

Council Meeting

to be held at the Council Chamber, 32 Civic Drive, Greensborough
on Tuesday 29 April 2025 commencing at 7:00 PM.

Attachments

Carl Cowie
Chief Executive Officer

Thursday 24 April 2025

Distribution: Public

Civic Drive, Greensborough
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Nillumbik Shire Council

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Council Meeting

held at the Council Chamber, 32 Civic Drive, Greensborough
on Tuesday 25 March 2025 commencing at 7:00 PM.

Minutes

Carl Cowie
Chief Executive Officer

Friday 28 March 2025

Distribution: Public

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Council Meeting Minutes

25 March 2025

Nillumbik Shire Council

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Council Meeting Minutes

25 March 2025

Nillumbik Shire Council

**Minutes of the Meeting of Nillumbik Shire Council held Tuesday 25 March 2025.
The meeting commenced at 7.03pm.**

Councillors present:

Cr John Dumaresq	Wingrove Ward (Mayor)
Cr Naomi Joiner	Bunjil Ward (Deputy Mayor)
Cr Grant Brooker	Blue Lake Ward
Cr Kelly Joy	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Kim Cope	Sugarloaf Ward
Cr Kate McKay	Swipers Gully Ward

Officers in attendance:

Carl Cowie	Chief Executive Officer
Melika Sukunda	Acting Chief Operating Officer
Blaga Naumoski	Director Governance, Communications and Community Safety
Corrienne Nichols	Director Communities
Frank Vassilacos	Director Planning, Environment and Strategy
Jeremy Livingston	Director Culture and Performance
Katia Croce	Manager Governance and Property

1. Welcome

2. Acknowledgement

Acknowledgement of Country was read by the Mayor, Cr John Dumaresq.

3. Good Governance Pledge

The Good Governance Pledge was ready by Cr Kelly Joy.

4. Prayer

A prayer was read by Jasmine Mathieson from Green Wedge Community Church.

5. Apologies\Leave of Absence

Nil

6. Declarations of conflict of interest

Chief Executive Officer Carl Cowie declared a general conflict of interest in the item CM.034/25 CEO Employment Matters - mid-year performance review.

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7. Presentations

Former Councillor Recognition and Sporting Grants

- **Recognition of Former Councillors**

Former councillors were presented with a certificate of recognition for their past term.

The Mayor delivered a recognition speech and presented certificates to former Councillors Natalie Duffy, Karen Egan, Frances Eyre, Geoff Paine and Ben Ramcharan for their service during the previous term. They were congratulated, and photos were taken. Former Councillor Richard Stockman was also acknowledged but was unable to attend and extended his apologies for the evening.

Sporting Grant Presentations

Stefanie Voelker (Edendale Ward) receives \$250 as a contribution for being selected to represent Australia in Dragon Boating at the Club Crew World Championships in Italy.

Xanthe Watson-Jones (Wingrove Ward) receives \$250 as a contribution for being selected to represent Australia in the Junior National Volleyball Championships in Thailand.

The recipients thanked Council and photos were taken with their ward Councillor.

Nillumbik Shire Council wishes them every success with their future sporting pursuits.

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8. Confirmation of Minutes

COM.001/25 Confirmation of Minutes Council Meeting held Tuesday 25 February 2025

Confirmation of the Minutes of the Council Meeting held on Tuesday 25 February 2025.

Council Resolution

MOVED: Cr Kate McKay

SECONDED: Cr Naomi Joiner

That Council confirms the Minutes of the Council Meeting held on Tuesday 25 February 2025 (**Attachment 1**).

CARRIED UNANIMOUSLY

Council Meeting Minutes

25 March 2025

8. Confirmation of Minutes

**COM.001/25 Confirmation of Minutes Council Meeting held Tuesday 25 February
2025**

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9. Petitions

PT.003/25 Petition to Nillumbik Shire Council - LGBTIQA+ Advisory Committee

A petition containing **16** signatures requests that Nillumbik Shire Council to establish an LGBTIQA+ Advisory Committee.

The petition contained the following statement;

“Petition to Nillumbik Shire Council: LGBTIQA+ Advisory Committee - We, residents and ratepayers of Nillumbik Shire, petition Nillumbik Shire Council to establish an LGBTIQA+ Advisory Committee”

Recommendation

That Council:

1. Receives and notes the “Nillumbik Shire Council: LGBTIQA+ Advisory Committee, in accordance with the Governance Rule - Meeting Procedure.
2. Refers this petition to Director of Communities for investigation and response.
3. Notes that officers will advise the petition organiser of the outcome.

Motion

MOVED: Cr Kate McKay

SECONDED: Cr Naomi Joiner

That Council:

1. Receives and notes the “Nillumbik Shire Council: LGBTIQA+ Advisory Committee, in accordance with the Governance Rule - Meeting Procedure.
2. Refers this petition to Director of Communities for investigation and response **and requests that Officers brief Council on the outcomes of the review.**
3. Notes that officers will advise the petition organiser of the outcome.

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

Council Resolution

MOVED: Cr Kate McKay

SECONDED: Cr Naomi Joiner

That Council:

1. Receives and notes the “Nillumbik Shire Council: LGBTIQA+ Advisory Committee, in accordance with the Governance Rule - Meeting Procedure.
2. Refers this petition to Director of Communities for investigation and response and requests that Officers brief Council on the outcomes of the review.
3. Notes that officers will advise the petition organiser of the outcome.

CARRIED UNANIMOUSLY

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10. Questions from the gallery

Nil

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11. Reports of Advisory Committees

AC.001/25 Advisory Committee Report - 25 March 2025

Distribution: Public

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

Author: Katia Croce, Manager Governance and Property

Summary

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

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

1. Youth Council Advisory Committee meeting held 3 February 2025;
2. Recreation Trails Advisory Committee meeting held 12 February 2025;
3. Positive Ageing Advisory Committee meeting held 14 February 2025;
4. Environment & Sustainability Advisory Committee meeting held 19 February 2025;and
5. Youth Council Advisory Committee meeting held 3 March 2025.

Council Resolution

MOVED: Cr Kate McKay

SECONDED: Cr Kim Cope

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

CARRIED UNANIMOUSLY

Council Meeting Minutes

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11. Reports of Advisory Committees

AC.001/25 Advisory Committee Report - 25 March 2025

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12. Officers' reports

CM.018/25 Preschool Registration and Enrolment Scheme Priority of Access review

Distribution: Public

Manager: Corrienne Nichols, Director Communities

Author: Narelle Hart, Manager Community Programs

Summary

In response to the feedback from services and community, as well as the Best Start, Best Life reforms being implemented by the Department of Education which includes the roll out of funded three year old kindergarten and an increase in hours for four year old kindergarten, Nillumbik Shire Council undertook a review of the Central Registration and Enrolment Scheme (CRES) Priority of Access (PoA) for the allocation of places at the sessional stand-alone preschools within the Shire.

An external consultant was appointed to undertake the review to ensure an objective and transparent review. The consultant met with early years services and undertook benchmarking of other CRES PoA's as part of the review process.

The report seeks Council's endorsement of Option C for implementation as the new PoA and allocation process. The proposal to adopt a new, cumulative scoring system that assigns points for multiple priorities. These include local residency (or soon-to-be residency), repetition at the service, continuity by allocating children to the same preschool where they attended three-year-old preschool (when requested), and proximity to their preferred service. The system also recognises other contributions to the Shire, such as business ownership, studying, or volunteering and considers non-residents who live nearby.

Furthermore, it suggests revising sibling priority by limiting it to within two years with a higher score for children in the same year and allowing some discretion for extenuating circumstances. This points-based approach will ensure that children who meet more of these criteria are allocated positions at their preferred preschool first.

The consultant's findings are presented as **Attachment 1** and **2**, and form the basis of this report and the recommendations.

Council Resolution

MOVED: Cr Naomi Joiner

SECONDED: Cr Kelly Joy

That Council:

1. Notes that the 2024 review of the CRES PoA indicates that:
 - a. there is a strong preference from the community and service providers to acknowledge and give priority to sibling connection; and
 - b. the community and service providers have also indicated a desire to prioritise families within the local area of a preschool within the Priority of Access for the allocation of preschool places.
2. In supporting the views of the community, endorses the implementation of Option C as Council's new Priority of Access and allocation process for preschool places within the Shire's stand-alone kindergartens from 2026 onwards.

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CM.018/25 Preschool Registration and Enrolment Scheme Priority of Access review

3. Notes that the application of the new PoA would be implemented as part of the 2025 offer process commencing in July 2025.
4. Resolves that Priority of Access Review - Nillumbik Shire Council - Findings and Recommendations (**Attachment 1**) remains confidential in accordance with section 3(1)(f) of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

Council Meeting Minutes

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12. Officers' reports

CM.019/25 Quarterly Risk and Safety Report - December 2024

Distribution: Public

Manager: Jeremy Livingston, Director Culture and Performance

Summary

This report provides a summary of Council's Risk and Safety Report for the quarter ending December 2024.

The report is presented in accordance with the *Local Government (Planning and Reporting) Regulations 2020*, which requires the presentation of a report to Council at least every six months, detailing the strategic risks, operational risks, the consequences and likelihood of occurrence, and risk mitigation strategies.

Risk and Safety reporting to Council is tabled each quarter following consideration by Council's Audit and Risk Committee, which in this quarter occurred on 24 February 2025.

The full confidential Risk and Safety Report for December 2024 is attached to this report (**Attachment 1**) and provides detailed information for Council's consideration.

Council Resolution

MOVED: Cr Naomi Joiner

SECONDED: Cr Kate McKay

That Council:

1. Notes the summary of the confidential Risk and Safety Report (**Attachment 1**) for the year ending December 2024.
2. Resolves that the Risk and Safety Report (**Attachment 1**) remains confidential in accordance with section 3(1)(a) and (f) of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

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CM.019/25 Quarterly Risk and Safety Report - December 2024

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CM.020/25 Audit and Risk Committee Meeting February 2025

Distribution: Public

Manager: Melika Sukunda, Acting Chief Operating Officer

Summary

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

As resolved at the 25 June 2024 Ordinary Council Meeting, the minutes of an Audit and Risk Committee meeting are to be reported and presented to a subsequent Council Meeting.

The Audit and Risk Committee met on 24 February 2025. The Minutes for the meeting are shown in **Attachment 1**.

Council Resolution

MOVED: Cr Naomi Joiner

SECONDED: Cr Kate McKay

That Council notes the Minutes of the Audit and Risk Committee meeting held on 24 February 2025 (**Attachment 1**).

CARRIED UNANIMOUSLY

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CM.020/25 Audit and Risk Committee Meeting February 2025

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12. Officers' reports

CM.021/25 Draft Budget 2025-2026

Distribution: Public

Manager: Melika Sukunda, Acting Chief Operating Officer

Author: Robert Malignaggi, Acting Manager Finance, Assets and Procurement

Summary

This report presents the draft Budget 2025-2026 for Council approval prior to exhibition for public consultation. The Budget provides resources for the ongoing delivery of Council services, delivery of Council Plan actions and for the development and maintenance of infrastructure throughout the Shire.

The draft Budget proposes a 3.00 percent increase to rates levied and an increase of 3.27 percent to the waste management standard charge.

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

The Strategic Resource Plan has also been prepared for the next ten financial years.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Kelly Joy

That Council:

1. Adopts the draft Budget 2025-2026 (**Attachment 1**) for the purposes of section 94 of the *Local Government Act 2020*.
2. Authorises the Chief Executive Officer to give public notice in accordance section 96 of the *Local Government Act 2020* of Council's intention to adopt, at a Council Meeting proposed to be held at 7:00 pm on 27 May 2025, the Budget 2025-2026.
3. Notes that any person who makes a written submission in relation to the draft Budget 2025-2026 and requests to be heard in support of the written submission, be heard at the Planning and Consultation Committee meeting on Tuesday 13 May 2025.
4. Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under sections 94 and 96 of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

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12. Officers' reports

CM.021/25 Draft Budget 2025-2026

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12. Officers' reports

CM.022/25 Proposal to rename a section of Duffs Road, Panton Hill to Welton View

Distribution: Public

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

Author: Natalie Campion, Coordinator Property

Summary

Council has received a request from a resident in Panton Hill to rename a section of Duffs Road. Duffs Road is split into two separate sections with no connecting access between them, yet both sections of the road share the same name.

The resident is proposing to rename the section of Duffs Road off Goldmans Road end to 'Welton View' in honour of Mrs Welton and their relevant family history and association to the area since the 1950s.

This report is seeking endorsement to commence a public consultation process on the proposed name 'Welton View' for a section of Duffs Road, Panton Hill as required under section 7 of the Naming Rules for Places in Victoria – 2022 (Naming Rules) and Council's Community Engagement Policy.

Council Resolution

MOVED: Cr Naomi Joiner

SECONDED: Cr Kim Cope

That Council:

1. Endorses the commencement of the public consultation process as outlined in **Attachment 1** on the proposed renaming of a section of Duffs Road, Panton Hill to Welton View as shown on the plan in **Attachment 2 and 3** as required under Section 7 of the Naming Rules for Places in Victoria – 2022 (Naming Rules) and Council's Community Engagement Policy.
2. Requests all residents and businesses abutting Duffs Road, Panton Hill be formally advised of the proposal to rename a section of Duffs Road, Panton Hill to Welton View.
3. Invites public submissions on the naming proposal between 27 March and 27 April 2025.
4. Notes that public submissions will be considered at the Planning and Consultation Committee meeting to be held on 13 May 2025.
5. Notes that any person who requests to make a verbal submission in relation to the road renaming proposal be heard at the 13 May 2025 Planning and Consultation Committee meeting.

CARRIED UNANIMOUSLY

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CM.022/25 Proposal to rename a section of Duffs Road, Panton Hill to Welton View

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12. Officers' reports

CM.023/25 Jayson Avenue Special Charge Scheme, Eltham

Distribution: Public

Manager: Melika Sukunda, Acting Chief Operating Officer

Author: Amanda James, Infrastructure Design Coordinator

Summary

On 24 November 2022, Council received a petition by property owners to seal Jayson Avenue, Eltham.

The results of an initial questionnaire to all affected property owners confirmed sufficient support to proceed with further investigation into a Special Charge Scheme to seal Jayson Avenue.

On 31 July 2024, a formal questionnaire, including cost apportionment details, was sent to property owners to determine the level support for a Special Charge Scheme to seal Jayson Avenue. The level of support was 62.5 percent (5 of the 8 property owners).

As the level of support for the Scheme is over the required 60 percent threshold as outlined in Council's Special Rates and Special Charges Policy and Guidelines 2024, it is recommended that the scheme development process proceeds and Council invites affected property owners for nominations to join a task group to provide input to the design.

Council Resolution

MOVED: Cr Kate McKay

SECONDED: Cr Kelly Joy

That Council:

1. Proceeds with the development of a Special Charge Scheme for the sealing of Jayson Avenue, Eltham.
2. Requests Council officers to notify affected property owners of Council's decision and invite nominations to join a task group to provide input to the design.

CARRIED UNANIMOUSLY

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CM.023/25 Jayson Avenue Special Charge Scheme, Eltham

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25 March 2025

12. Officers' reports

CM.024/25 Astons Road, Yarrambat - Proposed Special Charge Scheme

Distribution: Public

Manager: Melika Sukunda, Acting Chief Operating Officer

Author: Steven Blight, Manager Capital and Infrastructure

Summary

Council received a petition on 14 November 2019 from property owners on Astons Road between De Fredericks Lane and Milthorpe Road in Yarrambat, requesting the road to be sealed. The results of an initial questionnaire sent to property owners on 25 February 2020 confirmed sufficient support to proceed with investigation into a Special Charge Scheme (SCS) for this section of Astons Road.

As the proposed road length to be sealed under a SCS exceeded 1 km, it could be considered without connecting to a sealed road, in line with the SCS policy.

At an information session held with property owners on 10 November 2022, property owners voiced their interest in extending the scheme to Bannons Lane or along part of Milthorpe Road to Broad Gully Road to connect with an existing sealed road. The results of an initial questionnaire sent to property owners in the extended sections on 16 March 2023 showed less than 60 percent support in each section and therefore the Scheme was not extended.

On 26 August 2024, a formal questionnaire and cost apportionment were sent to property owners to determine their support for sealing Astons Road between De Fredericks Lane and Milthorpe Road. The level of support for the Special Charge Scheme was 52 percent (11 out of 21 property owners).

The level of support is below the required 60 percent threshold as required by Council's Special Rate and Special Charge Policy and Guidelines (June 2024). Therefore, it is recommended that Council abandon the proposed Scheme for Astons Road, between De Fredericks Lane and Milthorpe Road and place any further investigation of the Scheme on a three year moratorium.

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Kim Cope

That Council:

1. Abandons further investigations into the Special Charge Scheme for Astons Road between De Fredericks Lane and Milthorpe Road in Yarrambat.
2. Places any further investigations into a Special Charge Scheme for Astons Road between De Fredericks Lane and Milthorpe Road on a three year moratorium, commencing 25 March 2025.
3. Notes that Officers will advise affected property owners of Council's resolution.

CARRIED UNANIMOUSLY

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12. Officers' reports

CM.024/25 Astons Road, Yarrambat - Proposed Special Charge Scheme

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12. Officers' reports

CM.025/25 Bourchiers Road Special Charge Scheme, Kangaroo Ground - Declaration

Distribution: Public

Manager: Melika Sukunda, Acting Chief Operating Officer

Author: Steven Blight, Manager Capital and Infrastructure

Summary

Council resolved on 25 June 2024 (Item CM.059/24) to give public notice of its Intention to Declare a Special Charge Scheme for the sealing of Bourchiers Road, Kangaroo Ground. The submissions received in response to the public notice indicated that six abutting property owners supported the Scheme and four abutting property owners objected.

On 27 August 2024 (Item CM.093/24) Council noted the submissions considered at the Planning and Consultation Committee on 13 August 2024 and resolved to defer any decision in relation to the Scheme to a future Council Meeting. The decision was deferred to enable Council officers to obtain legal advice and undertake additional assessments, particularly in relation to the cost apportionment and the change of address of one of the properties.

The estimated cost of the Scheme is \$430,000. Council is responsible for the liability for a Council reserve and a crown land property, with the remaining cost apportioned between ten rural residential properties.

Council advised property owners in June 2024 that Council's contribution would be \$57,252.15 to the Scheme. Following a review of one property's classification and updated traffic counts from January 2025, Council's liability has been revised upwards to \$86,775.14. This accounts for the higher than anticipated use of the crown land and river during the summer holiday period.

This report recommends that Council declares the Bourchiers Road Special Charge Scheme, Kangaroo Ground and levies the special charge.

Council Resolution

MOVED: Cr Kim Cope

SECONDED: Cr Peter Perkins

That Council:

1. Notes that property owners abutting Bourchiers Road have provided various submissions and feedback since July 2024 in response to Council's Intention to Declare and that six of ten property owners support the Scheme.
2. Notes that Council officers have obtained legal advice and undertaken additional assessments, and that traffic counts undertaken in January 2025 support revision of the cost apportionment for the Scheme to increase Council's funding contribution.
3. Declares a special charge under Section 163(1) of the *Local Government Act 1989* for the purposes of defraying the expenses to be incurred by Council for road construction works in Bourchiers Road, Kangaroo Ground.
4. Bases the declaration on the following key matters:

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CM.025/25 Bourchiers Road Special Charge Scheme, Kangaroo Ground - Declaration

- a) The Special Charge Scheme shall apply to the properties at 15, 35, 40, 60, 80, 85, 95, 100 and 105 Bourchiers Road and 185 Menzies Road, Kangaroo Ground, as shown in **Attachment 1**.
 - b) The estimated total project cost is \$430,000 with a benefit ratio of 0.7982. The total amount to be levied under the Scheme based on Council's Special Rate and Special Charge Policy and Guidelines (June 2024) is \$343,224.86. Council will contribute \$86,775.14 for the Crown Land at 110 Bourchiers Road and Council reserve at 120 Bourchiers Road.
 - c) The total estimated cost to each property is shown in **Attachment 2** and may be paid as a lump sum within the 30 days of invoice or by quarterly instalments over a 10 year period with interest.
 - d) The Scheme shall remain in force for 10 years
5. Levies the special charge to each person liable to pay it by giving notice under Section 163(4) of the *Local Government Act 1989*.

CARRIED UNANIMOUSLY

Carl Cowie Chief Executive Officer temporarily left the meeting during discussion of this item at 8.01pm and returned at 8.03pm prior to the vote on this item.

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25 March 2025

12. Officers' reports

CM.026/25 Alistair Knox Park - Emergency Rectification Works

Distribution: Public

Manager: Melika Sukunda, Acting Chief Operating Officer

Author: Steven Blight, Manager Capital and Infrastructure

Summary

During works on the Alistair Knox Park Changing Places and Universal Design project, small pieces of non-friable asbestos sheeting were encountered during excavation works. As a result and in the interests of public safety, it was necessary to urgently engage a specialist asbestos management consultant and a suitably licenced and experienced contractor to assist in the safe removal of any affected soil on site.

As the site is an old landfill, these works were significant and the resulting costs substantial. This report is to inform Council of these costs and the need to complete the works as soon as possible, outside the requirements of Council's procurement policy.

