturn council refusals if it deems that the proposal has merit, and conditions can address specific shortcomings.

The ongoing development and implementation of the Housing and Neighbourhood Character Strategies are crucial for tackling these concerns. Council officers will carefully create a residential development framework that might lead to rezoning and include different overlays to protect the community's interests. Additionally, the Housing Strategy will respond to community concerns on ageing in place and outline specific actions to support this.

7.1.4. Recommendations

Housing

- **Complete the Nillumbik Housing Strategy ensuring it is updated in accordance with Plan for Victoria.**

High Priority

- **Implement the Nillumbik Housing and Neighbourhood Character Strategies into the Planning Scheme.**

High Priority

7.2. Activity Centres

7.2.1. State Initiatives

In Plan for Victoria, the state government indicates that with updated planning controls, activity centres and priority precincts are key places to deliver more homes in the right locations and improve housing affordability and choice. This is done through their Activity Centre Program, which identifies 60 Activity Centres in Victoria to deliver more homes. No activity centres in Nillumbik are part of this program.

7.2.2. Local Initiatives

To meet the evolving needs of major activity centres, Council revised the Eltham and Diamond Creek Structure Plans in 2020 (Kinetica, 2020), incorporating extensive research and community input. These plans are essential for implementing state policy objectives and adapting to community needs, guiding changes in land use, built form character, movement, access and public spaces to achieve economic, social, and environmental goals. Amendments C143nill (Eltham Major Activity Centre) and C144nill (Diamond Creek Major Activity Centre) have been developed to implement these plans but are on hold due to recent planning reforms. Recent state government announcements and existing planning policy suggest that updates to these structure plans will be necessary before 2029.

7.2.3. Discussion

The Shire of Nillumbik's major activity centres in Eltham and Diamond Creek, designated by the Victorian Government, aim to be dynamic hubs for services, employment, and housing, promoting sustainable design and local character. These centres support active transport, economic activity, community engagement, and housing diversity. To meet the housing targets, Eltham and Diamond Creek are considered to be the best places to accommodate future homes. To manage growth and protect neighbourhood character and environment, it's essential to integrate the Housing and Neighbourhood Character Strategies and Structure Plans into the planning scheme. This will provide detailed requirements for setbacks, landscaping, and active frontages in activity centres.

VCAT analysis

VCAT cases in Nillumbik illustrate the difficulty of incorporating higher-density developments without compromising neighbourhood character, amenities, and infrastructure. Traffic and parking management are essential due to congestion in activity centres. A specific case involved S Georgy Pty Ltd proposing nine three-storey townhouses in Eltham, raising concerns about local character consistency. While Council had reservations, the Tribunal approved the project, citing its contribution to housing diversity and alignment with planning goals, but acknowledged the challenges it could pose to the Shire's preferred character. To mitigate future VCAT disputes, Council could clarify policies for activity centres and incorporate Major Activity Centre Structure Plans into the planning scheme for clearer guidance.

Research and Hurstbridge have been identified as the Neighbourhood Activity Centre in Clause 02.04-1 - Strategic Framework Plan. Neighbourhood activity centres are local hubs offering access to goods, services, and employment, catering to community needs. The last Hurstbridge Township Plan, developed in 2002, is now outdated and fails to meet current demands, necessitating an update to align with modern requirements.

7.2.4. Recommendations

Activity Centres

- Review and progress Amendment C143nill - Eltham Major Activity Centre Structure Plan.
High Priority
- Review and progress Amendment C144nill - Diamond Creek Major Activity Centre Structure Plan.
High Priority
- Finalise the Diamond Creek Community Infrastructure Master Plan project.
High Priority
- Commence development of a Hurstbridge Township Plan.
Medium Priority

7.3. Neighbourhood Character

7.3.1. State initiatives

The Victorian State Government has implemented several key initiatives to enhance the liveability and sustainability of residential developments across the state, including:

- In 2021, the Legislative Assembly's Environment and Planning Committee was assigned to review apartment living standards in Victoria.
- By 2022, the Committee proposed 35 recommendations, leading to key legislative changes:
 - Amendment VC174 improves design and amenity in apartment developments.
 - Amendment VC216 updates the Planning Policy Framework to support Environmentally Sustainable Development (ESD).
 - The Future Homes project, part of the Better Apartment program, encourages subtle density increases in suburbs to accommodate growth.
- The Department of Transport and Planning is simplifying residential development assessments under clauses 54 and 55 of the ResCode to standards that are 'deemed to comply'. It is part of the Environmental Sustainable Development Roadmap 2023, which also plans to refresh existing standards and introduce new one.
- A Performance Assessment Model (PAM) is seeking to replace traditional planning guidelines for more consistent decision-making.

7.3.2. Local initiatives

The Nillumbik's Neighbourhood Character Strategy (NCS), adopted by Council in 2023, has been updated to more closely reflect the current and desired character of neighbourhoods, offering definitive guidance for integrating new developments into residential zones. It features detailed character statements and design guidelines for each area, highlighting valued attributes and potential threats. The NCS outlines objectives and measures to preserve and enhance the region's distinctive residential character, including specifying types of canopy and amenity trees native to the area, clarifying definitions for development assessments, and suggesting expansions of character protections to new areas.

7.3.3. Discussion

Engagement for the NCS was conducted across three separate phases. Community feedback across the Shire highlighted key values including the protection of canopy trees, preservation of biodiversity, and integration of new developments with the natural landscape, emphasising low-density structures, generous setbacks for openness, and a preference for maintaining the area's heritage through older designs and natural materials.

Council's adoption of the NCS marks a significant step for the Shire's development. However, its impact is limited as it has not been incorporated into the planning scheme, leaving its potential benefits unrealised. Planning Practice Note 90 requires integrating the Housing Strategy and NCS into the planning scheme together to ensure a balanced approach. This implementation would involve amendments to the Schedule to Residential Zones and Significant Landscape Overlays. It would define clear priorities for specific areas, ensuring that growth is managed while preserving neighbourhood character and heritage. Without this alignment, there is a risk of conflicting outcomes, where housing objectives may inadvertently undermine the character and values that the community seeks to preserve.

ResCode implications

In reviewing the proposed changes to ResCode standards, Council officers identified the reforms as extensive, with potential implications for how other provisions of the Nillumbik Planning Scheme are

applied as the 'appropriate planning implementation tool'. There is early concern about a possible reduction in Council's discretion over residential planning decisions. The subjective interpretation of the criteria, potential impacts on neighbourhood character, and uncertain timing also raise concern. Additionally, proposals to 'fast track' assessments via the Minister's Office risk bypassing detailed ESD evaluations, potentially compromising the long-term sustainability and liveability of residential environments.

VCAT analysis

Objections from Council and residents often focus on perceived overdevelopment, the loss of trees, and changes to the streetscape. These concerns carry considerable weight in VCAT deliberations, especially in areas with strong local character policies. To better align with state policy and reduce the likelihood of cases escalating to VCAT, Council is encouraged to implement Nillumbik's Neighbourhood Character Strategy into the planning scheme to provide better controls.

7.4. Built Form and Urban Design

7.4.1. Discussion

Built form and urban design are critical aspects of planning that influence the functionality, aesthetics, and liveability of urban areas. Ambiguities in definitions and inconsistent interpretation of planning provisions create challenges for both developers and decision-makers. Several VCAT cases underscore the absence of comprehensive urban design policies at the local level.

There is a notable gap in the planning framework regarding the universal access controls and the implementation of the Disability Discrimination Act (DDA) into planning policies. For example, planning can facilitate ageing-in-place strategies and ensure that new developments incorporate accessible pathways, entrances, and communal spaces. In the case of *G3 Projects Pty Ltd v Nillumbik SC* [2019] (Refer to Appendix 10 for more details), it was noted that there was no requirement in the planning scheme for a DDA-compliant space (one car space per building compliant with the Disability Discrimination Act 1992) or guidelines for its allocation. Therefore, although Council was unsatisfied with the positioning of the DDA spaces, the Tribunal did not see a need to relocate them. This case illustrates the broader problem of ambiguities in the planning scheme's implementation, which might be unable to help Council to make decisions and get our desired outcomes.

Design and Development Overlays (DDOs)

While the Eltham and Diamond Creek Major Activity Centre Structure Plans 2020 and the Neighbourhood Character Strategy 2023 have been adopted and provide valuable guidance on built form and urban design, they have not yet been fully incorporated into the planning scheme. These documents propose more detailed requirements for setbacks, landscaping, and active frontages. While reviewing the planning scheme, we found the effectiveness of planning policies such as Schedules to Design and Development Overlays (DDOs) is compromised due to their outdated nature. Many Schedules to DDOs fail to comply with current standards for form and content, limiting their ability to provide clear guidance on acceptable built form and urban design outcomes. To address these issues, updates are necessary to align these policies.

Fences

Feedback from internal officers highlights the need to develop clear fence guidelines. The planning scheme should distinctly differentiate between walls and fences to resolve existing ambiguities, such as when a wall functions as structural support versus a fence and include definitions for less conventional structures like post-and-wire fences to reduce reliance on legal advice. This clarity would help determine when a permit is needed for fence construction and identify exceptions.

Fence-related disputes at VCAT often reflect the tension between individual property needs and broader neighbourhood and environmental objectives. Such cases frequently involve alignment of fence designs with local character, especially under Significant Landscape Overlay (SLO) or Environmental Significance Overlay (ESO) regulations. Transparency and visibility are crucial, with regulations often requiring fences to maintain a certain level of transparency (e.g., 25%) to preserve streetscape connectivity. However, safety and privacy concerns can lead to requests for solid fences, particularly near busy roads or close neighbours. Balancing these personal concerns with public planning objectives remains challenging. In *Murray v Nillumbik SC* [2023] VCAT 1299, the Tribunal approved a non-transparent Colourbond slat fence, citing its minimal impact on the semi-bush character and the strategic placement of shrubs by the applicant to soften the fence's appearance in the streetscape, despite Council's transparency concerns. Given these complexities, there is a definitive need for a comprehensive fence guideline.

7.4.2. Recommendations

Built Form and Urban Design

- Review Design and Development Overlays, in particular Schedules 1 and 10, and update accordingly.

Medium Priority

- Review all Development Plan Overlay schedules and provide an update on expected yields and outcomes.

Medium Priority

DRAFT

7.5. Green Wedge

7.5.1. State initiatives

In March 2024, the Department of Transport and Planning (DTP) released a plan outlining 20 actions to safeguard Victoria's Green Wedges and agricultural land. This plan forms part of a wider strategy to optimise land use within existing Urban Growth Boundaries, with a focus on bolstering farming rights and preserving open spaces in peri-urban regions.

The "Planning for Melbourne's Green Wedges and Agricultural Land Action Plan 2024" seeks to update policies, amend planning schemes, and introduce new overlays to enhance protection of agricultural land within 100km of Melbourne. It includes the introduction of two new Planning Practice Notes: one to assist local planners with agricultural permit applications, and another to manage urban-rural interface pressures and supports a permanent edge to growth. Furthermore, Planning Practice Note 31 is set to be updated to better direct Green Wedge planning at the local level. The plan also suggests stricter planning controls in Green Wedge areas, including prohibiting certain subdivisions and limiting discretionary uses to protect agricultural activities.

7.5.2. Local initiatives

Green Wedge Management Plan

The Nillumbik's Green Wedge Management Plan (GWMP), adopted in 2019, supports the Shire's Council Plan and aligns with the Victorian Government's Plan Melbourne 2017-2050. It focuses on managing Green Wedge areas outside the Urban Growth Boundary in Nillumbik by integrating new and existing Council Strategies to allocate funding, resources, and service delivery effectively. Annual implementation plans are prepared each year, with priorities set every four years in line with the Council Plan.

Earthworks in the Green Wedge

Council discovered that some earthworks negatively impact our environment and are inconsistent with planning policies. After consulting with Hume City Council and conducting a series of research studies, Nillumbik enacted Amendment C131nill. This amendment, effective from 13 May 2022, adds permit triggers for Council to oversee large-scale earthworks involving over 100 cubic metres of fill in the Green Wedge and Rural Conservation Zones. As Victoria's second planning scheme with such a requirement, it enables Council to assess and mitigate future risks and fill activities that have significant environmental and amenity impacts in the Shire.

Municipal Planning Strategy

The Nillumbik Shire Council adopted the Municipal Planning Strategy (MPS) in 2023 following three rounds of community engagement, with plans to incorporate it into the Nillumbik Planning Scheme through an upcoming amendment. The MPS addresses a broad range of priorities including sustainable agriculture and land management. Key updates include Clause 02.03-4, which promotes sustainable agriculture to bolster food security and reduce environmental impacts. Clause 02.04-4 leverages insights from the Future of Agriculture in Nillumbik (FOAN) project to introduce strategic maps that pinpoint areas suited for specific crops, exclude conservation areas, highlighting both permanently unsuitable lands. These maps reflect considerations like soil salinity and depth, setting guidelines for broader policy, although individual property decisions still require site-specific soil and agronomic assessments.