Council Resolution

MOVED: Cr Naomi Joiner

SECONDED: Cr Kelly Joy

That Council:

- a) Acknowledges that the asbestos remediation works at Alistair Knox Park were necessary and needed to be acted upon immediately in line with the relevant legislation and in the best interest of public and contractor safety.
- b) Acknowledges the expenditure for the asbestos remediation works required at Alistair Knox Park of \$460,709.04 (GST exclusive).
- c) Acknowledges that the engagement of the contractors in relation to the asbestos remediation works has been reported to Council, in line with Council's procurement responsibilities.

CARRIED UNANIMOUSLY

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CM.026/25 Alistair Knox Park - Emergency Rectification Works

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CM.027/25 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

Distribution: Public

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

Author: Katia Croce, Manager Governance and Property

Summary

Section 224 of the *Local Government Act 1989* provides for the appointment of Authorised Officers for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

The Chief Executive Officer makes these appointments by authority conferred by Instrument of Delegation by Council dated 26 March 2024.

Section 147(4) of the *Planning and Environment Act 1987* provides for the appointment and authorisation of Council Officers for the purpose of the *Planning and Environment Act 1987*.

To strengthen Council's decision making and enforcement processes, appointment of authorisation under the *Planning and Environment Act 1987* is being recommended by Council Resolution.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Kelly Joy

That Council in the exercise of the powers conferred by s147(4) of the *Planning and Environment Act 1987*, resolves that:

1. The Nillumbik Shire Council staff referred to in the Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) (**Attachment 1**) be appointed and authorised as set out in the instrument.
2. The common seal of Council be affixed to the Instrument.
3. The Instrument comes into force immediately after the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.

CARRIED UNANIMOUSLY

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12. Officers' reports

CM.027/25 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

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Council Meeting Minutes

25 March 2025

12. Officers' reports

CM.028/25 Instrument of Delegation to the Chief Executive Officer

Distribution: Public

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

Author: Katia Croce, Manager Governance and Property

Summary

Council approved the current Instrument of Delegation of powers, duties and functions to the Chief Executive Officer (CEO) on 26 March 2024.

The *Local Government Act 2020* (the Act) provides for each Council to establish a delegation of power. The Act also requires Council to review the delegation within one year of each general election. This report meets Councils obligations under the Act.

The delegation of powers is considered essential to enable day-to-day decisions to be made to ensure the operations of Council are enacted efficiently and effectively. Delegations are standard practice across all Councils. Delegations should be regularly updated to reflect any legislative changes and or a more appropriate level of accountability.

The review of the Instrument of Delegation to the Chief Executive Officer in this instance does not recommend any changes.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Kim Cope

That Council in the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* resolves that:

1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, (**Attachment 1**) subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

CARRIED UNANIMOUSLY

Council Meeting Minutes

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CM.028/25 Instrument of Delegation to the Chief Executive Officer

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Council Meeting Minutes

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12. Officers' reports

CM.029/25 Instrument of Delegation from Council to Council staff

Distribution: Public

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

Author: Katia Croce, Manager Governance and Property

Summary

Council is empowered under various legislation to undertake duties and functions in accordance with that legislation. To undertake these duties and functions, it is necessary for Council to delegate relevant powers to the administration of the Council.

It is also necessary for Council to delegate some of its other functions to the administration for reasons of efficiency and to prevent Council from having to make many operational decisions at Council meetings.

The *Local Government Act 2020 (the Act)* requires Council to undertake a review within 12 months of a general election.

Directors and Officers have undertaken a review of the existing Instrument of Delegation – Council to Council staff (**Instrument**) provisions in addition to new and amended provisions since it was last presented to Council.

This report requests that Council resolves to adopt the amended Instrument of Delegation (**Attachment 1**) to reflect legislative changes and organisational requirements.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Kim Cope

That Council in the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation (**Attachment 1**) resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council Staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

CARRIED UNANIMOUSLY

Council Meeting Minutes

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CM.029/25 Instrument of Delegation from Council to Council staff

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CM.030/25 National General Assembly of Local Government 2025 - Call for Motions

Distribution: Public

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

Author: Megan Medhurst, Acting Manager Communications and Engagement

Summary

The Australian Local Government Association (ALGA) National General Assembly (NGA) provides the opportunity for Councils throughout Australia to contribute to the development of national local government policy and receive updates on the major policy issues facing the local government sector.

The 31st NGA will be held in Canberra from 24-27 June 2025, featuring the theme 'National Priorities Need Local Solutions'. The Assembly is a major event and typically attracts more than 600 Mayors, Councillors and senior officers from across Australia.

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

Motions must be submitted no later than 31 March 2025.

Motions that are carried by the NGA become resolutions, which are then considered by the ALGA Board when setting national local government policy, while also feeding into the Australian Council of Local Government processes. Each of the three motions submitted by Nillumbik at last year's NGA was passed by delegates and became resolutions.

This report seeks endorsement of the Nillumbik Shire Council - Motions (**Attachment 2**) to be put forward to the ALGA NGA in June 2025.

Council Resolution

MOVED: Cr Kelly Joy

SECONDED: Cr Grant Brooker

That Council:

1. Adopts the motions to the Australian Local Government Association National General Assembly as outlined in **Attachment 2**, to be held in Canberra from 24- 27 June 2025.
2. Requests officers to lodge the motions as outlined in **Attachment 2** to the Australian Local Government Association Board by no later than 31 March 2025.

CARRIED UNANIMOUSLY

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**CM.030/25 National General Assembly of Local Government 2025 - Call for
Motions**

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Council Meeting Minutes

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12. Officers' reports

CM.031/25 Tender Report - Contract 2324-093 Cleaning Services

Distribution: Public

Manager: Melika Sukunda, Acting Chief Operating Officer

Author: Lance Clark, Senior Procurement Specialist

Summary

A collaborative public tender was issued by the following Councils in the Northern Council Alliance (NCA) group of Councils along with Yarra Plenty Regional Library for Cleaning Services.

The organisations involved in the collaborative public tender process are as follows;

- Banyule City Council
- Merri-bek City Council
- Nillumbik Shire Council
- Yarra Plenty Regional Library

This report recommends the awarding of contract 2324-093 Cleaning Services for Nillumbik Shire Council requirements.

The contract term is for an initial period of 3 years, with a 2 x 1 year and 2 x 1 year options to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed 7 years.

The Contract commencement date is 1 July 2025.

The services to be provided under this contract to Nillumbik Shire Council is for general and periodic cleaning services across Council occupied buildings, Public Toilets, Public BBQ's, Bus Shelters (Urban and Rural) and 6 key priority sites.

The Collaborative Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2324-093 for Cleaning Services in respect to Nillumbik Shire Council requirements.

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

Recommendation

That Council:

1. Accepts the tender submitted by the **preferred tenderer** for the schedule of rates disclosed in (**Attachment 1**) and enter into the following contract:
Number: 2324-093
Title: Cleaning Services
Term: 1 July 2025 to 30 June 2028
Options: Term extensions up to 4 years
2. Authorises the Chief Executive Officer to finalise and execute the contract documentation.

Council Meeting Minutes

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CM.031/25 Tender Report - Contract 2324-093 Cleaning Services

3. Authorises the Chief Executive Officer to approve contract term extensions.
4. Authorises the Chief Executive Officer to approve changes to operational requirements throughout the term of the contract and any exercised extensions.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report 2324-093 (**Attachment 1**) and Group Tender Evaluation Report (**Attachment 2**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
7. Resolves that the preferred tenderer be named.

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Kate McKay

That Council:

1. Accepts the tender submitted by the preferred tenderer Cleaning Melbourne Pty Ltd for the schedule of rates disclosed in (**Attachment 1**) and enter into the following contract:
Number: 2324-093
Title: Cleaning Services
Term: 1 July 2025 to 30 June 2028
Options: Term extensions up to 4 years
2. Authorises the Chief Executive Officer to finalise and execute the contract documentation.
3. Authorises the Chief Executive Officer to approve contract term extensions.
4. Authorises the Chief Executive Officer to approve changes to operational requirements throughout the term of the contract and any exercised extensions.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report 2324-093 (**Attachment 1**) and Group Tender Evaluation Report (**Attachment 2**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
7. Resolves that the preferred tenderer be named.

CARRIED UNANIMOUSLY

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12. Officers' reports

CM.032/25 Tender Report - Contract 2425-028 Panton Hill Tennis Courts Resurfacing and Drainage Works

Distribution: Public

Manager: Melika Sukunda, Acting Chief Operating Officer

Author: Lance Clark, Senior Procurement Specialist
Steven Blight, Manager Capital and Infrastructure
Rebecca Burton, Manager Recreation and Leisure

Summary

This report recommends the awarding of contract 2425-028 for Panton Hill Tennis Courts Resurfacing and Drainage Works.

Project is for the resurfacing and refurbishment of courts 1 & 2 at Panton Hill Tennis Courts at 35 Rodger Road, Panton Hill.

The contract commencement date will be the 1 April 2025 with an intended completion date of 31 December 2025.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2425-028 Panton Hill Tennis Courts Resurfacing and Drainage Works.

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

Recommendation

That Council:

1. Accepts the tender submitted by the **preferred tenderer** for the sum of **[\$[Redacted]]** plus **[\$[Redacted]]** for contingency (exclusive of GST), as disclosed in **Attachment 1** and enter into the following contract:
Number: 2425-028
Title: Panton Hill Tennis Courts Resurfacing and Drainage Works
Term: 1 April 2025 to 31 December 2025
Options: N/A
2. Authorises the Chief Operating Officer to finalise and execute the contract documentation.
3. Authorises the Chief Operating Officer to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a value of no more than the total approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution
5. Advises all tenderers accordingly.

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CM.032/25 Tender Report - Contract 2425-028 Panton Hill Tennis Courts
Resurfacing and Drainage Works

-
6. Makes public the decision regarding this contract but the Tender Evaluation Report 2425-028 (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
 7. Resolves that the preferred tenderer be named.

Council Resolution

MOVED: Cr Naomi Joiner

SECONDED: Cr Kim Cope

That Council:

1. Accepts the tender submitted by the preferred tenderer Victorian Sports Group Pty Ltd for the sum of \$434,068.22 plus \$86,813.64 for contingency (exclusive of GST), as disclosed in **Attachment 1** and enter into the following contract:
Number: 2425-028
Title: Panton Hill Tennis Courts Resurfacing and Drainage Works
Term: 1 April 2025 to 31 December 2025
Options: N/A
2. Authorises the Chief Operating Officer to finalise and execute the contract documentation.
3. Authorises the Chief Operating Officer to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a value of no more than the total approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report 2425-028 (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
7. Resolves that the preferred tenderer be named.

CARRIED UNANIMOUSLY

Council Meeting Minutes

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CM.033/25 Tender Report - Contract 2425-024 Diamond Creek Outdoor Pool Redevelopment - Construction

Distribution: Public

Manager: Melika Sukunda, Acting Chief Operating Officer

Author: Lance Clark, Senior Procurement Specialist

Rebecca Burton, Manager Recreation and Leisure

Steven Blight, Manager Capital and Infrastructure

Summary

This report recommends the awarding of contract 2425-024 for Diamond Creek Outdoor Pool Redevelopment - Construction.

The contract commences on 1 April 2025 with an intended completion date of 31 October 2025.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2425-024 for Diamond Creek Outdoor Pool Redevelopment - Construction.

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

Recommendation

That Council:

1. Accepts the tender submitted by the **preferred tenderer** for the sum of **[\$[Redacted]]** plus **[\$[Redacted]]** for contingency (exclusive of GST) as disclosed in **(Attachment 1)** and enter into the following contract:
Number: 2425-024
Title: Diamond Creek Outdoor Pool Redevelopment - Construction
Term: 1 April 2025 to 31 October 2025
Options: Nil
2. Authorises the Chief Operating Officer to finalise and execute the contract documentation.
3. Authorises the Chief Operating Officer to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a value of no more than the total approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
5. Advises all tenderers accordingly.

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12. Officers' reports

CM.033/25 Tender Report - Contract 2425-024 Diamond Creek Outdoor Pool Redevelopment - Construction

-
6. Makes public the decision regarding this contract but the Tender Evaluation Report 2425-024 (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
 7. Resolves that the preferred tenderer be named.

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Kim Cope

That Council:

1. Accepts the tender submitted by the preferred tenderer Exemplo Constructions Pty Ltd for the sum of \$1,517,502.00 plus \$303,500.40 for contingency (exclusive of GST) as disclosed in (**Attachment 1**) and enter into the following contract:
Number: 2425-024
Title: Diamond Creek Outdoor Pool Redevelopment - Construction
Term: 1 April 2025 to 31 October 2025
Options: Nil
2. Authorises the Chief Operating Officer to finalise and execute the contract documentation.
3. Authorises the Chief Operating Officer to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a value of no more than the total approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report 2425-024 (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
7. Resolves that the preferred tenderer be named.

CARRIED

For: Crs Grant Brooker, Kim Cope, John Dumaresq and Kate McKay

Against: Crs Naomi Joiner, Kelly Joy and Peter Perkins

Council Meeting Minutes

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12. Officers' reports

Carl Cowie Chief Executive Officer declared a general conflict of interest in the following item and temporarily left the meeting prior to the item being heard at 8:49pm.

CM.034/25 CEO Employment Matters - mid-year performance review

Distribution: Public

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

Summary

Section 44 *Local Government Act 2020* (**the Act**) requires that Council must appoint a natural person to be its Chief Executive Officer (CEO) in accordance with its Chief Executive Officer Employment and Remuneration Policy (**the Policy**), and that a CEO is eligible to be re-appointed under a new contract of employment for a period that does not exceed five years.

The Council entered into the current CEO contract on 1 October 2023 for a four-year term. This contract will expire on 30 September 2027.

In accordance with the CEO's contract, performance is reviewed on an annual basis, in order to provide feedback and to ensure the decisions and directions of Council are being implemented through the administration.

Margaret Devlin was contracted in January 2024 to assist Nillumbik Shire Council with facilitating discussion between members of the Committee consisting of all Councillors in line with the Terms of Reference, and CEO Carl Cowie regarding the annual performance review.

The Committee met on 11 February 2025 to discuss progress on the CEO's 2024/2025 Performance Plan (**Attachment 1**). Following the conclusion of the meeting, the Chairperson, Margaret Devlin presented Minutes detailing the discussions had during the mid-year review process (**Attachment 2**).

This report recommends that Council endorses the advice and recommendations of the Committee as outlined in **Attachment 3**.

Council Resolution

MOVED: Cr Kate McKay

SECONDED: Cr Kim Cope

That Council:

1. Notes that the CEO Employment Matters Advisory Committee has completed the 2024/25 mid-year Performance Plan review of the CEO;
2. Endorses the CEO Employment Matters Advisory Committee meeting Minutes held on 11 February 2025 (**Attachment 2**);
3. Endorses the Committees recommendation regarding the mid-year CEO Performance Review 2024/2025 as set out in the Chairperson Memorandum (**Attachment 3**); and
4. Notes the satisfactory progress made against the CEO Performance Plan 2024/2025.

Council Meeting Minutes

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12. Officers' reports

CM.034/25 CEO Employment Matters - mid-year performance review

5. Resolves that the CEO Performance Plan 2024-2025 mid-year update (**Attachment 1**), Minutes CEO Employment Matters Advisory Committee - 11 February 2024 (**Attachment 2**) and Chairperson Memorandum (**Attachment 3**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

Carl Cowie Chief Executive returned to the meeting at the conclusion of this item at 8:50pm.

Council Meeting Minutes

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12. Officers' reports

CM.035/25 Informal Meetings of Councillors Records - 25 March 2025

Distribution: Public

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

Author: Katia Croce, Manager Governance and Property

Summary

In accordance with *Item 20 of Council's Governance Rule – Meeting Procedures*, adopted on 25 July 2023, Council is required to report as soon as practicable to a Council Meeting a record of each Informal Meeting of Councillors held.

This report lists Informal Meetings of Councillors Records submitted since the matter was last reported to Council on 25 February 2025.

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

1. Youth Council Committee held 3 February 2025;
2. Recreation Trails Advisory Committee held 12 February 2025;
3. Councillor Briefing held 18 February 2025;
4. Environmental and Sustainability Advisory Committee held 19 February 2025;
5. Council Meeting Pre-Meet held 25 February 2025;
6. Inclusion and Access Advisory Committee held 28 February 2025;
7. Youth Council Meeting held 3 March 2025;
8. Councillor Briefing held 4 March 2025; and
9. Planning and Consultation Committee Pre-Meet held 11 March 2025.

Council Resolution

MOVED: Cr Naomi Joiner

SECONDED: Cr Kate McKay

That Council, in accordance with *Item 20 of Council's Governance Rule – Meeting Procedures*, receives the Informal Meetings of Councillors Records (**Attachment 1**) for the meetings held.

CARRIED UNANIMOUSLY

Council Meeting Minutes

25 March 2025

12. Officers' reports

CM.035/25 Informal Meetings of Councillors Records - 25 March 2025

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13. Notices of Motion

NOM.001/25 Yan Yean Road Stage 2

Cr Naomi Joiner advised of her intention to move the following:

Council Resolution

MOVED: Cr Naomi Joiner

SECONDED: Cr Kim Cope

That Council:

1. Requests the Mayor to write to the Hon. Gabrielle Williams MP, Minister for Transport Infrastructure, and the Hon. Sonya Kilkenny MP, Minister for Planning, to
 - a) convey Council's disappointment with Major Road Projects Victoria (MRPV) proceeding with the Option B proposal.
 - b) reiterate Council's strong support for Option C, highlighting its alignment with Council and community preferences, particularly in preserving the rural character of the area and protecting significant environmental and cultural assets.
2. Requests the Chief Executive Officer, Carl Cowie, to write to Duncan Elliott, CEO of Major Road Projects Victoria (MRPV), inviting MRPV representatives to present to the Councillors at a future briefing this year on the project.
3. Notes that, due to the anticipated impacts on peri-urban roads resulting from Option B, Council requests the State Government to:
 - a) consider implementing measures to mitigate increased heavy traffic flow through Hurstbridge, including but not limited to:
 - i. introducing an east-west bus service connecting Hurstbridge and Mernda to provide public transport alternatives for the community.
 - ii. implementing virtual fencing along key roads to protect local wildlife, thereby reducing the environmental impact of increased traffic
 - b) review the current plan to explore feasible alternatives that preserve the six river red gums and minimize tree loss as much as possible.

CARRIED UNANIMOUSLY

Council Meeting Minutes

25 March 2025

14. Delegates' Reports

Nil

15. Supplementary and urgent business

Nil

16. Confidential reports

Nil

17. Close of Meeting

The meeting closed at 9.04pm.

Confirmed:

Cr John Dumaresq, Mayor

Arts & Cultural Advisory Committee

Minutes



Date:	Monday, 19 August 2024
Time:	7 pm to 9 pm
Venue:	Manna Gum Rooms 1 & 2, Civic Centre, Greensborough and via Zoom
Chair:	Cr Geoff Paine
Minute taker:	Sarah Hammond, Arts Program Officer
Committee Members:	Leanne Ipsen, Rebecca Davies*, Elsa Ch'ng*, Terrie Waddell, Jean Verso, Chloe Mann*, Simone Thompson*, Cassie May, Sandra Miller, Sammaneh Pourshafighi*
Other:	Corrienne Nichols (Director Communities)*, Nichole Johnson (Manager Community Partnerships), Saleh Hadi (Coordinator Arts & Cultural Development), Sarah Hammond (Arts Program Officer), Jacqueline Felstead (Curator & Collections Management Officer), Ignacio Zamora (Arts Development Officer). Nillumbik Art Museum (NAM) Committee Members: Barry Pearce, Nicole Bowler, and Nicole Stavely
Apologies:	Alli Spoor (Committee Member), Chris Cook (Committee Member), Mel Paine (Committee Member), Yu Fang Chi (Committee Member), Renee Cosgrave (Exhibitions Support Officer), Emily Wubben (Curator & Collections Management Officer).

Order of business

1. Attendees

Attendance and apologies were confirmed.

2. Acknowledgement of Country

Acknowledgement of Country was read by Cr Paine.

3. Welcome and Introductions

Chair welcomed all in attendance.

4. Conflict of Interest and Informal Meeting of Councillors Record

No conflicts of interest were recorded.

ACTION: To submit an Informal Meeting of Councillors Record to Governance.

5. Minutes of previous meeting

The minutes of the meeting held on Monday, 20 May 2024 were confirmed as a true and accurate record of the meeting.

Moved: Leanne Ipsen

Seconded: Terrie Waddell

Carried

6. Matters Arising

- **Arts and Cultural Advisory Committee**

The new 2024-26 committee members will be present at the next meeting.

- **Acquisitions**

All acquisitions reported at the last meeting have been completed.

- **Nillumbik Art Museum Committee (NAM)**

The NAM Group are presenting at this meeting.

7. Nillumbik Art Museum Committee (NAM) Presentation

NAM presented to the committee on the following:

- NAM Committee background and overview.
- Preferred site for the NAM - 895 Main Road, Eltham.
- Vision for NAM.
- Proposed architectural design of NAM, discussion of inclusions and individual design elements.
- Where to from here.
- www.nillumbikartmuseum.com
- Discussion followed the presentation, at the end of which the NAM group was recommended to present to the new Council in early 2025.