7.5.3. Discussion

An analysis of VCAT cases shows that developments in the Green Wedge with urban-style designs, excessive size, or dominating structures are typically rejected. Community objections, which

frequently highlight issues like overdevelopment, environmental harm, and traffic concerns, are influential, especially when they support existing planning policies.

The Planning for Melbourne's Green Wedges and Agricultural Land Action Plan was released in 2024 and aims to update state-level policy and provide new guidance to protect the Green Wedge and minimise land use conflicts. This necessitates a local policy review in the planning scheme to ensure alignment with state directives, which require updating the Green Wedge Management Plan every 10 years; the next update is expected in 2029.

In the Nillumbik Green Wedge, Rural Living is a prevalent land use, but historical fragmentation has resulted in many small lots that do not align with zoning purposes. Current controls often restrict effective use of these lots for agriculture and conservation. Given the state's primary role in managing this highly protected area, it is crucial for Council to advocate and collaborate with the State Government to effectively manage and safeguard this significant portion of the Shire.

7.5.4. Recommendations

Green Wedge

- **Continue to action and support Melbourne Water's Christmas Hills Land Sale project.**
Medium Priority
- **Review strategic policy associated with small lots and accommodation in the Green Wedge and provide guidance on strengthening controls that aim to balance the need for rural living and conservation of the landscape and environment.**
Low Priority
- **Prepare for the next Green Wedge Management Plan.**
Low Priority

7.6. Vegetation and Biodiversity

7.6.1. State initiatives

In 2017, the Victorian state government launched the biodiversity strategy, Protecting Victoria's Environment – Biodiversity 2037, which focuses on ecosystem management and species protection in response to climate change. Meanwhile, Plan Melbourne Implementation Plan Action 91 supports a whole-of-government approach to enhance Melbourne's urban environment. This includes reviewing planning standards to protect existing trees and expand the urban forest. The endorsed strategy, Living Melbourne – our metropolitan urban forest, outlines actions to protect, connect, and enhance Melbourne's urban forest.

7.6.2. Local initiatives

In 2024, the Nillumbik Shire Council adopted the Biodiversity Strategy 2024-2034 and the Urban Tree Canopy Strategy 2024-2040 to align with state policies and improve environmental outcomes. These strategies aim to enhance local biodiversity and urban canopy coverage, promoting sustainable development and ecological health. Supporting updates to the Nillumbik Planning Scheme include revising Clause 74.02 for future strategic work, optimising the environmental framework to better protect environment. These revisions will be incorporated into a future planning scheme amendment.

7.6.3. Discussion

The Engagement Consultation Findings Report and feedback from Nillumbik residents indicate strong community demand for improved biodiversity and vegetation conservation in urban planning. Key points include the need for stronger regulatory tools, clearer guidelines, and stricter penalties for violations to rigorously enforce conservation within the planning system. There's also significant interest in enhancing ecological connectivity and updating local environmental policies with the latest data and conservation practices. This aims to integrate biodiversity considerations into all planning and development levels to align new projects with broader environmental sustainability goals.

VCAT analysis

Objections from Council and residents often focus on the loss of mature trees, changes to local character, and inadequate mitigation measures, particularly in areas covered by overlays such as the Significant Landscape Overlay (SLO), Environmental Significance Overlay (ESO), or Bushfire Management Overlay (BMO). These considerations often intersect with broader goals of preserving environmental and landscape values, supporting sustainable land management, and mitigating ecological impacts. In the case of *Georgakopoulos v Nillumbik SC* [2023], the tribunal notes that none of the cases that were referred to by Council specified that a 'substantial tree' was to be of a particular height. The planning scheme focuses on matching tree maturity heights with proposed building heights, not specific tree sizes. There is a need for Council define and specify exact heights for 'small,' 'medium,' and 'large' canopy trees within the planning scheme.

Issues regarding urban tree canopy and illegal vegetation removal are growing, highlighting the necessity for stringent monitoring and enforcement to preserve ecological health and aesthetic values. Council could consider implementing robust vegetation protection guidelines, including mandatory offsets for tree removal and clear standards for integrating developments with the natural environment.

7.6.4. Recommendations

Vegetation and Biodiversity

- **Prepare and implement the Nillumbik Planting Guidelines**

Medium Priority

7.7. Climate Change and Environmentally Sustainable Development (ESD)

7.7.1. State Initiatives

The Victorian Government has progressively strengthened its approach to environmentally sustainable development (ESD) in the planning system. In 2020, it released *Environmentally Sustainable Development of Buildings and Subdivision: A Roadmap for Victoria's Planning System*, setting a strategic foundation. This was followed by the *Victoria's Climate Change Strategy* in 2021, which outlined ambitious emissions reduction targets of 28–33% by 2025 and 45–50% by 2030, supporting a transition to a net-zero emissions future. The *Built Environment Climate Change Adaptation Action Plan 2022–2026* further detailed how the government intends to respond to climate risks affecting the built environment. Most recently, in September 2024, significant updates to ResCode's performance standards were proposed to strengthen ESD requirements. These updates are currently under review, with public consultation underway and the final standards yet to be released.

7.7.2. Local Initiatives

Nillumbik Shire Council has declared a Climate Emergency and introduced the Climate Action Plan 2022-2032 to address climate threats. Building on initiatives from 2010 and 2015, the Plan focuses on community collaboration and sets ambitious goals, aiming for net-zero emissions in Council operations by 2030 and across the community by 2035.

7.7.3. Discussion

Climate change and ESD are increasingly central in planning decisions, aligning with policies to mitigate climate impacts, reduce energy use, and promote sustainable growth. Community feedback indicates there is a significant advocacy for integrating ESD principles in all planning levels, including sustainable transport and building practices. However, there is a noted deficiency in ESD considerations within housing policies despite broader state initiatives. Meanwhile, challenges like funding, technology implementation, and balancing development with conservation are highlighted as areas needing Council's attention to ensure effective ESD integration.