8. Arts & Cultural Development Updates *(See attached copy presentation)*

- **Creative Infrastructure Framework Implementation Plan**

The Creative Infrastructure Framework was endorsed by Council on 30 April 2024. Council is now in the implementation phase which includes the following considerations:

- Survey and feasibility studies with relevant Council Departments
- Technical (identifying key sites)
- Accessibility
- Structural
- Placement/connection within the urban fabric

- Financial

An overview of the overarching principles and strategy directions was given.

- **Visual and Civic Collection and Public Art Policies 2023-2026**

Endorsed by Council on 28 May 2024.

9. Officer Updates (*See attached copy presentation*)

- **Eltham Library Community Gallery & Socials**

- An exhibition by Araluen, *Places of Curiosity and Discovery*, will be shown from 23 August – 29 September. The exhibition celebrates Araluen's 50th anniversary. The official opening is Friday, 23 August.
- Artists for the 2025 ELCG Exhibition Program have been selected, subject to Council approval. Thanks were extended to ACAC members who were involved in the assessment and selection panels. Applicants will be notified shortly and the exhibition program will be promoted later in the year.

- **Arts Development – Public Art**

- The public artwork at Diamond Hills Preschool, *Tread Gently Together* by Tim Reid has been completed. Project Presentation - 20 June 2024, Preschool Unveiling - 9 August 2024.
- Heidelberg School of Artists Heritage Signs – six new signs replaced old ones in key Eltham locations: Alistair Knox Park (3 signs), Wingrove Park (2 signs), and Eltham Town (1 sign).
- Public Art Webpage – this page has been redesigned and is now live. It is more visually appealing and includes details of each artwork, a gallery, interactive map, and a conservation and heritage section. <https://www.nillumbik.vic.gov.au/Explore/Arts-and-culture/Art-collections/Public-art>

- **Arts Programs**

- Nillumbik Artists in Residence Program 2024-25 – Two artists commenced in July 2024. Dylan Negri, Visual Artist at Edendale Farm and Annabelle Hale, Literary Artist at Eltham Library. Residencies include a grant, an allocated creative space or studio and artist support. Community engagement and participation is a focus of these residencies and the delivery of a minimum of 4 community sessions is a requirement. Full profiles on the artists can be found on the website – see below link.
- Nillumbik Artist in Residence Program – Youth Hub – applications are open and close on 29 August 2024. The residency is located at the new Nillumbik Youth Hub in Diamond Creek located at 32-34 Elizabeth Street, Diamond Creek. The program includes a grant, access to studio/research/storage spaces, promotion and artist support. There are two components to the Youth Hub residency – (1) Delivery of an external mural at the Youth Hub involving a completed artwork and a series of community workshops for young people for and with the Nillumbik Youth Hub, and (2) Progression of the artist's creative practice through the provision of funding, space and resources to enable them to take the next steps in their artistic development and/or to create new work. [Artist-in-Residence-Program](#)

- **Curator and Collections Management**

- Nillumbik Prize for Contemporary Art 2025 – Entries open on 30 August 2024 and close on 30 October 2024. The Prize is open to artists across Australia, working in any medium. This year artworks do not need to address a theme and artists can submit only one artwork. There are four monetary prizes: Open Prize: \$20,000, Local Prize: \$10,000, Mayor's Award: \$500 and People's Choice Award: \$500
 - New Acquisitions:
 - Donation from Kahn Frankie in memory of Bette Frankie and Carl Frankie of an artwork by Turkey Tolson Tjupurrula, *Two Snakes Dreaming, Sometimes Men, Sometimes Snakes* 1984, acrylic. Turkey Tolson is a celebrated Pintupi-speaking Western Desert artist. His work is collected by national institutions. Acquisition of this artwork aligns with the priority acquisition areas. The curators are working through all the protocols for accessioning a First Nations artwork into the collection.
 - Donation from Kahn Frankie in memory of Bette Frankie and Carl Frankie of three separate artworks by renowned artists David Moore (two artworks) (circa 1973) and Alan Martin (one artwork).
- ACTION: Acquisition documents to be circulated (Curator & Collections Management Officers).
- RAP Digital Artwork. The curators are working with the Social Planning and Equity Team on the acquisition of a digital artwork by First Nations artists to commemorate the Reconciliation Action Plan. This work will be accessioned into the Shire of Nillumbik Visual Art Collection.
 - Loans:
 - 9 November 2024 – 15 June 2025, Art Gallery of New South Wales – Nusra Latif Qureshi - *Remnant Blessings -1*, 2020, acrylic, graphite, gouache and gold on illustration board 32 x 43 cm and *Candy Crush 1*, 2018, gouache, ink and gold on illustration board 18 x 25 cm.
 - 22 June – 7 September, Bundoora Homestead – Siri Hayes, *Toxic Haze* 2023 photogram 160 x 76cm.

10. ACAC Member Presentations

No presentations

11. ACAC Outgoing Members

The Chair thanked the outgoing 2022-24 ACAC members for their contribution to Arts & Culture in Nillumbik: Leanne Ipsen, Rebecca Davies, Alli Spoor, Chris Cook, Elsa Ch'ng, Terrie Waddell, Mel Paine, Jean Verso, Chloe Mann. It was noted that the new 2024-26 ACAC members would be present at the next meeting along with the current 2023-25 members.

The outgoing Chair was also thanked for his support, advocacy and contribution to ACAC over the past four years.

12. Other Business

- **Local Events**

- Eltham Arts Show – a great exhibition delivered.
- Wattle Festival – Sunday, 25 August. Participatory art activity at Hurstbridge Hub and the music stage at the hub precinct are being supported by Arts & Cultural Development. Lots of things to see and do including information on the historical societies.
- Warrandyte Historical Society AGM, Sunday 25 August.
- Diamond Creek, What's Changed over the Years – Age articles.
- Stoneygrad property in Warrandyte, built by renowned artist, Danila Vassilieff, is for sale. Danila Vassilieff was the father of Australian Modernism.

13. Next meeting date and location

Date to be confirmed. Likely early 2025.

14. Close

The meeting closed at 8.50pm.

Health and Wellbeing Advisory Committee

MINUTES



Date: Thursday 20 March 2025

Time: 10am to 12pm

Venue: Macey Room, Edendale Community Farm, 32 Gastons Rd, Eltham 3095

Chair: Cr Kelly Joy

Minute taker: Nichole Johnson, Manager, Community Partnerships

Attendees: Cr Kelly Joy,
Cr Brooker,
Corrienne Nichols,
Nichole Johnson,
Cassie Zurek,
healthAbility (Eliza Pitson),
healthAbility (Julia Bilton),
Women's Health in the North (Megan Elias),
Belgravia Leisure (Matt Weisheit),
Aligned Leisure (Jackie Babington),
Yarra Plenty Regional Libraries (Natalie Bittner),
Gambler's Help (Banyule Community Health,
now Holstep Health) (Missy Ali),
Community representative - Deanna Finn,
Alana Marsh (unexpectedly for part of meeting only)

Apologies: Diamond Valley Community Support (Jeff Hallyburton),
NEPHU (North Eastern Public Health Unit) (Jo Mithen),
Community representative (Ann Hutchinson),
Victoria Police (Anthony O'Connor and/or Jamie Griffin),
Austin Health (no staff member assigned),
Department of Health (no staff member assigned),
Community member - Jules Jay

	Item	Who	Action
1.	Welcome and Introductions <ul style="list-style-type: none"> - Acknowledgement of Country - Inclusion Statement - Housekeeping - Getting to know one another - Conflict of interest – No conflict 	Cr Joy	
2.	Previous actions <ul style="list-style-type: none"> - Cassie to send out Terms of Reference – complete (attached to email) - Cassie to invite all members to Health and Wellbeing Profile Workshop – completed (workshop delivered 11/02/2025) - All members – assist with promotion of community engagement – in progress 	Cr Joy	
3.	Update	Cassie	



	Item	Who	Action
	<ul style="list-style-type: none"> - Timeline reviewed (see PowerPoint presentation) and outline of where we are at with the development of the MPHWP. - 11 Factsheets (snapshot and accessible) and Community Profile now live and on our website: Health and Wellbeing Plan - Nillumbik Shire Council - Community Engagement progress – 589 people completed survey and currently and this is currently being analysed by a third party - Pop ups – we reached 560 people in Eltham, Diamond Creek and Hurstbridge - Targeted engagement phase 2 – - Voting activity – over 200 people have participated - Visited primary school and local services and community groups - Visited 5 Advisory committees as part of engagement - Change of endorsement date to September in line with the endorsement of the Council Plan. - Health and Wellbeing Partnership Forum - Wurundjeri – exploring opportunities to book a regional cultural consultation, perhaps to be held on Country (TBC) 		
4.	Findings <ul style="list-style-type: none"> - See PowerPoint for the input for determining the Priority Areas and all areas below: - Community Engagement - Health and Wellbeing Profile - Policy and legislative context - Evaluation – looking at strengths, learnings and challenges 	Cassie	
5.	Discussion <ul style="list-style-type: none"> - Determining the Priority Areas – Cassie shared their workings to date which has supported in determining health priority recommendations. Proposal based on <ul style="list-style-type: none"> o Data and evidence (Health and Wellbeing Profile) o Community Engagement findings (including engagement with community, partners, Councillors and staff) o Policy context (including review of over 25 strategic plans and policies of partners and state and federal government) - Conversations held around some of the priority areas such as the data, mental health, training and employment. - Discussion regarding anti-social behaviour (mental health issues) at a number of services and the need to focus on training for staff who are not social workers – importance of gender lens in looking at the issues - Discussion Public Health approaches (see PowerPoint) – how do these approaches look? - Proposed Priority areas – six priority areas (see PowerPoint): <ol style="list-style-type: none"> 1. Improving mental wellbeing and social connection 2. Preventing discrimination and violence 3. Increasing active living 	Cassie	<p>Consider applying a systems thinking approach</p> <p>Consider developing an appendix or 'plan on a page', so it is accessible and disability and ageing priority populations can identify themselves, and use an opportunity.</p> <p>Add a statement about where and how partners contribute to the MPHWP</p> <p>Cas will share community engagement findings related to partners work</p>

	Item	Who	Action
	<p>4. Improving food systems 5. Reducing harm from alcohol, drugs, vaping and gambling 6. Advocating for access to housing and services</p> <p>Is this aligning with your priorities as an organisation: - Yes definitely reflects the issues that is coming up - Increasing active living is something Aligned are focused on - Question from WHIN around increasing the focus on CALD communities, especially for active living</p> <p>Are we happy to support? Yes was the consensus from all in attendance to endorse</p> <p>Next steps: Partnership forum 1 April 2025</p>		
6.	<p>Thank you and Close</p> <ul style="list-style-type: none"> - Next meeting, date and location change: - Friday 9 May, 10am-12pm, location TBC (hopefully Hurstbridge Community Hub) 	Cr Joy	



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).

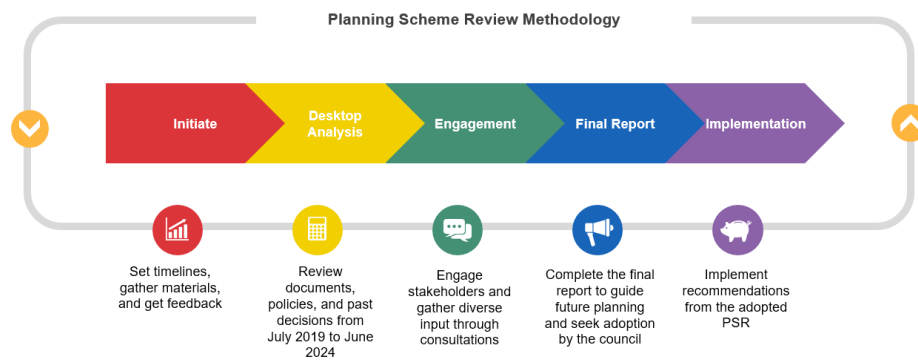
2.2. Planning Scheme Methodology

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.

NILLUMBIK'S COMMUNITY PROFILE

POPULATION



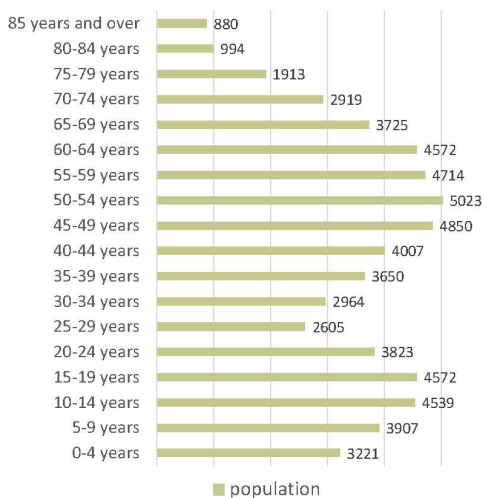
2019 - Population estimated at **64,464**

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

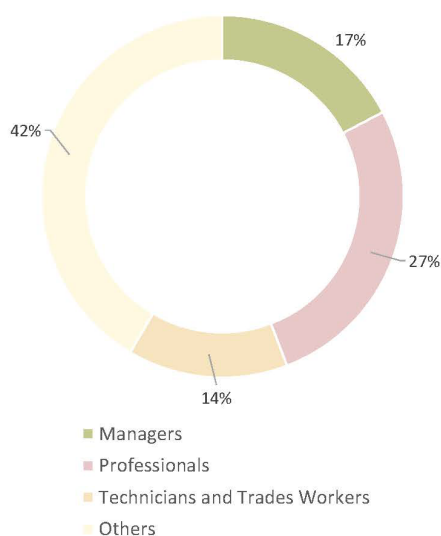
The largest changes in the age structure in this area between 2016 and 2021 were in the age groups:

- 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
- LGBTQIA+ 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%



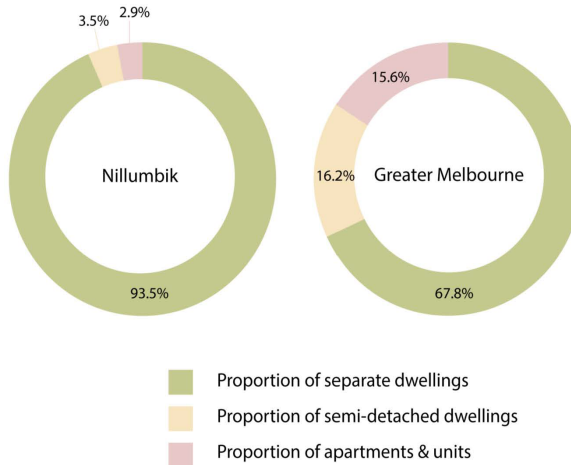
Education and Training
11.2%

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)

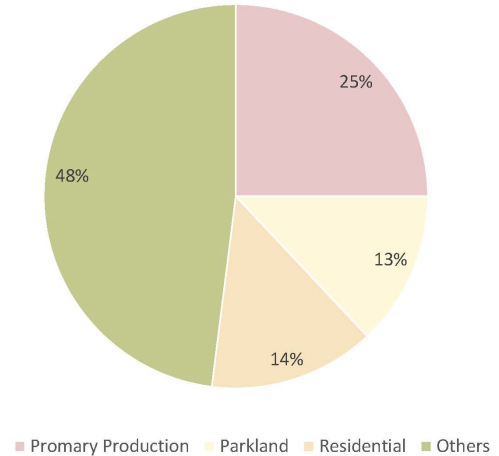
2 bedrooms: 1,534 (+61)

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

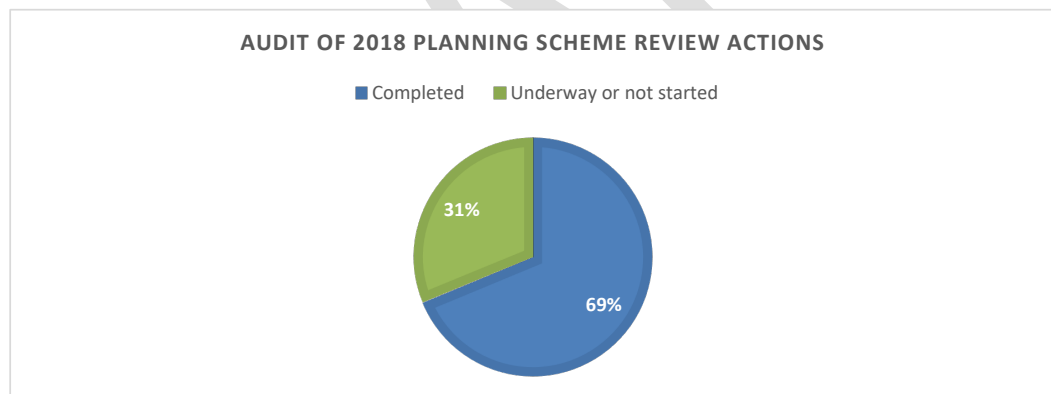


Table 2 - Planning Scheme Review 2019 recommendations status summary

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.

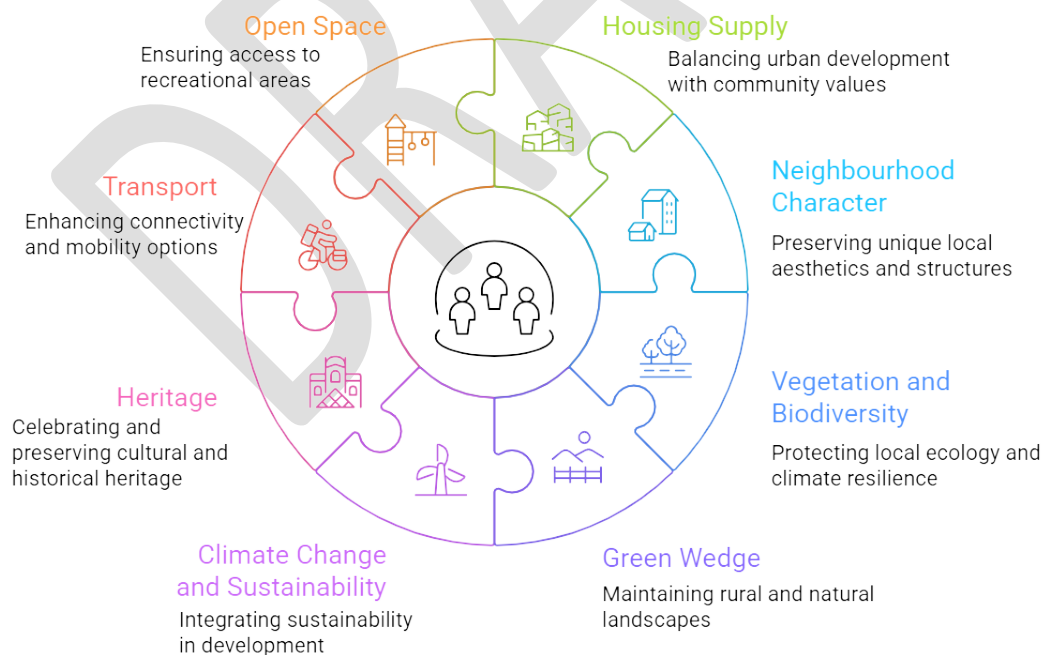
5. What We've Heard

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)

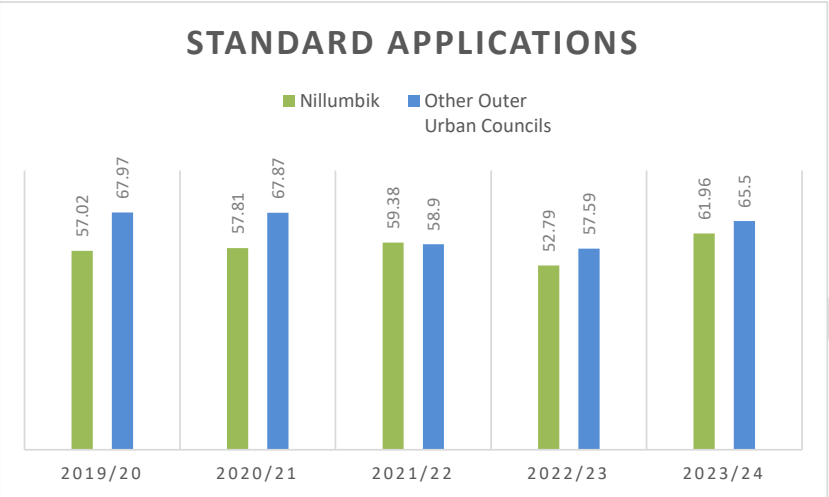
Permits (Including Refusals)		2019/20	2020/21	2021/22	2022/23	2023/24
Median processing days (all applications)	Nillumbik	101	92	100	103	91
	Other Outer Urban Councils ¹	71	67	81	98	86
	Melbourne Metro	77	77	87	95	84
Within statutory timeframe (%)	Nillumbik	62.07	66.13	60.17	55.7	64.02
	Other Outer Urban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

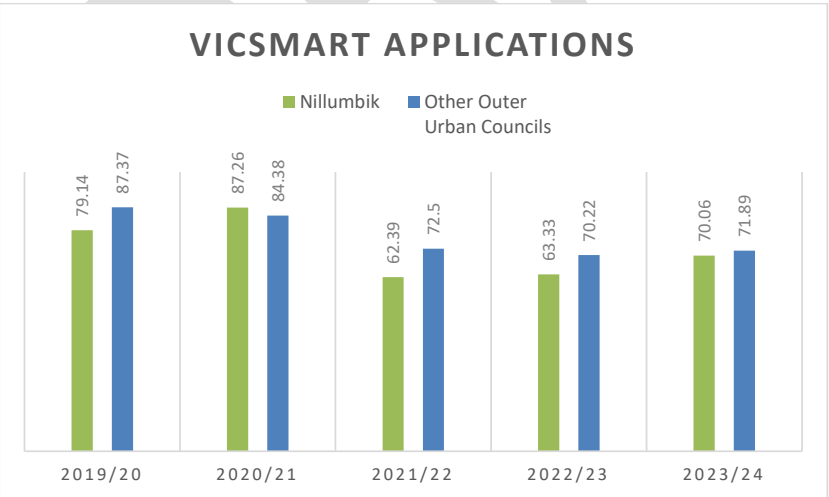
Nillumbik’s adherence to statutory timeframes has steadily improved. For Standard Applications, a slight improvement was recorded from 57.02% in 2019/20 to 61.96% in 2023/24. For VicSmart Applications, Nillumbik saw a slight decline from 79.14% in 2019/20 to 70.06% in 2023/24, closely matching the decline 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.

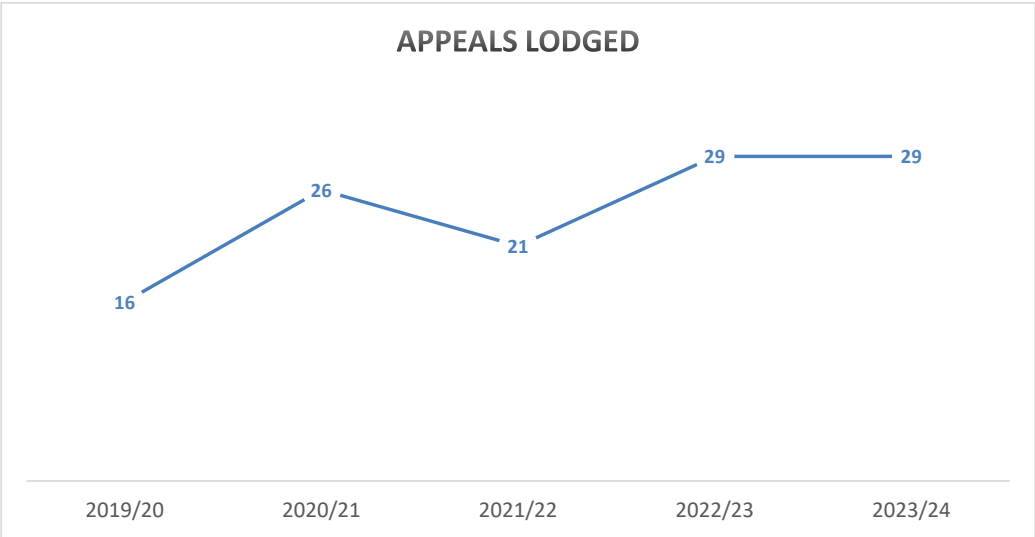
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6.3. VCAT & Planning Panels Victoria (PPV) Decisions

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

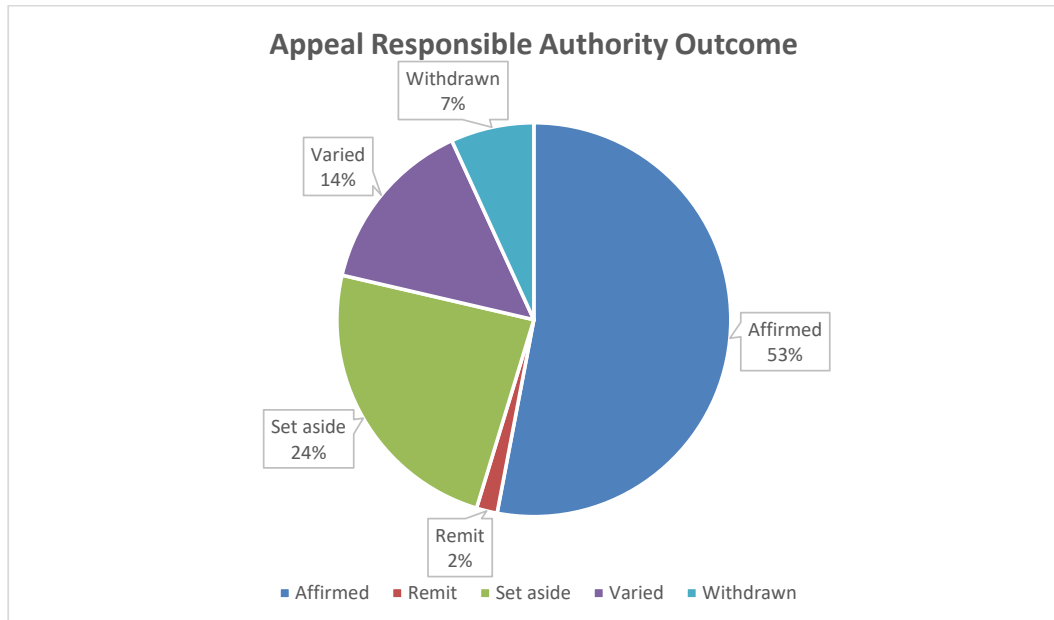
	2019/ 20	2020/ 21	2021/ 22	2022/ 23	2023/ 24	2019/20 -2023/24
Permits Processed	609	750	831	544	617	3351
VCAT	16	26	21	29	29	121
VCAT cases / Permits processed	2.63%	3.47%	2.53%	5.33%	4.70%	3.61%

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



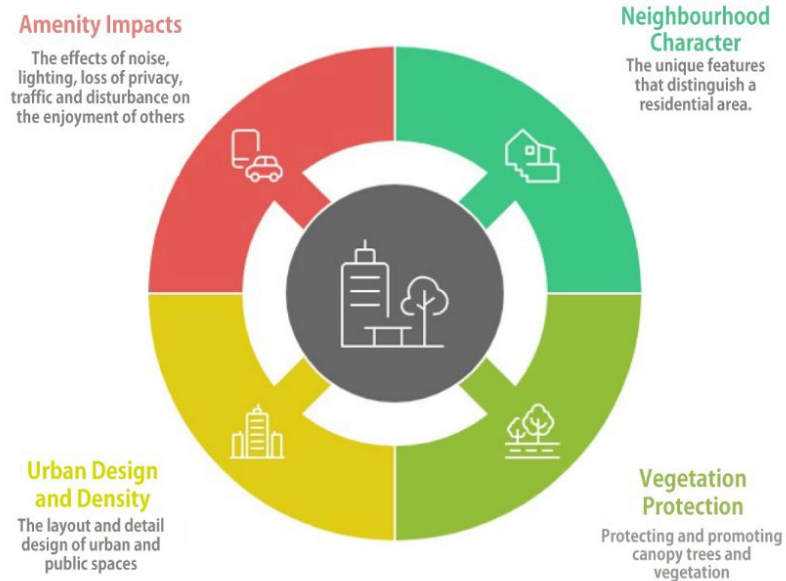
Data source: Planning permit activity reporting

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

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 C177 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 Panels 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

- | | |
|--|---------------------|
| <ul style="list-style-type: none">• 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 |
| <ul style="list-style-type: none">• 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	Review the draft HS in light of Plan Victoria; Victoria's Housing Statement: The Decade Ahead 2024-2034.
						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.
						Draft planning scheme ordinance in preparation for a Planning Scheme Amendment.
2.	Implement the Nillumbik Housing and Neighbourhood Character Strategies into the Planning Scheme.	High	Yes	\$60k	Admin, advertising and Panel costs	Request the Department of Transport and Planning provide advice on the most appropriate planning controls to support Nillumbik's Housing and Neighbourhood Character strategies.
						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).
						Review the LPPF and update in line with the Nillumbik Housing and Neighbourhood Character Strategies.
						Prepare a planning scheme amendment to implement the recommendations of the HS and NCS.

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	No	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

						common development typologies, i.e. single dwelling, multi-unit development, medium density
						Ensure that the 'Live Local, Plant Local' and 'Nillumbik Environmental Weeds List' are reference documents that can be updated without an amendment.
						Review the PPF and update in line with the Nillumbik Planting Guidelines.
						Prepare a planning scheme amendment to implement the recommendations of the Nillumbik Planting Guidelines.
Green Wedge						
18.	Continue to action and support Melbourne Water's Christmas Hills Land Sale project.	Med	No	\$5k	Legal costs	Monitor the progress of Melbourne Water and respond to announcements or actions.
						Advocate for clear controls and endorsed building envelopes.
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	Review local policy affecting small lots and accommodation in the Green Wedge.
						Review the Rural Conservation Zone schedules, VCAT cases, endorsed conservation plans and level of existing and potential land fragmentation.
20.	Prepare for the next Green Wedge Management Plan.	Low	Yes	\$300k	Consultant review, research, engagement, draft and final version of Plan	Review the current Green Wedge Management Plan 2019 and State Government guidance, including the Green Wedge and Agricultural Land Action Plan 2024.
						Draft a project plan and cost analysis for a new Green Wedge Management Plan.
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	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.
						Promote Heritage Victoria's updated Heritage Information Pack.

						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	Research opportunities to support residential aged care and retirement living solutions.
						Research the need for a local Planning Policy for affordable housing.
						Research Universal Access & Disability Discrimination Act and implement local policy in line with best practice.
						Research fire-resistant native flora species to include in 'Live Local, Plant Local'.
						Investigate potential penalties and mandatory offsets for illegal tree and vegetation removal.
						Research the need for Alcohol, Drug and Gambling local policy in line with the Nillumbik Health and Wellbeing Plan.
						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.
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	Review current controls and permit triggers for fences and boundary treatments.
						Identify areas where policy and controls are required for fences and boundary treatments, in line with the Neighbourhood Character Strategy.
						Define 'Post and Wire Fence' and implement into the planning scheme.
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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Appendix 1 - Remaining Recommendations and actions from the 2019 Planning Scheme Review

Remaining Recommendations – 2019 Planning Scheme Review	Description and Remaining Actions
Housing Strategy	In June 2020 Council abandoned the previous draft Housing Strategy to prioritise the creation of the Neighbourhood Character Strategy (adopted in 2023). The new draft Housing Strategy has undergone an initial stage of community consultation in April 2024 and is now currently on hold while Council waits for the State Government to release new population forecasts, a significant basis for the new Housing Strategy. Once new population forecasts and further State Government guidance is provided the project will continue.
Open Space Strategy	The current Open Space Strategy is now twenty (20) years old. Providing a framework for the planning, development and management of public open space in the shore it aims to ensure that open spaces meet the recreational, environmental and social needs of the community. The State Government has released a number of Open Space guides, strategies and resources and is continuing to engage with Councils to produce standards and recommendations for Open Space Strategies. Council is providing feedback and advice on this work and will commence its Open Space Strategy upon release of the State Government's updated policy and procedures.
Major Activity Centre Structure Plan Amendments	The adopted Eltham and Diamond Creek Structure Plans need to be translated and implemented into the Planning Scheme. Amendments C143nill and C144nill, which are designed to implement these Structure Plans, have commenced but are currently on hold due to recent planning reforms. Meanwhile, recent announcements from the State Government, coupled with changes to policy and planning provisions concerning Activity Centres, indicate that updates to the Structure Plans will be necessary before 2029.
Planning Scheme Review Update Amendment	A number of completed projects associated with the previous Planning Scheme Review and Council Plan remain to be implemented into the Planning Scheme. These projects include the updated Municipal Planning Strategy, updates to local policy and further strategic work.
Heritage Review Amendment	During the review period a number of heritage reviews and amendments were undertaken, including the identification of sixty three (63) new heritage places. The heritage work culminated in Heritage Review Amendment (C149nill) and Council is currently waiting for a decision from the Minister for Planning. The Heritage Reviews, Stage A & B identified a number of additional places that will need to be added to Council's Heritage Watch List and reviewed at a later date. Post-War heritage was also identified as an area of interest for the next heritage Review.

Appendix 2 - Process of 2019 Review

2019 Planning Scheme Review Recommendations	Current Status	Description / Reasoning
Green Wedge Management Plan	Completed 2019	The Green Wedge Management Plan 2019 is in its fifth year of implementation and continues to be actioned by Council and managed by the Strategic Planning team. The actions as part of this plan are reported to Council annually.
Economic Development Strategy 2020-2030	Completed 2020	Designed to strengthen the local economy and facilitate job creation, the Nillumbik Economic Development Strategy 2020–2030 focuses on the following key objectives; Enhancing support for local businesses, revitalising activity centres, promoting sustainable land use and showcasing local attractions.
Activity Centre Structure Plans (Diamond Creek and Eltham)	Completed 2020	The Eltham and Diamond Creek Structure Plans outline the vision for these activity centres out to 2030. The structure plans focus on land use activities, development, built form character, movement and access, landscape and place activation, community and leisure, to guide and promote these thriving centres of activity.
Errors & Anomalies Amendment (C115nill)	Completed 2020	The amendment was first drafted back in 2018 and the DELWP manager at the time recommended using a 20 (4) and confirmed that the Environmental Audit Overlay (EAO) removal part of that amendment proposal could be included. Between 2018-2019 there was a change in what could be considered as a ministerial amendment. Nillumbik was asked to withdraw C115nill and resubmit as a Prescribed Amendment C124nill. The EAO removal was separated out and became a later amendment C129nill.

Rezone to Public Park and Recreation Zone (C117nill)	Completed 2020 & 2021	<p>Amendment C117nill to the Nillumbik Planning Scheme addressed the rezoning and management of specific parcels of land within the Shire. The amendment was divided into two parts:</p> <p>Part 1: Rezoning several parcels of land to better reflect their current use and to facilitate appropriate management. The affected sites included: 20A Henry Street, Eltham: Rezoned to align with its existing use, 12 The Eyrie, Eltham: Rezoned to reflect its current function and 26 Renshaw Drive, Eltham: Rezoned to match its established use.</p> <p>Part 2: This segment addressed the rezoning of land at Graysharps Road, Hurstbridge. The objective was to facilitate the development of community infrastructure and open space in line with local needs. A Panel Report dated 10 March 2020 provided recommendations on this rezoning proposal, guiding the Council's decision-making process.</p>
Translation of Local Planning Policy Framework (LPPF) to the new Planning Policy Framework (PPF) Amendment (C135nill)	Completed 2021	<p>Amendment C135nill was a significant update to the Nillumbik Planning Scheme, implemented as part of Stage 3 of Victoria's Smart Planning Rules and Policy Program. In 2018, Amendment VC148 introduced extensive changes to the Victoria Planning Provisions (VPP). Amendment C135nill continued this reform by translating the existing Local Planning Policy Framework (LPPF) and Municipal Strategic Statement (MSS) into a new, integrated format. This translation consolidated local policies, ensuring they aligned with the updated VPP structure and reflected strategic objectives at the time.</p>
Council Plan 2021-2025	Completed 2021	<p>The Nillumbik Council Plan 2021–2025 outlines the strategic priorities and objectives for the Nillumbik Shire over a four-year period. Adopted in October 2021, the plan serves as a roadmap for delivering Council's policy and project commitments, as well as managing services for residents.</p>
Errors & Anomalies Amendment (C116nill)	Completed 2024	<p>Amendment C116nill was a prescribed – S20(A) and amended Schedule 2 to Clause 37.08 (Activity Centre Zone), correcting the first condition relating to Industry in Section 2 - Permit required and makes a consequential clarification in sub-section 5.1-4 Precinct guidelines. It also makes alterations in line with the Ministerial Direction on The Form and Content of Planning Schemes.</p>

Major Activity Centres Structure Plans Implementation Amendments (C143nill and C144nill)	Commenced but on hold	Planning Scheme amendments C143nill and C144nill seek to implement the Eltham and Diamond Creek Major Activity Centre Structure Plans (respectively) into the Planning Scheme. The amendments have been exhibited, and a Planning Panel is scheduled for June 2025 to resolve submissions.
Heritage Amendment (C104nill)	Underway	Combined into C149nill, currently with the Minister of Planning for a decision.
Housing Strategy	Commenced but on hold	Extensive research and engagement has been undertaken and documented, and a draft strategy completed. However, the State Government is currently reforming housing policy, including new population forecasts, planning provisions and controls that will have a profound effect on Victoria and the draft Nillumbik Housing Strategy. Until these reforms are confirmed and further guidance is released, this project remains on hold.
Open Space Strategy	Proposed	The State Government is currently engaging with local councils and stakeholders on updating the requirements and guidance for Open Space Strategies. The findings are expected to be released in 2025/2026 and the project will commence then.
Planning Scheme Review Amendment (Municipal Planning Scheme, Local Planning, Zones & Overlays). Covering Housing, Economic Development, Small Lots & Green Wedge Management Plan.	Proposed	A number of amendments were undertaken to implement this recommendation including C135nill to update local policy, however other parts of this recommendation are yet to be addressed and are further discussed as part of the 2025 Review.
Linear reserve between Diamond Creek Rd, Greensborough and Ryans Rd, Diamond Creek strategic land use opportunities.	Abandoned	Originally reserved for part of North East Link isn't being developed. Investigate this land is owned by the State Government. Council has no strategic position given it is not our land.

Appendix 3 - Completed Amendments and Projects from 1/7/2019 to 1/7/2024

Amendment/Strategy	Gazetted/Completion Date	Brief Description
Corrections amendment (116nill)	7-Feb-2019	The Amendment amends Schedule 2 to Clause 37.08 (Activity Centre Zone) to correct the first condition relating to Industry in Section 2 - Permit required and makes a consequential clarification in sub-section 5.1-4 Precinct guidelines. It also makes alterations in line with the Ministerial Direction on The Form and Content of Planning Schemes.
Heritage Overlay Amendment (C123nill)	24-Oct-2019	S56 Heritage Act 2017 amendment. The amendment makes the local planning scheme Heritage Overlay Schedule and Maps consistent with the Victorian Heritage Register.
Specific Controls Overlay Amendment (C119nill)	12-Dec-2019	The amendment maps and transfers existing incorporated documents specified in the schedule to 'Specific Sites and Exclusions' (Clause 51.01) into the new Specific Controls Overlay (Clause 45.12).
Eltham and Diamond Creek Major Activity Centre Structure Plans	Sep-2020	The revised 2020 Eltham and Diamond Creek Structure Plans provide strategic guidance for land use, built form, and public space enhancements in these major activity centres, incorporating community input and extensive research to support economic, social, and environmental goals.
Rezoning to Public Park and Recreation Zone Amendment (C117nillpt1)	6-Feb-2020	Rezones existing public open space from various zones to Public Park and Recreation Zone.
Corrections Amendment (124nill)	6-Feb-2020	Corrects mapping errors in the application of the heritage overlay and significant landscape overlay, deletes expired local policies, updates associated cross references in the Municipal Strategic Statement and corrects errors in the schedule to the heritage overlay.

Specific Controls Overlay Amendment (C125nill)	2-Jul-2020	This Amendment proposes to apply a Specific Controls Overlay to land at 130 and 195 Laughing Waters Road with a specific control contained in an Incorporated Document to allow for a use that is currently prohibited under the Public Conservation and Resource Zone.
Rezoning to Public Park and Recreation Zone Amendment (C117nillpt2)	22-Oct-2020	Rezoning of 44 Graysharps Road Hurstbridge from Township Zone to Public Park and Recreation Zone
Heritage Overlay Amendment (C132nill)	18-Dec-2020	The Amendment will remedy a mapping error with Heritage Overlay 147 (HO147) by applying new Heritage Overlay 268 (HO268) on an interim basis to part of the property at 13 Park West Road, Eltham that is not mapped by HO147, thereby ensuring that heritage controls apply to the entire structure known as the Alan Marshall Bungalow.
Corrections Amendment (C134nill)	6-May-2021	The amendment corrects a mapping anomaly that occurred as part of Nillumbik Planning Scheme Amendment C117 Part 1 by rezoning 20 Dudley Street, Eltham to the Activity Centre Zone - Schedule 1 and 20A Henry Street, Eltham to the Public Park and Recreation Zone.
Heritage Overlay Amendment (C136nill)	24-Jun-2021	The amendment extends the expiry date of interim Heritage Overlay HO268 applying to the Alan Marshall Bungalow at 13 Park West Road, Eltham, until 24 June 2022.
Local Planning Policy Framework Transformation (C135nill)	22-Jul-2021	Replaces the Local Planning Policy Framework of the Nillumbik Planning Scheme with a new Municipal Planning Strategy at Clause 02, local policies within the Planning Policy Framework at Clauses 11-19 and a selected number of local schedules to overlays and operational provisions consistent with changes to the Victoria Planning Provisions introduced by Amendment VC148.
Heritage Overlay Amendment (C139nill)	27-Aug-2021	The amendment applies the Heritage Overlay to 1080 Heidelberg-Kinglake Road, Hurstbridge on an interim basis until 1 December 2021.