7.8. Bushfire

7.8.1. State initiatives

Over the past four years, the State Government has enacted several bushfire planning initiatives. Amendment VC179 (Refer to Appendix 5 for more details), introduced in May 2020, simplified the planning scheme to facilitate rebuilding after bushfires, including exemptions for dwelling reconstructions and waiving third-party notice and review under specific conditions. Amendment VC176 adjusted Clause 52.12 to extend the 10/30 rule, allowing vegetation removal near buildings and along fence lines in Bushfire Prone Areas, overriding other planning restrictions like the Native Vegetation Protection Overlay.

7.8.2. Local initiatives

Bushfire risk management is a critical consideration in local policy and strategic planning, ensuring the safety and resilience of communities in Nillumbik. Council have integrated bushfire risk considerations into key local strategies, such as the Municipal Planning Strategy, Nillumbik Housing Strategy, and Neighbourhood Character Strategy, reflecting a proactive approach to mitigating potential threats while supporting sustainable development.

7.8.3. Discussion

Nillumbik Shire, identified as one of the world's highest bushfire risk areas (*Nillumbik Bushfire Mitigation Strategy*, 2019), faces complex mitigation challenges due to its natural environment, urban fringe location, proximity to national parks with high fuel loads, an ageing population, and extensive privately-owned land. Most of the Shire is covered by a Designated Bushfire Prone Area and a Bushfire Management Overlay (BMO), with high-risk areas such as North Warrandyte and St Andrews particularly vulnerable due to limited accessibility, constrained road infrastructure, and population distribution.

Climate change is expected to extend fire seasons, making careful planning around land use, subdivision design, and building siting increasingly important. While enabling residents to mitigate bushfire risk is essential for safety, the Neighbourhood Character Strategy highlights potential negative impacts on local character. Community concerns have emerged that bushfire exemptions may be used to facilitate property development rather than genuine risk reduction, potentially threatening the Shire's 'leafy green' identity.

In developing Nillumbik's Housing Strategy (HS), Council engaged with the Country Fire Authority (CFA), which underscored the need to prioritise bushfire safety over environmental concerns, in line with state policy. The CFA supports the draft HS, advocating for growth to be directed to lower-risk areas and for strong urban boundaries adjacent to rural land, supported by well-maintained fuel buffers.

The community continues to call for stricter planning controls, improved emergency access, and clear guidance on fire-resistant materials and building setbacks—seeking to ensure that new development builds resilience while protecting Nillumbik's distinctive environmental and rural character.

7.9. The Yarra River Corridor

7.9.1. State initiatives

In 2017, the Minister for Planning introduced interim planning controls (through Amendment GC48) to Nillumbik and other Council's planning schemes, applying Nillumbik's schedules to the Design and Development Overlay 10 (DDO10) and Significant Landscape Overlay 15 (SLO15) to protect the environmental, social and recreational values along the Yarra River corridor. Melbourne Water is a recommending referral authority for applications within 100 metres of the Yarra River.

The Yarra Strategic Plan 2022-2032, approved by the Minister for Water in February 2022, reflects the community's vision for the Yarra River and its surrounds, developed through broad engagement with councils, state agencies, the Wurundjeri Woi-wurrung people, and the wider community. The plan outlines performance objectives, collaborative actions, and priority projects for the next decade. It establishes a land use framework with comprehensive actions and guidelines for development and use, integrating planning legislation and water management to protect the Yarra River's natural beauty and health.

Council has continued efforts to collaborate with the state government and other relevant agencies to guide and protect the Yarra River corridor. To better align with state-level policies, there is a need to review the 'waterways' controls with the Department of Transport and Planning Waterways Planning Practice Note.

7.9.2. Recommendations

Yarra River Corridor

- Review the 'waterways' controls with the Department of Planning and Transport's waterways Planning Practice Note.

Medium Priority

7.10. Integrated Water Management and Flood risk

7.10.1. State Initiatives

The State Government has updated integrated water management requirements through Amendment VC154, introducing Clause 53.18 for Stormwater Management in urban areas. This amendment addresses stormwater runoff impacts from urban development, requiring a comprehensive approach to sewage, water supply, and stormwater management. The new provisions apply to developments with two or more dwellings, commercial and industrial projects, public use developments, and all urban subdivisions.

7.10.2. Local Initiatives

Council, in partnership with Melbourne Water, is conducting flood modelling across the Shire, expected to be completed by the end of 2026. A planning scheme amendment will then be prepared to update flood mapping and zoning, with implementation likely in the next review period.

7.10.3. Discussion

Nillumbik in the Yarra Catchment includes diverse sub-catchments with varying water quality, best in forested areas and poorest in urban areas. Development, land use, and increased impermeable surfaces exacerbate stormwater runoff and pollution, affecting environmental health, Aboriginal culture, and increasing flood risks in specific areas. To manage climate risks and population growth, Nillumbik requires an updated Integrated Water Management (IWM) Strategy. The existing 2013 strategy needs revision to align with current best practices and evolving needs. The updated strategy will explore voluntary stormwater offsets and research public infrastructure alternatives to on-site IWM and Water Sensitive Urban Design measures, enhancing flood resilience, water security, and environmental sustainability throughout the municipality.

VCAT analysis

There is a challenge of balancing flood mitigation, environmental conservation, and development feasibility. A recurring issue in these cases is the clarity and consistency of planning policies related to flood-prone developments. Technical evidence, particularly from hydrological studies and flood impact assessments, plays a critical role in decision-making. The case of Brougham Street Cohousing Pty Ltd v Nillumbik SC [2024] involved a 21-dwelling cohousing development in Eltham, challenged due to flood risks from Diamond Creek (Refer to Appendix 10 for more details). Despite concerns from Council and local groups about suitability for housing, a Flood Impact Assessment Report and non-objection from Melbourne Water confirmed that flood risks were appropriately managed with all structures outside the flood-prone area. The tribunal, acknowledging the site's Mixed Use Zone and the development's compliance with flood mitigation measures, overturned Council's refusal and granted a permit, emphasising the importance of empirical evidence and expert opinions in its decision.

7.10.4. Recommendations

Integrated Water Management

- Continue to support and collaborate with Melbourne Water on the Greater Melbourne flood modelling project.

High Priority

7.11. Transport

7.11.1. State Initiatives

After the last review, several significant state plans and policies have been introduced, including Victoria's Bus Plan 2022, Victoria Cycling Strategy 2019, Growing Our Rail Network, Movement and Place in Victoria 2019, the Accessible Public Transport Action Plan 2020, the North Regional Transport Strategy 2020, and the Northern Regional Trails Strategy 2020. Amendments VC204, VC205, and VC200 were introduced to bring the transport system policy in line with the Transport Integration Act 2010 (Refer to Appendix 5 for more details).