Heritage Overlay Amendment (C133nill)	25-Nov-2021	Amends the mapping boundary of the Heritage Overlay HO147 applying to the Alan Marshall Bungalow and surrounds at 13 Park West Road, Eltham and updates the Schedule to the Heritage Overlay, inserts a Statement of Significance and references the updated Heritage Citation for the identified individually significant place.
Heritage Overlay Amendment (C145nill)	29-Nov-2021	The amendment extends the expiry date of the interim Heritage Overlay HO269 for 1080 Heidelberg-Kinglake Road, Hurstbridge until 1 October 2022.
Heritage Overlay Amendment (C137nill)	10-Feb-2022	Apply the Heritage Overlay (HO270) to part of 14-26 Browns Lane, Plenty, on an interim basis, until 1 December 2022.
Environmental Audit Overlay Removal Amendment (C129nill)	24-Feb-2022	Removal of the Environmental Audit Overlay (EAO) from land at 18, 20, 21, 22, 23, 24, 25, 25A, 27, 29, 31, 33 and 1/35 Thornbill Drive, Plenty and part of the road reserve of Thornbill Drive, Plenty.
John and Bridge St Rezoning Amendment (C126nill)	18-Mar-2022	The amendment rezones land at the eastern end of John Street and Bridge Street, Eltham from Schedule 1 to the Neighbourhood Residential Zone (NRZ1) to the Public Park and Recreation Zone (PPRZ)
Heritage Overlay Amendment (C141nill)	14-Apr-2022	The Amendment applies the Heritage Overlay to part of 50 Oatland Road, Plenty on an interim basis until 9 February 2023.
Earthworks in the Green Wedge Amendment (C131nill)	13-May-2022	The amendment amends the Schedule to Clause 35.04 (Green Wedge Zone) and Schedules 1 to 5 of Clause 35.06 (Rural Conservation Zone) to include a permit trigger for earthworks which involve the receipt, importation, stockpiling or placement of more than 100 cubic metres of fill on all land within those specified zones.

Interim Heritage Controls Amendment (C140nill)	26-May-2022	Replaces the interim heritage controls applying to the site known as Fermanagh at 1080 Heidelberg-Kinglake Road, Hurstbridge, with a permanent Heritage Overlay (HO269), updates the Schedule to the Heritage Overlay, inserts a statement of significance and a heritage citation for the identified individually significant place.
Corrections Amendment (C118nill)	07-Jul-2022	Corrections amendment to remove inconsistencies in local schedules with the Victorian Planning Provisions and Ministerial Direction - Form and Content of Planning Schemes as part of the Smart Planning Local Schedules Update.
Heritage Overlay Amendment (C138nill)	21-Jul-2022	The amendment replaces the interim heritage controls applying to part of 14-26 Browns Lane, Plenty, with a permanent Heritage Overlay (HO270), updates the Schedule to the Heritage Overlay, inserts a statement of significance and heritage citation for the identified individually significant place.
Heritage Review Study	26-Jul-2022	Nillumbik Heritage Review Stages A & B present the research and findings of previous heritage studies and identified places of potential heritage. It recommended the inclusion of numerous properties and provides the background for an update to the Shire's Thematic Environmental History.
Heritage Control Amendment (C142nill)	27-Aug-2022	The amendment applied to part of 50 Oatland Road, Plenty and proposed permanent heritage controls associated with Amendment C141nill. The amendment was requested to be abandoned due to the findings of the Panel Hearing dated 12 July 2022.
Heritage Overlay Amendment (C150nill)	18-Nov-2022	The amendment removes the interim Heritage Overlay (HO272) from part of 50 Oatland Road, Plenty.
Municipal Planning Strategy	27-Jun-2023	In June 2023, the Nillumbik Shire Council adopted the Municipal Planning Strategy after extensive community engagement, planning to integrate it into the Nillumbik Planning Scheme to guide future land use and development based on the community's current interests and visions for the municipality.

Neighbourhood Strategy	Character	12-Dec-2023	The Nillumbik Neighbourhood Character Strategy, which extends to all residential areas including rural townships, aims to guide development to preserve the area's distinct features and character, supported by detailed policies and community input from multiple engagement phases; it will be implemented in conjunction with a new Housing Strategy to ensure future growth respects local character.
Interim Heritage Amendment (C148nill)	Controls	28-Apr-2023	To amend the Schedule to Clause 43.01 to apply individual Heritage Overlays to 51 places (55 property addresses) on an interim basis until 1 October 2024.
Wattle Glen Public Realm Framework Project		27-Aug-2024	A new public realm framework for Wattle Glen envisions a more sustainable and liveable township by addressing safety and connectivity in the area while retaining its rural character. It provides strategic direction to address the community's concerns about the area's safety and connectivity for non-motorists and the need to retain Wattle Glen's rural character and natural and environmental setting. The framework does not provide detailed solutions for the key initiatives it outlines; these would be developed in partnership with DTP and in consultation with the community as future project funding allows.
Interim Heritage Amendment (C152nill)	Controls	01-Oct-2024	The Amendment extends the expiry date of the interim heritage controls applied by Amendment C148nill until 1 February 2025 in order to progress the Amendment for permanent heritage controls (Amendment C149nill).
Interim Heritage Amendment (C153nill)	Controls	22-Jan-2025	The amendment extends the expiry date of the interim heritage controls originally applied by Amendment C148nill until 1 August 2025 while the amendment for permanent heritage controls (Amendment C149nill) progresses to a decision.

Appendix 4 - Strategic work underway

Amendment/Strategy	Brief Description
Nillumbik Housing Strategy	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. It also aims to balance growth and change by pinpointing areas for housing growth and those where minimal changes are preferred.
Eltham Major Activity Centre Zone Amendment (C143nill)	The proposed amendment intends to implement the findings of the new Eltham Major Activity Centre Structure Plan (Kinetica, July 2020). The amendment proposes to update the local policy in Clause 11-03-1L-01 (Activity Centres in Nillumbik) by deleting Clause 11.03-1L-02 (Bridge Street Business Area) that is superseded by the proposed extension of the Activity Centre 1 to include the existing Industrial 3 Zone in Eltham. It also proposes to amend Schedule 1 to Clause 42.03 (Significant Landscape Overlay – Eltham Town Centre) to require a planning permit for buildings and works, and correct an administrative error that applies two SLOs on 1-13 Henry Street, Eltham (Figure 2) by removing Schedule 7 to Clause 42.03 (Significant Landscape Overlay - Eltham Gateway).
Diamond Creek Major Activity Centre Zone Amendment (C144nill)	The proposed amendment intends to implement the findings of the new Diamond Creek Major Activity Centre Structure Plan (Kinetica, July 2020). The changes include implementing the findings by amending Clause 11.03-1L-01, Schedule 2 to the Activity Centre Zone, Schedule 6 to the Significant Landscape Overlay and the Schedule to Clause 72.08 (background Documents) to reflect and implement the recommendations of the structure plan.
Heritage Review Amendment (C149nill)	Planning Scheme Amendment C149nill proposes to apply the Heritage Overlay (HO) to sixty-three (63) new places, create one (1) new serial listing and one (1) new precinct in the Shire, along with deleting five (5) disused overlays and amending HO49, HO50 & HO112. This is in accordance with the recommendations of the Nillumbik Heritage Review Stages A & B adopted by Council on 26 July 2022.
Diamond Creek Facilities Master Plan	A key deliverable of the 2021 Council Plan, the strategic plan was completed in 2022 and the master plan is underway with the technical and needs analysis completed. The final phase of the masterplan including design and business case is being prepared.
Implementation of Green Wedge Management Plan	The Green Wedge Management Plan was adopted in 2019 and continues to be implemented and reported on annually. It is a ten-year plan and will need to be reviewed and updated in 2029.

Christmas Hills (Melbourne Water Land Divestment)	In the 1970s, Melbourne Water acquired approximately 1,000 hectares of land in Christmas Hills, Smiths Gully, and Panton Hill for the proposed Watsons Creek Storage Reservoir. However, a 2012 review determined that the reservoir was no longer necessary, rendering the land surplus to requirements. In response, Melbourne Water developed the Christmas Hills Land Use Study, aiming to guide the future use and development of the area. The study proposed transferring 340 hectares of this land to the Crown for conservation purposes, with the remaining parcels to be rezoned and sold on the open market. The divestment process has been met with community concerns, particularly regarding environmental preservation, bushfire risks, and the future of local amenities like the Christmas Hills Mechanics Institute Hall and tennis courts. In October 2022, the Nillumbik Shire Council expressed opposition to the proposed planning scheme amendment facilitating the land sale, citing these issues. As of June 2023, Melbourne Water continues to engage with stakeholders to address these concerns and ensure that the land's future use aligns with community interests and environmental sustainability. Nillumbik Shire Council continues to advocate for the community and assist Melbourne Water.
Implementation of the Municipal Planning Strategy	The Municipal Planning Strategy (MPS) was adopted by Nillumbik Shire Council in June 2023 following three rounds of community engagement and will be integrated into the Nillumbik Planning Scheme through a future amendment. The new Municipal Planning Strategy will be important planning policy within the Nillumbik Planning Scheme that will be used by Council and the community to implement and execute on the vision and high-level strategic directions that have been established for the Shire regarding the future planning of land use and development in the municipality.
Implementation of the Neighbourhood Character Strategy	The Nillumbik Neighbourhood Character Strategy (NCS) (adopted in 2023) applies to all residential areas, including rural townships, and aims to guide new development to align with the area's valued features and character. The Council is now developing a Housing Strategy to work alongside the Neighbourhood Character Strategy. Under Planning Practice Note 90, the Housing Strategy and Neighbourhood Character Strategy should be integrated into the planning scheme together to achieve a cohesive approach that balances competing objectives.
Implementation of the Urban Tree Canopy Strategy and Landscape Guidelines	Nillumbik's Urban Tree Canopy Strategy 2024-2040 was adopted by Council on August 27, 2024. The 15 year strategy aims to protect and enhance the Shire's urban tree canopy. Key objectives include overall average urban canopy coverage targets of 40% and a minimum of 25% canopy cover in every suburb and township. The Neighbourhood Character and Urban Tree Canopy Strategies both support the creation of landscape guidelines that support both strategies, provide landscape and planting direction to the community and provide the basis for controls in the planning scheme that will help achieve the objectives of both strategies.
Implementation of Yarra Strategic Plan	The Yarra Strategic Plan, titled Burndap Birrarung burndap umarkoo, is a collaborative framework developed to guide the management and protection of the Yarra River and its surrounding lands. Nillumbik Shire Council, with over 45 kilometres of the Yarra River running through its jurisdiction, plays a pivotal role in implementing this plan within its boundaries. Key responsibilities of Nillumbik Shire Council include collaborative management, community engagement, environmental stewardship, cultural preservation, policy integration and resource allocation. Council continues to support the Yarra Strategic Plan and actions its key responsibilities of completing and implementing the Yarra Strategic Plan.

Appendix 5 - State Level Amendments

Amendment number	Gazetted/Completion Date	Brief description
VC159	8-Aug-19	Amend the Victoria Planning Provisions to introduce new land use terms, revise the definition of land use terms and change where land use terms are nested.
VC161	17-Sep-19	Introduce new requirements for solar energy facilities.
VC158	26-Nov-19	Amendment VC158 amends the Victoria Planning Provisions and all planning schemes to introduce planning exemptions for combustible cladding rectification.
VC165	3-Dec-19	Amendment VC165 amends the Victoria Planning Provisions and all planning schemes to introduce notice and review exemptions and to amend the responsible authority status for certain planning applications for non-government schools.
VC170	31-Jan-20	Introduces a new particular provision to facilitate the Level Crossing Removal Project.
VC168	11-Feb-20	This amendment updates the Planning Policy Framework and Operational Provisions to reference the Plan Melbourne 2017-2050: Addendum 2019 and introduces a new strategy at Clause 11.01-1R Settlement-Metropolitan Melbourne.
VC177	11-Mar-20	This amendment inserts a new particular provision at Clause 52.07 to facilitate and support recovery from bushfire.
VC181	6-Apr-20	The amendment changes the Victoria Planning Provisions and all planning schemes by replacing Clause 52.18 [No content] with a new Clause 52.18 (State of emergency exemption), to facilitate the delivery of food and other essential goods during and following a state of emergency declared in relation to Novel Coronavirus 2019 (2019-nCoV).
VC179	6-May-20	The amended inserts a new provision at Clause 52.10 to facilitate rebuilding following the 2019/20 bushfires and amends the Schedule to Clause 72.01 in all planning schemes to designate the CEO as the responsible authority for Clause 52.10.
VC175	26-May-20	Improves the way the planning system addresses buffers for amenity, human health and safety impacts by updating the Planning Policy Framework (PPF) and Clause 53.10.

VC176	5-Aug-20	Amends Clause 52.12 (Bushfire Protection: Exemptions) to align the 10/30 and fence line vegetation exemptions with the Bushfire Prone Area map across all Victorian councils, make administrative updates and further clarify the exemptions for dwellings and defendable space under the Bushfire Management Overlay.
VC183	28-Sep-20	The amendment introduces a new state planning policy Clause 13.07-3S (Live Music) and makes changes to Clause 53.06 (Live Music Entertainment Venues) of the Victoria Planning Provisions (VPP) and all planning schemes to encourage, create and protect opportunities for the enjoyment of live music.
VC169	9-Oct-20	Amendment VC169 changes the Planning Policy Framework to help direct balanced outcomes for housing growth and built form, while also clarifying and consolidating housing policy.
VC193	21-Oct-20	The amendment amends clause 52.18 (State of emergency exemption) to support Victoria's social and economic recovery from the coronavirus (COVID-19) pandemic through temporary planning scheme and permit condition exemptions that enable outdoor dining and facilitate the reopening and safe operation of restaurants and other food and drink businesses.
VC191	5-Nov-20	VC191 amends the Combustible cladding rectification exemptions at 52.01
VC192	16-Nov-20	Amend the Victoria Planning Provisions (clause 72.01-1) to make the Minister the responsible authority for all large energy generation facilities and utility installations,.
VC187	1-Dec-20	Introduces a new particular provision, Housing by or on behalf of the Director of Housing at clause 53.20 of the Victoria Planning Provisions and all planning schemes to streamline the planning permit process to construct or extend a dwelling, or to construct or extend a front fence if the application is made by or on behalf of the Director of Housing. It amends clause 72.01 to specify the Minister for Energy, Environment, and Climate Change to be the responsible authority for the development of 10 or more dwellings and any apartment development.
VC190	1-Dec-20	Introduces a new particular provision, Victoria's Big Housing Build at clause 52.20 of the Victoria Planning Provisions and all planning schemes. Clause 52.20 removes the need for a planning permit to develop a housing project if funded under Victoria's Big Housing Build and supported by the Director of Housing. It amends clause 72.01 to specify the Minister for Energy, Environment, and Climate Change to be the responsible authority.
VC180	4-Dec-20	Facilitates the development of new, and the upgrade and expansion of existing, non-government primary and secondary schools.

VC188	14-Dec-20	Removes Clause 52.13 2009 Bushfire: Recovery Exemptions and references to it from all planning schemes following its expiry.
VC195	11-Mar-21	Amendment VC195 changes the Victoria Planning Provisions and all planning schemes by modifying the particular provision at clause 52.32 (Wind energy facilities) to streamline the application process for minor changes to approved wind energy facilities, clarify consent requirements and simplify review and panel exemptions.
VC194	25-Mar-21	The amendment inserts two new particular provisions at clauses 52.30 and 52.31 to facilitate state projects and local government projects.
VC197	20-Apr-21	The amendment removes expiry dates and updates existing Design and Development Overlay (DDO) and Significant Landscape Overlay (SLO) schedules within the Yarra River corridor. Amendment VC197 also makes policy-neutral updates and consequential changes.
VC198	14-May-21	The amendment introduces new particular provisions at clauses 52.35 (Major Road Projects) and 52.36 (Rail Projects) and makes other changes related to delivery of projects carried out by or on behalf of Major Road Projects Victoria and Rail Projects Victoria.
VC203	1-Jul-21	This amendment implements the new environment protection framework in the Victoria Planning Provisions and all planning schemes.
VC206	3-Aug-21	The amendment implements requirements of the Environment Protection Act 2017 for the regulation of wind turbine noise from a wind energy facility.
VC196	19-Aug-21	Amendment VC196 reforms the Victorian planning system by introducing new zone and overlay controls to provide stronger recognition and protection to existing extractive industries, and to designate land with State-significant earth resources, where extractive industries may be established in the future, as strategic extractive resource areas.
VC211	14-Sep-21	Amendment VC211 updates the notice requirements at clause 67.02 of the Victoria Planning Provisions and all planning schemes. The amendment also updates clauses 66.05 and 67, and consolidates the provisions in clauses 67.02, 67.03 and 67.04.
VC208	5-Oct-21	Amends Clause 52.10 to apply the use, notice and review exemptions to other types of emergencies.
VC202	12-Oct-21	VC202 introduces a definition for 'Rural worker accommodation' in clauses 73.03 (Land Use Terms) and 73.04 (Nesting Diagrams), and permit requirements to facilitate this type of accommodation in the Farming Zone (FZ).

VC212	13-Oct-21	The amendment makes changes to Clause 35.07 (Farming Zone) and to Clause 66.05 (Notice of permit applications under State standard provisions) to support the ongoing operation of wind energy facilities and amenity protections for nearby accommodation uses.
VC214	19-Nov-21	This amendment will amend the public land exemptions in clause 52.18 (State of emergency and recovery exemptions) to apply to a broad range of uses.
VC204	9-Dec-21	The amendment modifies Clause 18 of the Victoria Planning Provisions to implement changes to State planning policy for transport and makes associated changes.
VC174	20-Dec-21	Amendment VC174 implements the recently announced revised Better Apartment Design Standards, which delivers improved external amenity and design outcomes for all apartment developments.
VC207	20-Dec-21	Consequential amendment to update clauses 52.20 and 53.20.
VC205	20-Jan-22	The amendment introduces a new Transport Zone to replace the Road Zone and Public Use Zone Schedule 4. The amendment also makes consequential changes.
VC219	22-Mar-22	The Amendment changes the VPP and all planning schemes in Victoria to support the ongoing operation of extractive industry across Victoria and increase amenity protections for nearby accommodation.
VC220	30-May-22	The amendment supports the efficient delivery of neighbourhood batteries into the electricity distribution network by amending clause 73.03 Land use terms of the Victoria Planning Provisions (VPP) and all planning schemes.
VC216	10-Jun-22	Amendment VC216 makes changes to the Planning Policy Framework (PPF) in the Victoria Planning Provisions (VPP) and all planning schemes to support Environmentally Sustainable Development (ESD).
VC213	14-Jul-22	Amendment VC213 makes changes to the Victoria Planning Provisions (VPP) and all planning schemes to ensure consistency with existing requirements under the Melbourne Strategic Assessment (MSA) Program to achieve specific biodiversity outcomes within Melbournes growth corridors.
VC230	14-Jul-22	Revises clauses 52.20 and 72.01 to make the Minister for Planning the responsible authority for relevant applications to reflect the General Order dated 27 June 2022.
VC221	4-Aug-22	The amendment facilitates all-electric developments to support implementation of Victoria's Climate Change Strategy 2021 (Strategy) and Gas Substitution Roadmap 2022 (Roadmap). The amendment changes the Victoria Planning Provisions (VPP) and all planning schemes by amending clauses that require developments to be connected to reticulated gas and amending the referral requirements.

VC223	12-Aug-22	Amends clause 73.01 (General terms) of the VPP and all planning schemes to define Minister for Planning to mean a Minister for the time being administering the P&E Act.
VC222	29-Sep-22	Amendment VC222 makes changes to the Victoria Planning Provisions and all planning schemes to support the co-location of new government primary schools with kindergartens and facilitate projects that support the 2026 Commonwealth Games.
VC224	28-Oct-22	Amends the Victoria Planning Provisions and all planning schemes that relate to declared irrigation districts and solar energy facilities, delivery exemptions, electorate offices, Future Homes, healthy waterways, land use terms, stormwater management and tree removal under VicSmart.
VC226	4-Nov-22	Amendment VC226 makes changes to the Victoria Planning Provisions (VPP) and all planning schemes to support emergency recovery, telecommunications, solar energy systems and community care accommodation.
VC228	22-Nov-22	Amendment VC228 makes changes to the Victoria Planning Provisions and all planning schemes to facilitate Victoria's recovery from emergencies by allowing an exemption from operation hours for extractive industries.
VC201	16-Dec-22	The amendment updates the Planning Policy Framework, introduces two new regional policies and a series of new Significant Landscape Overlays to recognise, protect and improve waterway health, amenity, access and community values.
VC215	3-Mar-23	The amendment implements the Melbourne Industrial and Land Use Plan (MICLUP) (Department of Environment, Land, Water and Planning, 2020) in the Planning Policy Framework.
VC234	4-Jul-23	The amendment clarifies noise requirements for wind energy facilities and the responsible authority for enforcement matters.
VC236	14-Aug-23	The amendment supports renewable hydrogen gas production and distribution and makes the Minister for Planning the responsible authority for large-scale production of hydrogen gas.
VC242	20-Sep-23	Amendment VC242 makes changes to the Victoria Planning Provisions (VPP) and all planning schemes by introducing two new particular provisions to facilitate significant residential development and significant economic development.
VC243	22-Sep-23	Amendment VC243 makes changes the Victoria Planning Provisions (VPP) and all planning schemes to codify residential development standards, implement the Future Homes project across Victoria, remove permit requirements for single dwellings on lots of 300 square metres or more and introduce VicSmart permits for single dwellings on lots less than 300 square metres. These changes support the delivery of housing in Victoria.

VC241	17-Oct-23	The amendment removes prohibitions for specified sign types for a Freeway service centre, Service station and Open sports ground in a zone where Category 4 - Sensitive areas sign controls apply.
VC217	1-Dec-23	The amendment changes the Victoria Planning Provisions (VPP) and all planning schemes to implement the decriminalisation of sex work.
VC253	14-Dec-23	Amendment VC253 introduces a new land use term and siting, design and amenity requirements for a small second dwelling into the Victoria Planning Provisions (VPP) and all planning schemes to implement Victoria's Housing Statement: The decade ahead 2024-2034 by making it easier to build a small second dwelling.
VC250	1-Jan-24	The amendment supports Victoria's Gas Substitution Roadmap (Victorian Government, 2022) by prohibiting new gas connections for new dwellings, apartments and residential subdivisions where a planning permit is required.
VC249	15-Jan-24	The amendment 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.
VC261	4-Apr-24	The amendment expands the operation of the existing Development Facilitation Program (DFP) planning provisions that fast-track the assessment of significant economic development by enabling an application for renewable energy facility, utility installation and associated subdivision to be assessed.

Appendix 6 - Advocacy & Submission

Projects	Description	Key points
Better Apartments in Neighbourhoods Submission (September 2019)	The Better Apartments in Neighbourhoods submission acknowledges the State Government's initiatives to enhance apartment design and supports the focus on improving landscaping, community integration, and sustainability. Council stresses the need for clear, practical standards and tailored approaches that align with local priorities and protect the Shire's character. It also raises concerns about unintended burdens on councils and the need for stronger collaboration with developers and service providers.	<ul style="list-style-type: none"> • Strong support for enhanced landscaping and green space requirements, including canopy trees, but concerns about practicality and enforcement. • Advocacy for improved communal open spaces with clear design standards and adequate facilities. • Emphasis on maintaining local character through thoughtful external building design and materials. • Call for better integration of developments with streetscapes and public spaces, ensuring accessibility and active uses. • Support for addressing wind impacts but a need for clear tools and measurable standards. • Concern with shifting responsibility for construction impacts to the planning process, citing existing mechanisms under other legislation. • Advocacy for collaboration and early consultation between developers, service providers, and councils to ensure better outcomes.
Draft EPA Reforms (May 2020)	Council's submission supports the integration of environmental protection reforms into land use planning and acknowledges the value of the proposed changes to the Victorian Planning Provisions (VPP). Council highlights the need for clear mechanisms to address contamination risks, improved data accessibility, and fair cost-sharing arrangements for reviews. While the proposed tools enhance decision-making, concerns remain about the cost burden on councils and the need for robust review processes.	<ul style="list-style-type: none"> • Support for reforms enabling proactive mitigation of risks to human health and the environment. • Endorsement of new assessment tools such as the Preliminary Risk Assessment to improve decision-making on contamination risks. • Concerns about cost burdens on councils for peer reviews of contested assessments. • Advocacy for a comprehensive State-wide contamination database to improve transparency and reduce reliance on councils for site identification. • Request for clarification on the removal of the Certificate of Environmental Audit and its impact on planning processes.

Green Wedge and Agricultural Land Discussion Paper (February 2021)	<p>Council's submission on the Green Wedge and Agricultural Land Discussion Paper emphasises the importance of balancing agricultural, environmental, and community considerations within Green Wedge and agricultural lands. While supporting strengthened policy and legislative frameworks, Council highlights the need for tailored, region-specific approaches that reflect local biodiversity and conservation priorities. The submission raises concerns about overemphasising agriculture at the expense of environmental values; it stresses transparency, community engagement, and practical implementation. Council also advocates for integrating conservation, smaller-scale agriculture, and community needs into policy reforms.</p>	<ul style="list-style-type: none"> • Support for strengthened legislative and policy frameworks, provided they accommodate unique regional characteristics and emphasise biodiversity alongside agriculture. • Advocacy for conservation and biodiversity as key priorities, particularly in areas where environmental values outweigh agricultural productivity. • Concerns about the "one-size-fits-all" approach in reforms, reiterating the need for locally tailored solutions and decision-making frameworks. • Concern about the consultation process, lack of transparency and adequate community engagement. • Endorsement of improved design guidelines for Green Wedge areas, with caution against standardisation that may overlook local contexts. • Support for balancing agricultural innovation with sustainable practices to protect natural systems. • Calls for better integration of smaller-scale and local agriculture into the reforms, recognising its role in community well-being and resilience. • Recognition of community infrastructure, such as schools and halls, as critical to rural townships, with concerns about reforms that limit their accessibility.
10 Year Social and Affordable Housing (March 2021)	<p>Council's submission to Victoria's 10 year Social and Affordable Housing Strategy emphasises the importance social and affordable housing availability for the community's diverse needs. While supporting the state's vision, it stresses the need for locally tailored approaches that respect the environmental constraints and unique characteristics of Nillumbik. Council advocates for shared responsibility across government levels, innovative partnerships, and integrated planning to meet housing demand while preserving community identity and environmental values.</p>	<ul style="list-style-type: none"> • Strong support for the state's vision of providing safe, affordable, and appropriate housing for all Victorians. • Emphasis on balancing housing needs with Nillumbik's environmental and planning constraints, including Green Wedge protections. • Advocacy for tailored, locally informed approaches rather than "one-size-fits-all" strategies. • Recognition of the importance of shared accountability among federal, state, and local governments, alongside private and non-profit sectors. • Focus on integrating housing with access to services, transport, and community infrastructure, particularly for vulnerable groups. • Prioritisation of innovative and sustainable housing solutions to address challenges like ageing populations, climate change, and limited land availability.

		<ul style="list-style-type: none"> • Support for partnerships with social housing providers and community organisations to enhance housing inclusivity and accessibility. • Advocacy for equitable and flexible planning mechanisms to support affordable housing without overburdening local councils.
Melbourne's Future Planning Framework (October 2021)	Council's submission on the draft Northern Land Use Framework Plan (LUFP), part of Melbourne's Future Planning Framework, highlights several key issues critical to shaping regional growth and sustainability.	<ul style="list-style-type: none"> • Recognition of the regional significance of green wedges, particularly for biodiversity. • Support for inter-regional planning to address shared growth challenges. • Illegal soil dumping identified as a significant regional growth issue. • Acknowledgement of Nillumbik's biodiversity values, including the Warrandyte to Kinglake habitat corridor and key waterways such as Watsons Creek. • Concerns about the currency of data underpinning strategies, particularly regarding waste and landfill. • The need to consider regionally significant renewable energy infrastructure. • Greater focus on food security and supply chains, especially in relation to green wedges. • Improved accessibility for ageing populations and people with disabilities, which is underrepresented in the draft LUFP. • The importance of maintaining and reinforcing the Urban Growth Boundary. • Clearer articulation of regional objectives and actions to manage growth and its environmental impacts.
Parliamentary Inquiry – Protections within the Victorian Planning Framework (December 2021)	Nillumbik Shire Council's submission on this Parliamentary enquiry emphasises the importance of strategic and transparent planning processes that consider the unique environmental and community needs of the area. The submission advocates for a more comprehensive approach in addressing affordable housing, environmental	<ul style="list-style-type: none"> • Council calls for better strategic planning and transparent consultation processes by the State government to enhance local government response to submissions. Planning reforms should consider the unique characteristics and needs of local areas like Nillumbik, especially concerning building heights and green wedges.

sustainability, and heritage protection while maintaining local character and biodiversity.

- Advocates for reforms to protect and manage green wedge land, underscoring its significance in terms of biodiversity, climate response, and food security.
- Concerns about the State's heritage protection inquiries, suggesting that they are untimely and overlook substantial local submissions already made.
- Requests that the inquiry consider consultations and submissions made by the council over the years as part of their review.
- Expresses concern over the erosion of communication in planning processes, which has led to mistrust and dissatisfaction among residents.

DELWP Planning Reforms - Improving the Operations of Rescode (February 2022)

Council officers note that the proposed changes are extensive and may have broader implications, particularly for the application and acceptance of provisions within the Nillumbik Planning Scheme by DELWP as the 'appropriate planning implementation tool' for specific matters.

- Potential impacts on the implementation of Council's future Neighbourhood Character Strategy.
- Reduced Council discretion in making planning decisions for residential development.
- Limitations on residential planning decisions being largely confined to the Performance Assessment Module (PAM) in most cases.
- Subjectivity in determining whether proposals meet the Performance Criteria, leading to potential disagreements between parties (e.g., Council, applicants, and VCAT).
- Concerns about the development outcomes resulting from these reforms and the detrimental effects they may have on Nillumbik Shire's established and preferred neighbourhood character.
- Potential unintended impacts on the flexibility and effective use of existing planning controls and tools to reinforce neighbourhood character values.
- The need for clarification regarding the timing and implementation of the proposed reforms.
- A lack of detail on how the proposed reforms will interact with other planning controls and their future implementation.
- Uncertainty about the extent of time savings these reforms will achieve in the planning permit process.

Parliamentary Enquiry on the Victorian Food Supply (February 2022)	<p>- Nillumbik Shire Council's submission to the Parliamentary Enquiry on the Victorian Food Supply discusses the importance of preserving its Green Wedge for agricultural, environmental, and biodiversity purposes, aligning with the State Planning Policy to protect non-urban areas from urban sprawl. Council advocates for maintaining sustainable agriculture, supporting local food security, and mitigating climate change through strategic land management and proactively building local resilience.</p>	<ul style="list-style-type: none"> • Nillumbik Shire's Green Wedge covers 91% of its area and is critical for agriculture, biodiversity, and water supply. • Council's adopted Municipal Planning Strategy supports maintaining a clear urban-rural divide and protecting agricultural land. • Urban sprawl and pressure from development affect agricultural productivity and environmental values. • Council supports increased government support for agriculture, especially for those in peri-urban areas. • Climate change impacts agriculture and natural systems, necessitating urgent action. • The Green Wedge provides opportunities for carbon sequestration and resilient food systems. • Nillumbik's proximity to Melbourne makes it strategically important for local food supply and sustainability.
Draft Plan for Victoria and Housing Targets Submission (August 2024)	<p>Council's submission on the Plan for Victoria Big Ideas and the draft Housing Targets discussed the importance of increasing affordable housing supply across the State but doing so in areas that are well located with services and amenities to support population growth.</p>	<ul style="list-style-type: none"> • Articulating the importance of the Green Wedge in the Big Ideas • Balancing climate change and cooling and greening (tree canopy retention with neighbourhood character • Importance of macro-economic levers to increase housing affordability, not just planning • Cost to Councils to update strategic documents based on emerging policy • Planning for infrastructure and delivery to accommodate growth • Lack of market depth in the short-medium term in Nillumbik to deliver medium to high density apartments

Appendix 7 - Other Council Plans and Strategies of importance

Council Plan / Strategy	Adoption Date	Brief Description
Community Vision - Nillumbik 2040	21, October, 2021	The Community Vision – Nillumbik 2040 is a strategic document that outlines the core values and priorities of the community and the Shire. It serves as a guiding framework for the development and implementation of the Nillumbik planning scheme, aligning it with the aspirations of the community. The document highlights the importance of land use planning that focuses on preserving the natural environment and promoting sustainability, ensuring that future developments adhere to these core values.
Council Plan 2021-2025	21, October, 2021	The Council Plan is pivotal in establishing the strategic direction for the Council over its four-year term. It directs the organisation's efforts to meet the priorities of both the Council and the community, managing and providing services throughout this period for the Nillumbik community. The Planning Scheme Review is tasked with evaluating the Planning Scheme against the Community Vision and Council Plan to ensure they are well-aligned.
Health and Wellbeing Plan 2021-2025	21, October, 2021	The Nillumbik Health and Wellbeing Plan 2021-2025 outlines our commitment to address health and wellbeing priorities and reduce inequalities over the next four years. It reflects the priorities of our community, and our health and wellbeing partners - who we will work with to deliver this plan.
Youth Strategy 2022-2026	14, December, 2021	Nillumbik Shire Council's Youth Strategy 2022-2026 provides an integrated approach to ensuring that we continue to value and incorporate young people into Council by providing meaningful opportunities for young people, valuing their contributions and empowering them to help shape our community.
Climate Action Plan 2022-2032	26, April, 2022	Nillumbik Shire Council's Climate Action Plan 2022-2032 is guiding our response to the challenges posed by climate change and outlines a twofold approach, involving mitigation and adaptation. The Plan sets targets of achieving net-zero emissions in Council operations by 2030 and net-zero community emissions by 2035.
Recreation & Leisure Strategy 2022-2030	28, June, 2022	Recreation and Leisure Strategy 2022-2030 seeks to support community participation in sport and active recreation, with a focus on well-planned facilities and environments. It also aims to remove barriers for underrepresented groups to take part in sport and recreation, including women and girls, people with disability, and the LGBTQIA+ community.

Arts and Culture Strategy 2022-2026	27, September, 2022	The Arts and Culture Strategy 2022-2026 is a comprehensive framework developed by the Council to guide the growth, development, and support of arts and culture within the Shire over a four-year period.
General Local Law 1	22, December, 2022	The Local Law aims to safeguard public health, safety, and amenity across the Shire, ensuring quality of life and the enjoyment of public spaces. Key areas regulated include behaviour on Council land, animal management and noise, public alcohol consumption, protection of amenity trees, and restrictions on animals within the Bend of Islands.
Biodiversity Strategy 2024 - 2034	30, July, 2024	Nillumbik Shire Council's Biodiversity Strategy 2024-2034 demonstrates Council's commitment to protecting and enhancing the Shire's biodiversity and environment for the future. It provides a framework to guide Council action over a 10-year period, in urban and rural contexts and across public and private land.
Urban Tree Canopy Strategy 2024-2040	27, August, 2024	The Urban Tree Canopy Strategy 2024-2040 outlines a 15-year plan to expand Nillumbik's urban tree canopy on both Council and private land. Key targets include achieving an overall urban canopy cover of 40% and ensuring a minimum 25% canopy cover in every suburb and township, particularly addressing areas with higher urban heat island effects.
Integrated Transport Strategy 2024 - 2029	27, August, 2024	Nillumbik Shire Council adopted the Integrated Transport Strategy in 2024. This strategy aims to enhance transport planning and promote sustainable and active travel across the area.

Appendix 8 - Priority actions identified in Nillumbik Shire Council Plan 2021-2025

Priority Action	Status	Brief Description
Undertake a heritage review of the 'Stage 2' potential heritage sites of significance	Complete	Heritage Review Stage B was completed by Trethowan Architecture and Heritage Consultants in April 2022. Planning Scheme Amendment C149nill proposes to implement the findings of both Stage A and B Heritage Reviews and is currently underway.
Develop a Municipal Planning Strategy and include into the planning scheme	Underway	The Municipal Planning Strategy (MPS) was adopted by Nillumbik Shire Council in June 2023 following three rounds of community engagement and will be integrated into the Nillumbik Planning Scheme through a future amendment.
Investigate measures to establish and enhance the urban tree canopy	Complete	The urban Tree Canopy Strategy adopted in 2024? The Urban Tree Canopy Strategy 2024-2040 adopted by Council in 2024. There is a need to investigate measures to establish and enhance the urban tree canopy by implementing the Urban Tree Canopy Strategy into Planning Scheme.
Develop a new Open Space Strategy for the Shire, to help inform future open space directions	Proposed	The existing Open Space Strategy (2005) is outdated and no longer reflects the current needs and priorities of the community. With significant changes in population density, urban development patterns, and environmental challenges, there is a pressing need for a new Open Space Strategy that aligns with contemporary planning principles and community expectations.
Develop a Neighbourhood Character Strategy	Complete	The Nillumbik Neighbourhood Character Strategy (NCS) was adopted by the Council in 2023. The implementation of the NCS is on hold, awaiting the adoption of the Draft Housing Strategy (HS), which is currently underway. According to Planning Practice Note 90, the NCS and HS must be integrated to effectively implement them into the planning scheme. For the outcomes of the NCS to have effect it must be implemented into the planning scheme.
Develop the Wattle Glen Public Realm Framework	Complete	The Wattle Glen Public Realm Framework was adopted by Council at the 27 August 2024. The Department of Transport and Planning (DTP) have formally confirmed their shared responsibility and agency to continue to partner with Council in the implementation of the framework. The framework

		does not provide detailed solutions for the key initiatives it outlines; these would be developed in partnership with DTP and in consultation with the community as future project funding allows.
Develop a Housing Strategy for the Shire	Underway	The Draft Nillumbik Housing Strategy has completed its first round of engagement. It is currently awaiting state reforms, including the Plan for Victoria and housing targets, which will have a significant impact on our HS. There will be a second round of engagement to exhibit the updated Draft HS and collect feedback. Once the Draft HS is adopted by the Council, it will be implemented into the planning scheme alongside the NCS.
Develop a plan for Research to improve amenity and functionality	Proposed	Yet to commence.
Implement the Major Activity Centre Structure Plans for Diamond Creek and Eltham into the planning scheme	Underway	Planning Scheme amendments C143nill and C144nill seek to implement the Eltham and Diamond Creek Major Activity Centre Structure Plans (respectively) into the Planning Scheme. The amendments have been exhibited, and a Planning Panel is scheduled for June 2025 to resolve submissions.
Investigate options to implement Environmentally Sustainable Development (ESD) principles into the planning scheme	Proposed	Pending State Government direction the ESD roadmap. However, to be aligned with and incorporated into the Housing Strategy.
Council Plan 2025-2029	Underway	Council Plan guides all our work, decision-making, and strategic direction for the next four years. Recommendations and actions identified by PSR 2025 will form the actions in the Council Plan 2025-2029.

Appendix 9 -What we have heard

Themes	Key points
Green Wedge	<ul style="list-style-type: none"> The community highly values the protection of Nillumbik's Green Wedge areas as a "Conservation Shire", which are seen as essential to maintaining the Shire's unique character and natural environment. Residents want to ensure that areas in the Green Wedge are safeguarded from overdevelopment and urban sprawl. Support for maintaining non-urban breaks and rural character in Nillumbik's planning. Advocacy for balancing rural living, agriculture, and conservation in Nillumbik's Green Wedge.
Climate Change and Environmentally Sustainable Development	<ul style="list-style-type: none"> Emphasis on preserving trees and biodiversity as central to Nillumbik's identity and climate resilience. The community highly values proactive measures to address climate change, with a strong emphasis on implementing resilient infrastructures and sustainable practices throughout Nillumbik. Community feedback suggests initiatives such as solar panel installations, community energy projects, and incentives for low-carbon transportation options. Feedback calls for all new development to incorporate sustainability from the planning phase, with stringent requirements for energy efficiency, sustainable material use, and design that considers long-term environmental impacts. There is a clear demand for robust regulatory frameworks that enforce climate action goals, ensuring that all sectors adhere to established environmental standards. There is a strong advocacy for policies that require new developments to include sustainable water management systems and enhanced natural vegetation. Residents want to see more emphasis on sustainable building practices, including the use of natural materials, passive design elements, and the retention of vegetation to improve thermal performance. Calls to highlight resilience and sustainability as core goals in addressing environmental hazards. Demand for better planning and clearer strategies to navigate housing developments in bushfire-prone regions.

Housing Supply	<ul style="list-style-type: none"> • The community supports responsible urban housing development that aligns with Nillumbik's character and environmental values. • There is a strong sentiment against overdevelopment, with many community members expressing concerns about the impact of high-density housing, subdivisions, and large-scale developments on the character of the area. • Residents want to ensure that new developments are low-rise, respectful of the existing landscape, and do not dominate the streetscape. • While there is a strong desire to protect the character of the area, some respondents also highlighted the need for diverse housing options to accommodate different life stages and income levels. • Concerns about medium-density housing potentially impacting aesthetics, heritage, and tree canopy. • Calls for balancing sustainable housing designs with maintaining the area's rural identity. • High demand for smaller homes and downsizing options, particularly for older residents wanting to age in place. • Support for accessible housing designs that meet the needs of semi-independent living and older demographics. • Mixed views on medium-density housing near activity centres: some see it as a way to protect the Green Wedge, while others worry about its impact on traffic, infrastructure, and character. • Requests for stricter controls and better design standards for medium-density developments. • Significant concerns about insufficient infrastructure (roads, transport, and facilities) to support increased population and housing density. • Feedback indicates a need for careful consideration of new development, neighbourhood character, and the natural environment, reflecting a desire to balance these elements without compromising cultural and historical values.
Neighbourhood Character	<ul style="list-style-type: none"> • The community highly values the unique character of their neighbourhoods, which includes elements such as vegetation, built form, street layout, building heights, streetscapes, setbacks, front fencing, footpaths, topography, and views. • There is a strong desire to protect and maintain the distinct look and feel of each area, ensuring that new developments respect and enhance the existing character. • Many respondents called for stronger, more specific language in the Neighbourhood Character Strategy to ensure that the guidelines are enforceable and can withstand challenges at VCAT (Victorian Civil and Administrative Tribunal).