The significant State Government transport infrastructure developments affecting Nillumbik include the North East Link project and the Fitzsimons Lane Upgrade, facilitated by Amendments GC98 and GC119. The North East Link project encompasses enhancements to the Eastern Freeway, the M80 Ring Road in Greensborough, and includes the addition of dedicated busways, as well as improvements to walking and cycling paths; it is a crucial component of "Victoria's Big Build" initiative. The Fitzsimons Lane Upgrade aims to enhance traffic flow and safety through intersection upgrades at Main Road and Leane Drive in Eltham. The Northeast Link will significantly affect Nillumbik, providing employment opportunities in the short term and, over the long term, rerouting freight transport away from local roads.

7.11.2. Local Initiatives

The "Community Vision – Nillumbik 2040" aims for a connected transport system incorporating public and active transport options. To support this, Council adopted the Integrated Transport Strategy (ITS) in 2024 to promote sustainable travel and improve connectivity, addressing the area's reliance on private vehicles and limited public transport. This strategy is supported by initiatives like the Major Activity Centre Structure Plans for Diamond Creek and Eltham, the Climate Emergency Declaration 2022, and the updated Climate Action Plan. Additionally, Council prepared the Wattle Glen Public Realm Framework to enhance pedestrian and cycling infrastructure while preserving the area's rural character and natural environment, adopted in 2024.

7.11.3. Discussion

Nillumbik's topography, characterised by steep hills and cul-de-sacs, challenges infrastructure development and limits walkability, especially for older population and people with disabilities. This, combined with sparse public transport and a reliance on private vehicles, results in low public and active transport usage. Enhancing pedestrian and cycling infrastructure in areas like Eltham and Diamond Creek is crucial to improving accessibility and reducing car dependency. Local policies need to enforce clear guidelines to support sustainable transport options and connectivity.

State transport projects and policies are set to significantly impact Nillumbik's transport and land use, necessitating a review and update of local planning policies, including the correct application of the new Transport Zone introduced under VC205 (Refer to Appendix 5 for more details).

Transport issues such as traffic impacts, parking adequacy, and road safety are common in VCAT cases in Nillumbik, with concerns often raised about the existing road network's capacity to handle increased traffic from developments, particularly multi-dwelling ones. Insufficient on-site parking often leads to concerns about overflow parking affecting nearby streets. To address challenges, a review and update of the Design and Development Overlay 4 (DDO) and Parking Overlay (PO) are essential to ensure alignment with State policies and improve planning outcomes based on current best practices.

7.12. Open Space

7.12.1. State initiatives

In 2021, the "Open Space for Everyone" strategy was released, setting a strategic direction for open space planning across Melbourne's 32 local government areas for the next 30 years. The strategy focuses on creating a resilient and sustainable open space network to accommodate Melbourne's growth. It mandates local governments to update legislation and integrate environmental strategies into urban planning. A Guide for Open Space Strategies is currently under development to support Councils to develop their open space strategies.

In 2022, the state government revised the Northern Trail Strategy, building on the 2016 Strategy to provide a blueprint for developing and maintaining the recreational trail network in northern metropolitan Melbourne. A key initiative is the Northern Metropolitan Trails Program, which invests in new off-road cycling and walking trails to enhance recreational access and safety. As part of the program, the Diamond Creek Trail extension has now entered stage 2.

7.12.2. Local Initiatives

In 2020, Council adopted Amendment C177nill to rezone land in Diamond Creek, Eltham, Eltham North, Greensborough, Research, and Hurstbridge, currently used as recreational public open space, to the Public Park and Recreation Zone (PPRZ). This rezoning ensures the continued use aligns with recreational and social functions, supporting the Nillumbik Council Plan's objectives of inclusive and well-connected recreational spaces. In 2022, Council endorsed the Recreation & Leisure Strategy 2022-2030, aiming to boost community participation in sports and recreation through improved facilities and increased access, especially by removing barriers for groups such as women, people with disabilities, and the LGBTQIA+ community.

7.12.3. Discussion

As more residents live in medium-density developments, access to public open space becomes crucial for recreation and leisure. The state government mandates a review of the Open Space Strategy every 10 years. Nillumbik's current strategy from 2005 is outdated, not reflecting the community's current needs amidst changes in population density, urban patterns, and environmental challenges. There's a critical need for an updated Open Space Strategy that aligns with state policies and community expectations, addresses the demand for accessible green spaces, enhances biodiversity, and supports resident well-being. This update will ensure a sustainable and well-planned open space network for current and future needs.

7.12.4. Recommendations

Open Space

- **Commence development of a new Nillumbik Open Space Strategy.**

Medium Priority

7.13. Heritage

7.13.1. State Initiatives

The State Government has implemented several initiatives to preserve and promote Victoria's rich cultural heritage, over the years. Heritage Victoria, the Victorian Heritage Register and the Heritage Act 2017 all work together to preserve State significant heritage but also to support locally identified places of heritage significance. Recent initiatives include disaster recovery heritage grants, updated advice and publications, and indigenous cultural heritage projects to preserve culturally significant sites. Penalties for the illegal removal and/or damage of state significant heritage sites were increased as a result of the illegal demolition of the Carlton Inn in 2016, strengthening heritage protections. However, heritage is often seen as an impediment to development, particularly to the supply of new infill housing.

The Victorian State Government housing reforms are supportive of the protection of heritage places; however many local government authorities have had heritage related planning scheme amendments sitting at the Department of Transport and Planning for a number of months with the Minister for Planning yet to make a decision. The uncertainty resulting from the lack of decisions is causing extra work for local governments and it is not clear how heritage places will be protected in the future.

7.13.2. Local Initiatives

The Shire of Nillumbik has rich cultural heritage including historic sites, natural landscapes, gold mining towns and a vibrant artistic community. Nillumbik's cultural, colonial and artistic heritage all contribute to the regions cultural landscape and have all played a pivotal role in shaping the cultural identity of the area. The Planning Scheme contains state and local policies, objectives and controls that protect heritage places in Nillumbik and these planning controls are updated on a regular basis.

Council provides advice and information on heritage matters to the community, along with enforcing the protection of heritage places through the Planning Scheme, *P&E Act* and the Heritage Act 2017. Cultural Heritage is also protected under this legislation, including the Aboriginal Heritage Act 2006. Council has undertaken and considered a number of planning scheme amendments, planning panels and numerous planning applications related to heritage over the review period.