	<ul style="list-style-type: none"> There is a desire for clearer rules around building heights, setbacks, and vegetation retention to prevent inappropriate developments.
Vegetation and Biodiversity	<ul style="list-style-type: none"> The community places a high value on preserving and enhancing trees, vegetation, and the green character of Nillumbik. There is significant concern about the loss of tree canopy and greenery due to development. Community members strongly support measures to ensure trees and vegetation are protected in new developments and built-up areas, emphasising the need for clear targets and robust indicators relating to tree conservation. Mixed views were expressed regarding tree and vegetation protection versus fire prevention strategies. The community recognises the need to balance fire safety measures with environmental conservation on both Council and private lands. Residents across the Shire value the preservation of vegetation, canopy, and understory, expressing a desire for Council actions that balance environmental sustainability with minimal degradation and tree loss. Participants expressed a strong preference for prioritising indigenous species in biodiversity efforts, suggesting that the strategy should emphasise native flora and fauna to maintain the local ecological balance. Concerns were raised about managing the balance between development and biodiversity, particularly how urban expansion and land use changes could impact the local environment. Emphasis on preserving trees and biodiversity as central to Nillumbik's identity and climate resilience.
Heritage	<ul style="list-style-type: none"> The community values the preservation of Nillumbik's cultural and historical heritage, including Indigenous and non-Indigenous sites. Residents want to see more efforts to celebrate and protect local history. The community values the cultural and historical heritage of Nillumbik, including the legacy of mud-brick homes, the arts community, and the unique architectural history of the area.
Transport	<ul style="list-style-type: none"> Better public transport options are a top priority, particularly for connecting rural areas and reducing reliance on cars.

	<ul style="list-style-type: none"> • Residents also want improved community transport services for older adults and people with disabilities. • Suggestions to include better integration of transport systems and their capacity in the planning framework. • Advocacy for maintaining trails and open spaces for community benefit. • There was a strong call for improvements in infrastructure supporting walking, cycling, and micro-mobility, with a particular emphasis on safety measures such as secure crossings and dedicated paths. • Residents want better lighting, footpath maintenance, and measures to reduce traffic congestion and improve road safety. • Issues related to parking emerged as a significant concern, with some participants noting a lack of adequate parking impacting residents and local businesses, while others called for better management of existing parking resources.
Open Space	<ul style="list-style-type: none"> • Residents also value access to facilities and programs that promote physical health, such as parks, playgrounds, and recreational activities. • Residents want more and better-maintained parks, playgrounds, and recreational facilities for all age groups. • There is a need for better infrastructure, such as footpaths, drainage, and public transport, to support the growing population while maintaining the character of the area.

Appendix 10 - Summary of VCAT cases

VCAT case	Permit Triggers	Summary	Decision
<i>A.P.G.P. Holdings Pty Ltd v Nillumbik SC [2019] VCAT 1097 (24 July 2019)</i>	<p>Clause 32.04-6- Construction of two or more dwellings on a lot in the GRZ1</p> <p>Clause 42.03-2 – Buildings or works over 7.5 metres in height within 5 metres of a substantial tree within the SLO3</p> <p>Clause 52.29 – Alter access to a road in the RDZ1</p>	<p>A.P.G.P. Holdings Pty Ltd's proposal to build eight two-storey dwellings at 1113-1115 Main Road, Eltham, was initially met with refusal from the Nillumbik Shire Council. The council cited concerns over neighbourhood character, inadequate landscaping, and design issues. Following this, the applicant submitted revised plans that included more visitor parking, leading the council to drop its parking objections but raising new design concerns.</p> <p>The Eltham Community Action Group supported the initial refusal, emphasising the limited landscaping and potential impacts on local amenity. Other community objections noted issues with potential traffic, noise, and parking overflow.</p> <p>The Tribunal set aside the Council's decision and granted a planning permit, subject to conditions. These conditions include reducing the number of retaining walls in the front setback to allow for better canopy tree planting, ensuring adequate landscaping, and addressing design details to improve functionality and amenity. The Tribunal emphasised the importance of enforcing landscaping requirements to maintain the area's character.</p>	set aside
<i>Hunter v Nillumbik SC [2019] VCAT 1296 (27 August 2019)</i>	<p>Clause 42.03-2 – to construct a building construct or carry out works</p>	<p>This proceeding involves a review request by applicants against the Nillumbik Shire Council's decision to issue a permit for a dwelling at 29 View Hill Crescent, Eltham. The applicants, local property owners, claim the proposed double-storey, V-shaped dwelling violates the Semi-Bush Precinct Significant Landscape Overlay Schedule 2 (SLO2), which aims to preserve the area's semi-bush character. They highlight issues with the dwelling's visual impact, inadequate setbacks, and other amenity impacts, alleging non-compliance with SLO2's local planning provisions. However, specific concerns like clause 54's setback and amenity requirements are generally addressed during the building permit process and are not directly relevant at this stage. Despite these concerns, the council endorses the proposal, noting that the dwelling's design and substantial setbacks will allow it to integrate into the existing landscape, thus fulfilling SLO2's objectives. Therefore, the decision to grant the</p>	affirmed

		permit is maintained, with conditions to ensure minimal environmental impact and adherence to local character standards.	
<i>Englemore Pty Ltd v Nillumbik SC [2019] VCAT 1136 (2 August 2019)</i>	Clause 32.09 – To construct two or more dwellings on a lot in a NRZ1 Clause 42.03 – To remove vegetation and excavation over 500mm within 5 metres of a substantial native tree	Englemore Pty Ltd's proposal to construct four dwellings along with fencing, earthworks, and vegetation removal at 28 Ryans Road, Eltham, was denied by Nillumbik Shire Council. The refusal hinged on the development's misalignment with the semi-bush neighbourhood character as per the Significant Landscape Overlay Schedule 2 (SLO2) and its failure to meet various objectives of Clause 55, including those related to street integration and open space. The applicant maintained that the development matched the nearby housing and addressed the site's needs, offering necessary housing near public transport and services. Concerns were also raised by a neighbouring property owner about visitor parking, streetscape character, and overdevelopment. Despite amended plans aimed at addressing these issues, the council continued its opposition, leading to a tribunal review. The tribunal upheld the council's decision, agreeing that the proposal did not adequately respect the local neighbourhood character or comply with Clause 55 standards.	affirmed
<i>Malotsis v Nillumbik SC [2019] VCAT 1301 (30 August 2019)</i>	Clause 32.08-3 to subdivide the land. Clause 32.08-6 to construct more than one dwelling on the lot.	In 2013, a permit was issued for subdividing land at 21 Stone Street, Diamond Creek, resulting in the lots now known as Nos. 1, 3, 5, and 7 Lambert Street. Further applications to build two dwellings on each lot and subdivide them further were denied by Nillumbik Shire Council, with the tribunal supporting these refusals. The current case involves the council's refusal to permit the construction of two dwellings and the subdivision of No. 1 Lambert Street. The applicant sought a tribunal review to gain approval for the proposal. The council opposed the development, arguing the site was unsuitable for medium-density housing due to its semi-rural setting and the development's intensity, pointing out issues like inadequate separation between dwellings, limited landscaping possibilities, and a failure to harmonise with the area's character. In contrast, the applicant contended that the proposal aligned with the general residential zoning and local policies, which support urban consolidation and efficient infrastructure use. The tribunal decided to grant the permit, contingent on detailed landscaping plans and the proposal's adherence to local policies, despite the council's concerns about the site's suitability for medium-density development.	set aside

<i>Smale v Nillumbik SC [2019] VCAT 1318 (2 September 2019)</i>	Clauses 32.03, 43.01 and 44.06 to subdivide the land. Clause 43.02 to remove and lop vegetation. Clause 52.17 to remove and lop native vegetation.	Tony Smale proposed subdividing land at 60 Lavender Park Road, Eltham, which includes a heritage residence and studio. The Nillumbik Shire Council refused the permit due to concerns about the subdivision's impact on heritage, vegetation, and local character. Smale submitted a revised plan supported by expert evidence advocating for the development. However, the Tribunal concluded that the proposal did not adequately address issues related to heritage preservation, potential impacts on trees, and bushfire management. Ultimately, the Tribunal upheld the Council's decision, and no permit was granted.	affirmed
<i>Calzone v Nillumbik SC [2019] VCAT 1322 (30 August 2019)</i>	Clause 32.08-6 to construct two or more dwellings on a lot in the GRZ1 Clause 42.03-2 for buildings and works and tree removal in the SLO3	<p>The applicant proposes to construct three double-storey dwellings on a corner lot at Main Road and Bayfield Drive, Eltham. The site is suitable for medium-density housing, but the Council has raised concerns that the design is too dominant in the streetscape, lacks adequate landscaping, and does not sufficiently reflect the preferred character of the Bush Garden Precinct. Amended plans presented at the hearing included improved material consistency and layout adjustments to address these concerns.</p> <p>The Tribunal deemed the Main Road setback insufficient, requiring it to be increased to 5m for the dwelling and 6m for the garage. It also called for enhanced landscaping opportunities and a relocated entryway. The design and setbacks of the upper floors were found acceptable, with private open spaces meeting the standard requirements, although the width of Dwelling 1's yard needed adjustment. Traffic and parking arrangements were largely satisfactory, with minor driveway refinements recommended.</p> <p>With these amendments and conditions addressing landscaping, setbacks, and design refinements, the Tribunal approved the development, finding it consistent with planning policy and neighbourhood character objectives.</p>	set aside
<i>Scheiber & Co Pty Ltd v Nillumbik SC [2019] VCAT 1428 (16 September 2019)</i>	Clause 32.08-6 – To construct two or more dwellings on a lot.	In January 2019, the applicant requested a Tribunal review after Nillumbik Shire Council failed to decide on their permit application within the statutory timeframe. Despite Council opposition and objections from five local residents regarding neighbourhood character, the Tribunal found compliance with Clause 52.06 for car parking. Key Clause 55 objectives, such as building height, site coverage, permeability, and private open space, were also met.	set aside

		The Tribunal acknowledged Council concerns about setbacks, landscaping, and visual dominance but deemed the design suitable for the site's context, which included potential for canopy tree planting and a lack of existing vegetation. Due to the Council's unjustified delay in decision-making, the Tribunal ruled in favour of fee reimbursement for the applicant, overturned the Council's refusal, and granted a permit with conditions to improve landscaping, setbacks, and design.	
<i>Lordan v Nillumbik SC [2019] VCAT 1758 (26 November 2019)</i>	Cl. 32.09-3 (subdivision of land in NRZ1))	The Tribunal reviewed Nillumbik Shire Council's refusal to grant a permit for a three-lot subdivision at 91 John Street, Eltham, with a focus on neighbourhood character, vegetation, and vehicle access. The Tribunal supported the Council's decision, determining that the proposal did not sufficiently respect the neighbourhood's bushland character and would result in built forms dominating the lots. While concerns about vehicle access and pedestrian safety were acknowledged, they were not the decisive factors in the ruling.	affirmed
<i>Lordan v Nillumbik SC [2019] VCAT 1757 (26 November 2019)</i>	Cl. 42.03-2 (the carrying out of works within 5.0 metres of the base of a substantial tree in SLO3)	The Tribunal reviewed a proposal for constructing a driveway and crossover at 91 John Street, Eltham, which Nillumbik Shire Council had rejected due to its potential impact on a significant tree (Tree 4A). The Tribunal found that the applicant did not adequately address the encroachment into the tree's protection zone. Despite the applicant's claims of minimal impact, the expert arborist evidence provided was deemed insufficient. Consequently, the Tribunal upheld the Council's decision, citing potential harm to the tree and insufficient evidence regarding the proposal's feasibility within the required guidelines.	affirmed
<i>Copper Lake Pty Ltd v Nillumbik SC [2019] VCAT 2056 (24 December 2019)</i>	Clause 35.06-5 –construction of a building and works in the RCZ3.	The Tribunal examined a proposal for a substantial shed and access track on a Kangaroo Ground property, used for alpaca grazing and a blue gum plantation. Spanning 11.85 hectares, the site was planned to feature a 648 square metre shed made from colorbond in 'pale eucalypt', positioned well within the property's boundaries. The application, lodged in April 2017, intended to support its agricultural use. However, the responsible authority disputed the established use of alpaca grazing and raised concerns about the shed's large size and visual impact according to Clause 59.13 of the Nillumbik Planning Scheme. Despite claims of long-term agricultural use by the applicant, the Tribunal upheld the refusal, noting the	affirmed

		shed's excessive scale and intrusive appearance, which were found incompatible with the rural environment and planning standards.	
<i>Fitzmaurice v Nillumbik SC [2019] VCAT 1015 (20 December 2019)</i>	Clause 36.02-1: a permit is required to use land for an Emergency Services Facility. Clause 36.02-2: A permit is required to construct a building or construct or carry out works. Clause 43.01-1: a permit is required to demolish or remove a building, construct a building or construct or carry out works. Clause 52.17: a permit is required to remove, destroy or lop native vegetation.	This application involves a group of objectors contesting the approval of a CFA (Country Fire Authority) station on public parkland at 109-115A Yan Yean Road, Plenty. The objections centre on heritage impact, loss of public space, vegetation removal, and road safety concerns. Although the objectors support the CFA, they argue that the chosen site is unsuitable. The Tribunal concluded that the community benefits provided by the new CFA station outweigh the potential negative impacts, thereby supporting the development in line with the Planning Scheme's principle of balance.	affirmed
<i>Vangona Nominees Pty Ltd v Nillumbik SC and Others [2020] VCAT 76 (20 January 2020)</i>	Clause 32.08-6-construction of two or more dwellings	This case involves a proposal by Vangona Nominees Pty Ltd to build nine double-storey dwellings at 36-38 Old Aqueduct Road, Diamond Creek. The Nillumbik Shire Council rejected the proposal, citing concerns with neighbourhood character and compliance with ResCode, highlighting issues such as excessive built form, insufficient landscaping, and inadequate response to the area's open space. The applicant contended that the design adequately addressed the site constraints. After considering all submissions, the Tribunal upheld the Council's decision, concluding that the development did not align with the Nillumbik Planning Scheme.	affirmed
<i>Lordan v Nillumbik SC [2020] VCAT 215 (25 February 2020)</i>	Clause 32.09-6 – Construct a second dwelling on a lot Clause 42.03-2 – Construct a building and construct and carry out works within five metres of a substantial tree (Trees 7, 12, 16, 24, 34, 43, 44, 48, 49 and 54) Clause 42.03-2 – Removal of a	Sue and Anthony Hill applied to build a second dwelling at 83 John Street, Eltham, which was contested by their neighbour, John Lordan. Mr. Lordan raised concerns regarding privacy, visual impact, tree removal, and drainage. He suggested modifications such as lowering the dwelling, constructing a robust fence, and ensuring adequate drainage. After reviewing all submissions and inspecting the site, the Tribunal decided to grant the permit. It found that the modifications to the dwelling sufficiently addressed privacy issues, the tree removal was justified, and the drainage provisions were adequate to protect neighbouring properties.	varied

	substantial tree (Trees 1, 3, 13, 14, 18, 22, 35, 38, 45, 50 and 52)		
<i>Sparks v Nillumbik SC [2020] VCAT 305 (10 March 2020)</i>	<p>Clause 32.04-2: Permit required for a 'food and drink premises (restaurant) with a gross leasable floor area exceeding 150sqm.</p> <p>Clause 32.04-9: A permit is required to construct a building or construct or carry out works for a use in Section 2 of the Land Use Table at Clause 32.04-2.</p> <p>Clause 42.03-2, s3.0 of Schedule 7: A permit is required to construct a building within 5.0m from a 'substantial tree'[2].</p> <p>Clause 43.01-1: A permit is required to construct a building, externally alter a building, construct a fence and to display a sign.</p> <p>Clauses 43.02-2 and 43.02-4: A permit is required to construct a building including external alterations, construct a fence and to display a sign (Category 4 of clause 52.05 applies).[3]</p> <p>Clause 52.27: A permit is required to use land to sell or consume liquor.</p> <p>Clause 52.29: A permit is required to alter access to land adjacent to a Road Zone Category 1.</p>	This case involves Mr. Gregory Sparks, who sought a review of the Nillumbik Shire Council's decision to grant a permit for a restaurant development at 736 Main Road, Eltham. Mr. Sparks expressed concerns about noise, traffic, and violations of a previous permit. Although the council recognised these prior breaches and proposed conditions to address them, the Tribunal identified unresolved issues, particularly regarding noise and amenity impacts, as critical. Due to insufficient evidence and ongoing uncertainties, the Tribunal overturned the council's decision and denied the permit.	set aside
<i>16 Taylor Pty Ltd v Nillumbik SC [2020]</i>	Clause 37.08-5 – to construct a building or construct or carry out	This case involves an appeal regarding the council's delay in deciding on a planning permit application for a development at a site subject to both the Activity Centre	affirmed

<i>VCAT 673 (22 June 2020)</i>	works. Clause 42.03-2 – to construct a building or construct or carry out works within 5 metres from the base of any substantial tree and to remove, destroy or lop vegetation.	Zone (ACZ1) and Significant Landscape Overlay (SLO1). The council had issues with the project's front setbacks, scale, and design, impacting trees and the overall landscape, asserting the development did not comply with local planning standards. Despite the applicant's amendments and arguments, the Tribunal found the proposed development inappropriate due to concerns about its visual impact, inadequate landscaping, and potential effects on nearby trees. The decision focused on the balance between maintaining the character and landscape of the area while accommodating development. Consequently, the Tribunal affirmed the council's decision to refuse the permit, highlighting the need for any new proposals to better address these concerns.	
<i>Sleeman v Nillumbik SC [2020] VCAT 708 (26 June 2020)</i>	Clause 32.09-3 To subdivide land in NRZ1 Clause 42.03-2 To remove, destroy or lop native vegetation in SLO2	Ms. Sleeman and her neighbours are contesting the Nillumbik Shire Council's approval of a two-lot subdivision and the removal of Tree 14 at 207 Ryans Road, Eltham North. The area is characterised by steep, vegetated terrain and diverse architecture, governed by the Neighbourhood Residential Zone and Significant Landscape Overlay, which mandate minimal environmental disruption. Despite the site's challenging topography, the council justified the subdivision by its proximity to local services. However, neighbours opposed this, particularly the impact on local character and vegetation due to tree removal. Reviewing the concerns, the subdivision and Tree 14's removal unacceptable, as they compromise the area's character and environmental integrity. Consequently, I have reversed the council's decision and refused the permit, upholding the site's environmental and residential context requirements.	set aside
<i>Connor v Nillumbik SC [2020] VCAT 852 (10 August 2020)</i>	Clause 42.03-2: Construct a building or construct or carry out works over 7.5m in height above the natural surface of the ground directly below it.	This proceeding reviews the Nillumbik Shire Council's decision to issue a permit for major alterations at 90 Brougham Street, Eltham, which triggers SLO3 regulations due to the structure's height exceeding 7.5 meters and its closeness to a significant tree. Neighbour Mr. Connor contested the permit, claiming the modifications conflict with the local landscape character. Upon reviewing the proposed design, landscaping, and materials, the Tribunal concluded that the alterations adhere to the character and stipulations of SLO3, thus approving the permit with minor modifications.	varied
<i>Campbell v Nillumbik SC [2020]</i>	Clause 32.09 to subdivide the land. Clause 32.09-3 details the requirements of clause 56 that	Mr. Campbell is appealing against the Nillumbik Shire Council's decision to deny a permit for subdividing land, removing vegetation, and conducting related works. He contends that the proposal aligns with relevant planning rules, and that the	affirmed