Amendments C104nill, C123nill, C132nill, C133nill, C136nill, C137nill, C138nill, C140nill, C141nill, C142nill, C145nill, C148nill, C149nill, C150nill, C152nill and C153nill are all heritage related and there are also two heritage related planning panels. This is a large amount of work completed and highlights the importance of Heritage for Nillumbik.

Nillumbik Shire Council continues to promote State led initiatives and advice through regular updates to its website and supports owners of heritage places to balance the protection of heritage elements while ensuring heritage places are liveable and responsive to lifestyle and climate change.

7.13.3. Discussion

The Heritage Review Stage A (GML, 2021) & Heritage Review Stage B (Trethowan, 2022) which formed the basis for the planning scheme amendment C149nill Heritage Review were completed in 2024 with the intent to provide clarity on local heritage matters. Amendment C149nill Heritage Review is currently with the Minister for Planning waiting on a decision. This amendment, including the Heritage Review's and update to the Thematic Environmental History are expected to reduce the number of resources and work required to meet Council's obligations under the Planning and Environment, and Heritage Acts, and provide information for the next Heritage Review. One important outcome of the Heritage Review was identifying the need for future reviews to consider post-war heritage places

VCAT analysis

The Tribunal's decisions on heritage-related cases reinforce the importance of preserving the Shire's historical character. In *Smale v Nillumbik SC*, the Tribunal upheld Council's refusal of a subdivision due to concerns over heritage preservation, potential impacts on significant trees, and the broader local character. Planning Pannels Victoria (PPV) has generally supported proposed heritage controls but has also agreed that substantial evidence is required to meet heritage criterions. The Planning Panel for Amendment C142nill highlighted a lack of evidence for heritage criterion being met and therefore recommended that amendment C142nill be abandoned.

Council will continue to support heritage in the community through regular updates to the planning scheme and the provision of up-to-date advice on maintaining and protecting heritage places. Heritage Victoria's updated 'Heritage Information Pack', community resource is an example of this, along with Council's 'Heritage Watch List' that is updated as potential heritage places are identified.

7.13.4. Recommendations

Heritage

- **Finalise Amendment C149nill - Heritage Review.**

High Priority

7.14. Development Contributions

7.14.1. State Initiatives

Amendment VC249 changes the Victoria Planning Provisions and all planning schemes in Victoria by exempting development for a small second dwelling from Development Contributions Plan requirements and correcting typographical errors related to small second dwellings.

7.14.2. Discussions

Rapid growth and development are exerting substantial pressure on existing infrastructure. Coupled with rate capping and escalating infrastructure delivery costs, these factors significantly impact the execution of the Council's capital works program. Development Contributions Plans (DCPs) are becoming increasingly common among urban municipalities given their ability to generate substantial additional funds to support the delivery of essential infrastructure projects. There is a need to review and update DCPs and DCPOs to meet our community's needs.

7.14.3. Recommendations

Development Contributions

- Review all Development Contribution Plan Overlay schedules, assess accuracy and potential to provide listed infrastructure.

Medium Priority

7.15. Economic Development

7.15.1. State Initiatives

In 2020, the Melbourne Industrial and Commercial Land Use Plan, as an extension of Plan Melbourne 2017-2050, assessed current and future industrial and commercial land needs across metropolitan Melbourne. It created a planning framework to help state and local governments strategically plan for future employment and industry needs, enhancing their ability to manage land use changes and support sustainable economic growth.

7.15.2. Local Initiatives

In 2019, the "Nillumbik Activity Centres: Land Use and Economic Capacity Report" analysed the economic potential and land use strategies for Diamond Creek and Eltham, highlighting strategic land use planning as crucial for economic growth. The report evaluated development scenarios like residential densification and emergent industries, suggesting they could support local employment, retain spending, and transform these areas into vibrant economic hubs while maintaining Nillumbik's unique character. Building on this, the Nillumbik Economic Development Strategy 2020-2030, developed in 2020, aims to strengthen the economy over the next decade through advocacy, collaboration, partnerships, and innovation, respecting the Shire's natural environment. The strategy identifies key economic drivers, including managing local expenditure leakage, addressing low population and dwelling growth, diversifying housing, fostering local businesses and jobs, and enhancing tourism and cultural assets to increase visitation.

7.15.3. Discussion

The Economic Development Strategy 2030 notes that Nillumbik residents frequently spend and work outside the municipality, indicating limited local employment opportunities. To address this, it is recommended to proceed with Amendments C143nill and C144nill to enact the Major Activity Centre Structure Plans of 2020. These amendments aim to promote specific land uses within Activity Centre Zones to attract businesses and enhance employment opportunities, thereby expanding business areas and services.

VCAT analysis

The major concern in VCAT reviews of commercial applications in Nillumbik revolves around amenity impacts, such as noise, car parking, and traffic. For commercial developments, there is a clear need for thorough planning and compliance, active community engagement, stringent impact assessments, and proactive enforcement of planning controls. These measures can help ensure that commercial developments positively contribute to the local economy and community without compromising quality of life or environmental integrity.

7.16. Social planning

7.16.1. State Initiatives

Victorian Public Health and Wellbeing Act 2008, recognises the significant role of councils in protecting and enhancing the health and wellbeing of people in their municipality. Victorian Public Health and Wellbeing Act requires Councils to develop a Municipal Public Health and Wellbeing Plan (MPHWP) within 12 months of a Council election.

Social factors are becoming an important indicator for the wellbeing of the community in the Planning Scheme. State policy identifies the importance of social factors in all areas from the Green Wedge to activity centres. Strategies, objectives and decision guidelines at the state level all indicate social planning matters being a consideration. For this reason, it is important to ensure that local policy and controls support state level policy in promoting and fostering social planning.

7.16.2. Local Initiatives

The Nillumbik Health and Wellbeing Plan 2021-2025 is one of Council's key strategic documents. It highlights the importance of housing as a factor supporting social planning. Nillumbik's Housing Strategy, currently being prepared, considers many social planning matters and is expected to promote housing and associated social infrastructure through the Nillumbik Planning Scheme. The Nillumbik Community Health and Wellbeing Profile 2025 which informs the Municipal Public Health and Wellbeing Plan 2025-2029 identifies significant issues that the Nillumbik Planning Scheme could help to address. Alcohol and gambling policy being the most applicable social planning areas that would benefit from local policy.

7.16.3. Discussions

Council is meeting its legislative obligations regarding social planning; however, the Nillumbik Planning Scheme currently contains minimal local policy to support this work. Through the development of the *Nillumbik Community Health and Wellbeing Profile 2025* and the *Municipal Public Health and Wellbeing Plan 2025–2029*, Council has identified a clear need for local policy that guides land use and development to deliver quality social infrastructure and address the impacts of alcohol and gambling establishments.

7.17. Advocacy & Research

7.17.1. Advocacy

During the review period, Council has actively advocated at both regional and state levels on a range of key issues, including Green Wedge management, housing, neighbourhood character, planning reform, the siting of community hospitals, climate change, and biodiversity protection. Council has listened to the community's priorities and will continue to advocate for stronger native vegetation removal controls and compliance penalties, heritage and cultural history protection, and the preservation of the Green Wedge—particularly in areas like Yarrambat and Plenty. Improved housing outcomes and diversity, including affordable options and housing that supports ageing in place, also remain central to Council's advocacy. In addition to this advocacy, Council continues to investigate and research these matters at the local level to inform future policy and planning decisions.

7.17.2. Research

Throughout the review period, Council officers have undertaken research not only to inform this Review but also to support other key strategic documents, including the Housing and Neighbourhood Character Strategies, Heritage Reviews, Major Activity Centre Structure Plans, and the Green Wedge Management Plan. The Review has identified several areas requiring further investigation, including aged care and retirement living options, affordable housing, universal access and design, alcohol and drug policy, and buffer areas along the Urban Growth Boundary. Ongoing research and project work in these areas—guided by state and regional policy frameworks and best practice—will shape future strategic planning and deliver long-term benefits to the community.

7.17.3. Recommendations

Advocacy & Research

- **Advocate on behalf of Council in response to State Government, Municipal and other authority plans, strategies and policies that may affect Nillumbik Shire.**

Low Priority

- **Research areas and topics of interest to the Nillumbik Shire Council to ensure accurate and appropriate strategic guidance and responses.**

Low Priority

8. Findings and Recommendations

Based on the analysis provided in this review, the table below provides a full list of recommendations with associated actions, priority, legislative requirement and costing to further strategic work and net community benefit for the Nillumbik Shire.

Table 13 – Planning Scheme Review 2025 recommendations

No.	Recommendations	Priority	Legislative	Cost	\$ Breakdown	Actions
Housing						
1.	Complete the Nillumbik Housing Strategy (HS) ensuring it is updated in accordance with Plan for Victoria.	High	Yes	\$40k	Ordinance drafting	<p>Review the draft HS in light of Plan Victoria; Victoria's Housing Statement: The Decade Ahead 2024-2034.</p> <p>Amend the draft HS in accordance with updated population forecast numbers, Victoria's Housing Statement: The Decade Ahead 2024-2034, Plan for Victoria and the Housing Targets.</p> <p>Draft planning scheme ordinance in preparation for a Planning Scheme Amendment.</p>
2.	Implement the Nillumbik Housing and Neighbourhood Character Strategies into the Planning Scheme.	High	Yes	\$60k	Admin, advertising and Panel costs	<p>Request the Department of Transport and Planning provide advice on the most appropriate planning controls to support Nillumbik's Housing and Neighbourhood Character strategies.</p> <p>Review the need for minimum lot sizes in the Neighbourhood and General Residential Zones, specifically in minimal change areas as identified in the Neighbourhood Character Strategy (NCS).</p> <p>Review the LPPF and update in line with the Nillumbik Housing and Neighbourhood Character Strategies.</p> <p>Prepare a planning scheme amendment to implement the recommendations of the HS and NCS.</p>

Heritage						
3.	Finalise Amendment C149nill - Heritage Review.	High	No	\$500	Admin (Gazettal)	Respond, in accordance with the Minister for Planning's decision.
Integrated Water Management						
4.	Continue to support and collaborate with Melbourne Water on the Greater Melbourne flood modelling project.	High	No	N/A	Officer time only. Council may have to fund amendment if Melbourne Water does not.	Work with Melbourne Water to produce accurate flood modelling data and mapping for Nillumbik. Encourage Melbourne Water to undertake preparation of a planning scheme amendment and community engagement in line with this project and the updated Nillumbik Integrated Water Management Strategy.
Activity Centres						
5.	Finalise the Diamond Creek Community Infrastructure Master Plan project.	High	No	\$278k	Consultant and master planning	Finalise the master plan for the Diamond Creek Community Hub and the Diamond Creek Aquatic Health and Fitness Centre.
6.	Review and progress Amendment C143nill - Eltham Major Activity Centre Structure Plan.	High	No	\$50k	Panel costs, admin, Consultant review	Progress the amendment to Panel and through the final amendment stages. Update the Eltham Major Activity Centre Structure Plan in 2028/29 in line with Victoria's Housing Statement. Create Urban Design Guidelines in line with Housing and Neighbourhood Character Strategies, Urban Tree Canopy Strategy and ESD priorities.
7.	Review and progress Amendment C144nill - Diamond Creek Major Activity Centre Structure Plan.	High	No	\$50k	Panel costs, admin, Consultant review	Progress the amendment to Panel and through the final amendment stages. Update the Diamond Creek Major Activity Centre Structure Plan in 2028/29 in line with Victoria's Housing Statement. Create Urban Design Guidelines in line with Housing and Neighbourhood Character Strategies, Urban Tree Canopy Strategy and ESD priorities.
8.	Commence development of a Hurstbridge Township Plan.	Med	No	\$150k	Consultant review, research, engagement,	Review current controls and development patterns.

					draft and final version of Plan	
Planning Scheme Performance						
9.	Review and update the adopted Municipal Planning Strategy (MPS) having regard to Plan for Victoria and adopted strategies including the Housing, Neighbourhood Character, Biodiversity, Climate Action, Urban Tree Canopy strategies and Major Activity Centre Structure Plans, and implement into the planning scheme via a Planning Scheme Amendment.	High	Yes	\$40k	Administration costs associated with amendment.	Review and update the Municipal Planning Strategy (MPS). Review and update the Planning Policy Framework (PPF). Review and update Clause 74.02 Further Strategic Work. Prepare a planning scheme amendment to implement the updated MPS and associated policy.
10.	Improve Planning and Compliance Services through improved data collection and record keeping.	Med	No	N/A	Officer time only	Work with Planning Services and the Compliance team to identify key data points that will provide valuable information for further reviews. Implement process improvements to ensure identified data points are recorded efficiently. One year review of data point collection and summary of progress.
11.	Respond to the State Government's Planning Reforms to promote sustainable and diverse housing while ensuring the protection of Nillumbik's neighbourhood character, Green Wedge, urban tree canopy, flora and fauna.	Med	No	N/A	Officer time only	Review current controls that may be affected by ResCode deemed to comply standards. Review local planning policies with regard to state initiatives such as "Better Apartment Design Standards" and "Future Homes" to ensure consistency and access to best practices.
Yarra River Corridor						
12.	Review the 'waterways' controls with the Department of Planning and Transport's waterways Planning Practice Note.	Med	No	N/A	Officer time only	Review Design and Development Overlay, Schedules 10 and Significant Landscape Overlay, Schedule 15. Work with the Department of Transport and Planning to draft new controls for the Plenty River corridor. Research other river / creek corridors that require waterways controls.

Open Space						
13.	Commence development of a new Nillumbik Open Space Strategy.	Med	No	\$300k	Consultant review, research, engagement, draft and final version of Strategy	Review current Open Space Strategy 2005.
Development Contributions						
14.	Review all Development Contribution Plan Overlay schedules, assess accuracy and potential to provide listed infrastructure.	Med	No	N/A	Officer time only	Multi-team project to review and streamline the DCP process. Review and propose updates to controls and infrastructure lists. Prepare a planning scheme amendment to implement the recommended changes, if required.
Built Form and Urban Design						
15.	Review Design and Development Overlays, in particular Schedules 1 and 10, and update accordingly.	Med	No	\$100k	Consultant costs	Continue to engage Ethos Urban to review the Design and Development Overlay, Schedule 1, having regard to the Nillumbik Housing and Neighbourhood Character Strategies and Victoria's Housing Reforms. Prepare a planning scheme amendment to implement the outcomes and findings of the Design and Development Schedules Review.
16.	Review all Development Plan Overlay schedules and provide an update on expected yields and outcomes.	Med	<u>No</u>	N/A	Officer time only	Review the current Development Plans for each Development Plan Schedule. Assess the number of lots developed for each schedule area and estimate the future potential lot yield. Review street and open space layout and compare with associated Development Plans.
Vegetation and Biodiversity						
17.	Prepare and implement the Nillumbik Planting Guidelines.	Med	No	\$40k	Administration costs with amendment.	Create an incorporated document reflecting the objectives of the Neighbourhood Character and Urban Tree Canopy Strategy. Create example landscape designs that incorporate minimum standards and appropriate plants, referencing

						<p>common development typologies, i.e. single dwelling, multi-unit development, medium density</p> <p>Ensure that the 'Live Local, Plant Local' and 'Nillumbik Environmental Weeds List' are reference documents that can be updated without an amendment.</p> <p>Review the PPF and update in line with the Nillumbik Planting Guidelines.</p> <p>Prepare a planning scheme amendment to implement the recommendations of the Nillumbik Planting Guidelines.</p>
Green Wedge						
18.	Continue to action and support Melbourne Water's Christmas Hills Land Sale project.	Med	No	\$5k	Legal costs	<p>Monitor the progress of Melbourne Water and respond to announcements or actions.</p> <p>Advocate for clear controls and endorsed building envelopes.</p>
19.	Review strategic policy associated with small lots and accommodation in the Green Wedge and provide guidance on strengthening controls that aim to balance the need for rural living and conservation of the landscape and environment.	Low	No	N/A	Officer time only	<p>Review local policy affecting small lots and accommodation in the Green Wedge.</p> <p>Review the Rural Conservation Zone schedules, VCAT cases, endorsed conservation plans and level of existing and potential land fragmentation.</p>
20.	Prepare for the next Green Wedge Management Plan.	Low	Yes	\$300k	Consultant review, research, engagement, draft and final version of Plan	<p>Review the current Green Wedge Management Plan 2019 and State Government guidance, including the Green Wedge and Agricultural Land Action Plan 2024.</p> <p>Draft a project plan and cost analysis for a new Green Wedge Management Plan.</p>
Advocacy & Research						
21.	Advocate on behalf of Council in response to State Government, Municipal and other authority plans, strategies and policies that may affect Nillumbik Shire.	Low	No	N/A	Officer time only	<p>Advocate for stronger native vegetation removal and planning compliance penalties, particularly for illegal removal, damage or destruction of Canopy Trees, as directed by the Urban Tree Canopy Strategy.</p> <p>Promote Heritage Victoria's updated Heritage Information Pack.</p>

						Request that the State Government provide advice on the legacy zoning of Low Density Residential Zone land in Yarrambat and Plenty.
						Advocate for improved housing outcomes within the Shire by supporting greater housing diversity, increasing the supply of affordable housing, and ensuring better access to shops, services, and public transport.
22.	Research areas and topics of interest to the Nillumbik Shire Council to ensure accurate and appropriate strategic guidance and responses.	Low	No	N/A	Officer time only	<p>Research opportunities to support residential aged care and retirement living solutions.</p> <p>Research the need for a local Planning Policy for affordable housing.</p> <p>Research Universal Access & Disability Discrimination Act and implement local policy in line with best practice.</p> <p>Research fire-resistant native flora species to include in 'Live Local, Plant Local'.</p> <p>Investigate potential penalties and mandatory offsets for illegal tree and vegetation removal.</p> <p>Research the need for Alcohol, Drug and Gambling local policy in line with the Nillumbik Health and Wellbeing Plan.</p> <p>Review planning policy and controls concerning buffer areas either side of the Urban Growth Boundary (UGB) and provide recommendations to protect the integrity of the UGB and minimise land use conflict.</p>
Audit and Assessment of the Planning Scheme						
23.	Prepare an Urban Design project focusing on fences and boundary treatments across residential areas responding to the findings of the Neighbourhood Character Strategy.	Low	No	\$20k	Consultant costs	<p>Review current controls and permit triggers for fences and boundary treatments.</p> <p>Identify areas where policy and controls are required for fences and boundary treatments, in line with the Neighbourhood Character Strategy.</p> <p>Define 'Post and Wire Fence' and implement into the planning scheme.</p>
24.		Low	Yes	\$15k		Collate and review all identified errors and anomalies

	Prepare a planning scheme amendment to correct identified errors and anomalies in accordance with Appendix 11.				Administration costs associated with amendment.	Prepare a Section 20A planning scheme amendment.
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