VCAT 933 (28 August 2020)	must be met. Clause 42.03 to construct a building and carry out works (earthworks, driveway and retaining walls) and removal of native vegetation. Schedule 2 contains (among others) a statement of nature and key elements of landscape, landscape character objectives and decision guidelines.	building envelope, setbacks, and landscaping suitably reflect the local character. Conversely, the Council objected to the proposal, citing issues with the placement of the building envelope, vegetation removal, and the overall impact on the local character. Both parties agree on the planning provisions and policies but disagree on their impact on the environment. The Tribunal recognises the site's potential for more intensive development due to its zoning, size, and proximity to services. Nevertheless, the proposal does not adequately address crucial planning concerns, particularly its integration with the public realm and its effects on an adjacent tree. These concerns are significant and not rectifiable through permit conditions. Therefore, the Tribunal upholds the Council's decision to refuse the permit, and no permit will be issued.	
<i>Miles v Nillumbik SC [2020] VCAT 904 (27 August 2020)</i>	Clause 33.03-1 – use of the subject land for a convenience restaurant. Clause 33.03-4 – construction or carrying out of works. Clause 52.27 – an increase to the number of patrons allowed under a licence and an increase in the area within which liquor is allowed to be consumed or supplied.	Joann Miles and others are challenging the Nillumbik Shire Council's decision to approve amendments to the planning permit for Second Home Kitchen Pty Ltd at 21 Brougham Street, Eltham. The proposed amendment includes extending the permit to encompass 25 Brougham Street for additional parking and increasing the restaurant's seating capacity from 59 to 83 patrons. The appellants are concerned about the amendment and the initial permit issuance, questioning their compliance with the planning scheme and potential community impact. The Tribunal reviewed the amendment's alignment with the Nillumbik Planning Scheme and the likely effects on local amenities due to increased patronage and construction activities. After evaluating the evidence and planning rules, the Tribunal agreed to issue an amended permit with specific conditions designed to reduce amenity impacts and ensure adherence to planning guidelines. Additionally, the Tribunal concluded that a cultural heritage management plan was unnecessary, considering the site had already undergone significant disturbances.	varied
<i>Madden v Nillumbik SC [2020] VCAT 968 (7 September 2020)</i>	Clause 32.08-6: Construct two or more dwellings on a lot in a GRZ Clause 52.17: Remove, destroy or lop native vegetation	In this case, local residents challenged the Nillumbik Shire Council's decision to permit the construction of six new dwellings behind an existing property at 17-19 Piper Crescent, Eltham, citing concerns about overdevelopment, neighbourhood character, safety, and emergency access. The applicant also contested specific conditions of the permit. Ultimately, the Tribunal determined that the development was an appropriate planning outcome that met strategic and regulatory standards, ensuring sufficient retention of native vegetation,	varied

		manageable off-site impacts, and safe vehicle access. Consequently, the permit was granted with conditions.	
<i>Michael Gavan & Ors v Nillumbik Shire Council [2020] VCAT 1169 (16 October 2020)</i>	Clause 32.09-6 construct two or more dwellings on a lot Clause 42.03-2- construction of buildings and works and removal of vegetation	This proceeding reviews the Nillumbik Shire Council's decision to approve a permit for constructing two additional dwellings and removing a tree at 102 Glen Park Road, Eltham North. The reviewers, Michael Gavan and Mr. Scott, expressed concerns regarding neighbourhood character, building bulk, tree loss, and traffic impacts. The permit applicants maintained that their design was appropriate and responsive to the site. After evaluating the proposal, the Tribunal concluded that the development adheres to planning policies, respects the local area's character, and meets parking requirements. Consequently, the Council's decision was varied, and the permit was granted.	varied
<i>Hart v Nillumbik SC [2021] VCAT 154 (16 March 2021)</i>	Cl. 32.08-6 (to construct a dwelling if there is at least one dwelling existing on the lot in GRZ1) Cl. 42.03-2 (to construct a building or carry out works if the height of any part of the building is more than 7.5 metres above the natural surface of the ground directly below; to remove, destroy or lop any substantial tree; and to construct a building or carry out works within 5.0 metres of the base of any substantial tree on land in SLO3)	This proceeding reviews an application following Nillumbik Shire Council's refusal to grant a permit for building a second dwelling, subdividing the land, and vegetation removal. During the hearing, the applicant withdrew the subdivision request. The Tribunal's main concern was whether the proposed development would respect or enhance the neighbourhood character. After reviewing the evidence and relevant planning rules, the Tribunal upheld the Council's decision to deny the permit, determining that the development did not satisfy the necessary planning and character criteria.	affirmed
<i>Rowe v Nillumbik SC [2021] VCAT 148 (19 February 2021)</i>	C.35.06-1 Table of Uses (a permit is required to use the land for a Restaurant). C.52.06-3 (a permit is required to reduce the number of car parking spaces).	This proceeding reviews a request by John and Laraine Rowe regarding the Nillumbik Shire Council's decision to amend a planning permit for a winery and restaurant at 195 Clintons Road, Smiths Gully. The objectors have voiced concerns about increased traffic, noise, biosecurity, waste management, and fire risk. The permit applicants contend that the proposed changes will foster business growth and bolster local tourism. The Council has deemed the amendments acceptable,	varied

	C.52.27 (a permit is required to use land to sell or consume liquor).	imposing conditions to regulate noise, and operational hours, and ensure that the development adheres to environmental and agricultural values.	
<i>Georgakopoulos v Nillumbik SC [2021] VCAT 381 (26 April 2021)</i>	Clause 32.09-3 to subdivide land within the Neighbourhood Residential Zone	The applicant, Fotini Georgakopoulos, is seeking a review of the Nillumbik Shire Council's refusal to grant a planning permit for a two-lot subdivision at 8 Bird Street, Eltham. The Council's refusal centred on concerns about the subdivision's impact on neighbourhood character, potential future development on Lot 2, and the effects on trees. However, the Tribunal overturned the Council's decision, finding the proposal for the two-lot subdivision to be acceptable. The Tribunal directed that a permit be issued, subject to conditions, as it conforms to relevant planning policies and addresses the concerns raised.	set aside
<i>S Georgy Pty Ltd v Nillumbik SC [2021] VCAT 289 (30 March 2021)</i>	Clause 37.08-4 (construct a building or construct or carry out works in ACZ1. In Precinct 2 a development must meet the requirements of Clause 55).	The case of S Georgy Pty Ltd v Nillumbik SC involves the construction of nine, three storey townhouse style dwellings, attached in a row along the Bible Street frontage. The site is on the eastern edge of the Eltham Activity Centre and within Precinct 2A in the Activity Centre Zone Schedule 1 (ACZ1-2A). In this case, the Council was concerned about the proposal not being consistent with neighbourhood character. Although the Council highlights that neighbourhood character is highly regarded by the community and the Planning Scheme, while the Tribunal acknowledges that the concept of providing townhouse style dwellings look different to the more usual apartment style buildings that have been approved to date. However, the Tribunal supported the concept of a more intensive built form on the site. The Tribunal points out that this type of built form might not have been present in Eltham before, but it provides a diversity of housing choice, which is an outcome sought in planning policy. In conclusion, the Tribunal considered that the proposal was an acceptable outcome and that when assessed against all relevant policies it did, on balance, achieve a net community benefit. Conditions discussed during the hearing will be applied to ensure the development harmonises with environmental and aesthetic standards.	set aside
<i>Petersson v Nillumbik SC [2021] VCAT 696 (29 June 2021)</i>	Clause 35.06-2 - to use the land for a dwelling Clause 35.06-5 - to construct a building or construct or carry out works Clause 42.01-2 - to construct a	In this VCAT proceeding, Magnus Petersson sought review of Nillumbik Shire Council's refusal to grant a permit for constructing a two-storey dwelling and pool, requiring tree removal for bushfire safety at 50 Watery Gully Road, Kangaroo Ground. The Council rejected the proposal, citing non-compliance with the Green Wedge policy and RCZ3 conservation values, which restrict new small-lot dwellings in rural areas. Despite concerns about neighborhood character and agricultural	set aside

	<p>building or construct or carry out works</p> <p>Clause 42.01-2 - to remove native vegetation</p> <p>Clause 44.06-2 – to construct a building or construct or carry out works associated with accommodation</p> <p>Clause 52.17-1 – to remove, destroy or lop native vegetation</p>	<p>impact, VCAT approved the permit, finding the development met planning policies and did not adversely affect the surrounding rural land. VCAT highlighted that the development supports conservation through substantial native vegetation retention and minimal visual impact, addressing the policy framework and delivering a net community benefit.</p>	
<p><i>Architectural Home Design v Nillumbik SC [2021] VCAT 748 (13 July 2021)</i></p>	<p>Clause 32.08-6: Construct two or more dwellings on a lot.</p> <p>Clause 42.03-2: Construct a building or construct or carry out works over 7.5m in height above the natural surface of the ground directly below it.</p>	<p>The Tribunal reviewed an appeal by Architectural Home Design against the Nillumbik Shire Council’s refusal to grant a permit for two double-storey dwellings on 51-53 Beard Street, Eltham. The Council cited non-compliance with neighbourhood character and landscaping objectives, over-dominance of built form and garages, and piecemeal development. Despite the applicant’s argument that the proposal matched the area’s character, the Tribunal found the design failed to address important policy objectives for maintaining garden settings, streetscape openness, and orderly planning. The Tribunal upheld the Council’s decision, emphasising the need for a comprehensive design approach.</p>	affirmed
<p><i>Stickland & Green v Nillumbik SC [2021] VCAT 695 (29 June 2021)</i></p>	<p>Clause 35.06 (subdivision and construction of a dwelling in RCZ3).</p> <p>Clause 42-01-2 (construct a building or construct or carry out works in ESO1).</p> <p>Clause 44.06-1 (Subdivide land and construct a building or construct or carry out works associated with accommodation in BMO).</p>	<p>This review marks the third application for subdivision and development at 170, 190, and 200 Watery Gully Road. Previous submissions were rejected due to policy concerns about green wedge land and zoning restrictions under RCZ3. Although transferring No. 190 to No. 200 provides advantages to Mr. Green, the fundamental issue of adding an extra dwelling on No. 170 continues to contravene planning policies. With no substantial modifications to address the reasons for prior rejections, the application does not deliver the necessary net community benefit, resulting in the refusal of the permit application.</p>	affirmed
<p><i>Skiba v Nillumbik SC [2021] VCAT 733 (8 July 2021)</i></p>	<p>Clause 35.06-1 – Use land for a primary and secondary school.</p> <p>Clause 35.06-5 – Construct or carry out buildings or works.</p>	<p>In this case, Mr. Skiba contested the Nillumbik Shire Council’s decision to grant a development permit, raising concerns about native vegetation removal, stormwater management, traffic impacts, and visual aspects of the proposed buildings. The Tribunal reviewed these issues thoroughly. It found that the tree</p>	varied

	<p>Clause 42.01-2 – Construct a building or construct or carry out works; and remove vegetation that is not identified as a ‘pest plant’.</p> <p>Clause 44.06-2 – Construct a building or construct or carry out works.</p> <p>Clause 52.17-1 – Native vegetation removal.</p>	removal was minimal and would be offset appropriately, stormwater runoff could be managed effectively on-site, and the traffic and parking arrangements were adequate for the increased demand. Moreover, the design and siting of the buildings were carefully considered to minimise visual impact and fit harmoniously within the rural setting. Consequently, the Tribunal was satisfied that the proposal met the Nillumbik Planning Scheme's requirements and decided to grant the permit with specific conditions to address the detailed concerns raised, ensuring a balanced development that respects both community and environmental values.	
<i>Gilbert v Nillumbik SC [2021] VCAT 768 (14 July 2021)</i>	<p>Clause 37.08-5 – Construct a building or construct or carry out works in the ACZ1.</p> <p>Clause 42.03-2 – Construct a building or construct or carry out works within 5 metres from the base of any substantial tree.</p>	Steven Gilbert sought a review of the Nillumbik Shire Council's failure to determine a permit application for six 3-storey dwellings in the Eltham Major Activity Centre (Eltham MAC). The Council opposed the proposal, citing concerns about its height, bulk, lack of landscaping, and potential overdevelopment. The Tribunal found the proposal unacceptable due to its overly bulky appearance and failure to align with the desired built form and character outcomes for the area, as defined by the planning controls.	affirmed
<i>Nikolovski v Nillumbik SC [2021] VCAT 1054 (10 September 2021)</i>	clause 2.1 of the agreement - amendment	This proceeding concerns an application by Robert and Ljubica Nikolovski to amend an agreement under Section 173 of the Planning and Environment Act 1987 for a subdivision that restricts the construction of more than one dwelling per lot. The applicants sought to allow two dwellings on their land (Lot 18). The Council refused the application, and the Tribunal upheld this decision. Key reasons include the amendment's potential to undermine the agreement's purpose of preserving the single-dwelling character and causing potential disadvantages to other lot owners in the subdivision.	affirmed
<i>SSH Constructions Pty Ltd v Nillumbik SC [2021] VCAT 1179 (13 October 2021)</i>	<p>Clause 32.03 for buildings and works associated with a section 2 use.</p> <p>Clause 42.01 to construct a building or construct or carry out works.</p> <p>Clause 43.02 for buildings and works.</p>	The St Macarius Coptic Orthodox Church sought to amend its planning permit after installing lighting that exceeded the initially approved one-meter bollard lighting, including three-meter-high pole lights and LED lighting on a church cross. After enforcement action by the Nillumbik Shire Council, the church applied for approval of the changes. The Council denied the request on four grounds, but the Tribunal has reviewed the case and set aside the Council's decision, granting an amended	set aside

	Clause 44.06 for buildings and works associated with a place of assembly.	permit with conditions for some of the lighting associated with the church and car park.	
<i>Sarantis v Nillumbik SC [2021] VCAT 1168 (7 October 2021)</i>	Clause 32.09-6: To construct two or more dwellings on a lot. Clause 42.03-2: To construct a building or construct or carry out works that exceed 7.5m in height above natural surface of the ground directly below it. To remove vegetation and construct buildings and works within 5.0m of a 'substantial tree'.	Arthur Sarantis appealed due to the Nillumbik Shire Council's failure to issue a permit for two double-storey dwellings at 40 Frank Street, Eltham. The council opposed the project, noting its significant distance from Eltham Activity Centre and challenging terrain, suggesting limited strategic justification for the development. It also critiqued the design for poorly responding to the adjacent public reserve and clashing with local neighbourhood and landscape character policies. Despite the applicant arguing that the design adhered to various Clause 55 standards and included ample new planting, the council's refusal was maintained, with support from previous VCAT decisions. The Tribunal evaluated whether the proposed built form suited the neighbourhood's character, ultimately upholding the council's decision to deny the permit due to the design's incompatibility with the area's landscape and character.	affirmed
<i>Mugavin v Nillumbik SC [2021] VCAT 1308 (4 November 2021)</i>	Clause 35.06-1 – to use land for horticulture. Clause 35.06-5 – to construct a building or construct or carry out works. Clause 35.06-5 – to construct a building which is within 100 metres from a waterway. Clause 42.01-2 – to construct a building or construct or carry out works.	The proceeding examines Nillumbik Shire Council's approval of a permit for a horticultural venture involving the erection of six greenhouses and related infrastructure. Objectors challenged the project based on its potential visual intrusion on rural scenery, increased traffic, and environmental repercussions. The Tribunal reviewed contributions from all involved parties, including specialist testimonies, and opted to adjust and approve the permit under specific stipulations. The greenhouses are intended for a vegetable cultivation enterprise that utilises controlled environmental settings to reduce pesticide and herbicide usage.	varied
<i>Bursten v Nillumbik SC [2021] VCAT 1475 (9 December 2021)</i>	Clause 32.08-6 – construction of two or more dwellings on a lot	This case concerns a redevelopment proposal for Valley Court, involving the construction of five townhouses. Nillumbik Shire Council approved the plan, deeming it compliant with planning policies and suitable for medium-density housing. However, Ms. Bursten and other objectors contested the approval, citing concerns over its effects on neighbourhood character, infrastructure, and overall amenity. Key issues addressed included the project's conformity with strategic	varied

		policies, neighbourhood character, design, and amenity impacts. Ultimately, the Tribunal adjudicated the proposal as acceptable and issued the permit.	
<i>Alfred v Nillumbik SC [2022] VCAT 107 (28 January 2022)</i>	Clause 35.06-5 to construct a building or works associated with a Section 2 Use on land within the Rural Conservation Zone Clause 35.06-5 to construct a building within 20 metres of a road or within 100 metres of a dwelling not in the same ownership, on land within the Rural Conservation Zone Clause 44.06-2 to construct a building or construct or carry out works associated with an accommodation use	This case involves a review of Nillumbik Shire Council's refusal to grant a permit for constructing six dwellings at 8 Inglis Street, Diamond Creek. The Council's refusal was based on concerns about the development's height, scale, inadequate landscaping opportunities, and substandard design quality. Additionally, the proposal conflicted with the Activity Centre Zone and ResCode provisions of the Nillumbik Planning Scheme, particularly in terms of neighbourhood character, amenity, and overdevelopment. The Tribunal supported the Council's decision, deeming the proposal unacceptable.	varied
<i>Ramage v Nillumbik SC [2022] VCAT 314 (23 March 2022)</i>	Clause 37.08-5: A permit is required to construct a building or construct or carry out works. Clause 42.03-2 and Clause 3.0 of Schedule 6: a permit is required to construct a building or carry out works within five (5) metres from the base of any substantial tree. Clause 42.03-2 and Clause 3.0 of Schedule 6: a permit is required to remove, destroy or lop any vegetation.	This case concerns a review of Nillumbik Shire Council's refusal to grant a permit for the construction of six dwellings at 8 Inglis Street, Diamond Creek. The refusal was based on concerns regarding the development's height, scale, poor landscaping opportunities, and design quality. It was also found to be inconsistent with the Activity Centre Zone and ResCode provisions of the Nillumbik Planning Scheme, with specific issues related to neighbourhood character, amenity, and overdevelopment. The Tribunal affirmed the Council's decision, finding the proposal unacceptable.	affirmed
<i>Bauer v Nillumbik SC [2022] VCAT 227 (2 March 2022)</i>	Clause 35.06-1 – use land for an art and craft centre (Section 2 use). Clause 35.06-5 – construct or carry out buildings or works associated with a use in Section 2. Clause 42.01-2 – construct or carry	This proceeding reviews the decision by Nillumbik Shire Council to amend an existing permit for a property at 1 Nyora Road, Eltham, used as an art and craft centre. The amendment follows complaints about noise and non-compliance with the permitted use, with allegations of the site being used for education and motor repairs, which are not permitted under the Rural Conservation Zone. The application seeks to officially include additional structures built on the property and	varied

	out buildings or works; excavation within 5 metres of a native tree; and the installation of paving to the west side of the centre.	adjust the permitted use to clarify operational hours and reduce car parking spaces. The proposal also addresses noise concerns and plans for more adequate site screening and storage. The Tribunal has decided to amend the permit, adjusting conditions to better reflect the current use and mitigate the impact on the local community and environment.	
<i>Stray v Nillumbik SC [2022] VCAT 346 (28 March 2022)</i>	<p>Clause 35.06-1 - Section 2 in the Table of Uses (a permit is required to use the land for agriculture and a restaurant in the RCZ3).</p> <p>Clause 35.06-5 (a permit is required to construct or carry out works for a building or works associated with use in Section 2 of Clause 35.06-1).</p> <p>Clause 44.06 (a permit is required for a Restaurant in the BMO).</p> <p>Clause 52.05-14 (a permit is required for a business identification sign with a total display area not exceeding 3 square metres).</p> <p>Clause 52.27 (a planning permit is required for an on-premises liquor licence).</p>	This proceeding concerns Mr. Dimitrios Missailidis' application to convert a shed into a licensed restaurant and start agricultural activities, including planting an olive grove and lemon trees on 4 hectares of land at 103 Bannons Lane, Yarrambat. The restaurant aims to cater to a maximum of 150 patrons and would operate from Wednesday to Sunday, with extended hours during Good Friday and ANZAC Day. Despite initial approval from Nillumbik Shire Council with specific conditions focusing on establishing agricultural activities before the restaurant begins operations, objections were raised regarding the appropriateness of the restaurant's size for the rural setting, its compliance with Green Wedge policy, and its reliance on the agricultural activity. Key issues also included insufficient information to make an informed decision and potential impacts on local amenity. The council supported the proposal, suggesting that it met agricultural conjunction requirements and would not significantly impact native vegetation. However, after considering all aspects and submissions, the Tribunal decided to refuse the permit, citing a lack of detailed and credible connection between the proposed agricultural activities and the restaurant operations, along with concerns about the proposal's potential impact on the rural residential character of the area.	set aside
<i>Curry v Nillumbik SC [2022] VCAT 420 (14 April 2022)</i>	<p>Clause 35.06-5 (a permit is required for buildings and works associated with a use in Section 2 of the Table of Uses at Clause 35.06-1).</p> <p>Clause 42.01-2 (a permit is required to construct a building or construct or carry out works).</p> <p>Clause 44.06-2 (a permit is required to construct a building or carry out</p>	This proceeding concerns the Tribunal's review of the Nillumbik Shire Council's refusal to grant a planning permit for constructing an outbuilding, extending a driveway, and installing associated water tanks at 370 Kangaroo Ground-Wattle Glen Road. The Council's refusal was based on the proposal's inconsistency with the Rural Conservation Zone objectives, particularly regarding scale and suitability under decision guidelines. The Tribunal's analysis focused on whether the building's scale was appropriate within the zone's aim to preserve the scenic, non-urban landscape. Despite the proposed outbuilding's visibility, given its separation from significant viewpoints and existing screening vegetation, the Tribunal concluded	set aside

	works associated with the use of land for accommodation).	the development's impact would be adequately mitigated, leading to the decision to grant the permit.	
<i>Len Constructions Pty Ltd v Nillumbik SC [2022] VCAT 408 (14 April 2022)</i>	Clause 32.09-3 (subdivision of land in NRZ1) Clause 42.03 works within 5m of Significant trees (Tree #1 and #2) in SLO3	In this case, the applicant proposes to divide the land into two lots, where Lot 1 will encompass the existing dwelling and Lot 2 will be left undeveloped. The plan involves a shared access through a carriageway easement and includes works close to two trees. The Council has expressed objections to the subdivision, citing concerns about the area's character and the proposed access arrangements. Nonetheless, the Tribunal approved the proposal, subject to conditions that mandate specific landscaping, the establishment of a building exclusion zone, and the construction of a driveway. These conditions are designed to permit modest residential development while securing a net community benefit.	set aside
<i>Hou v Nillumbik SC [2022] VCAT 508 (12 May 2022)</i>	Clause 32.08-6 – to construct two or more dwellings on a lot. Clause 42.03-2 – to construct a building or construct or carry out works and to remove, destroy or lop native vegetation.	This case involves a proposal for the construction of three part-triple storey dwellings at 11 Porter Street, Eltham, which was refused by the Nillumbik Shire Council. The main issues include concerns about the proposal's impact on the neighbourhood and landscape character, excessive building bulk, insufficient space for canopy tree planting, and visual dominance. The Tribunal concluded that the proposal did not respect the area's character or provide sufficient landscaping, resulting in an unacceptable planning outcome. As a result, the decision to refuse the permit was affirmed.	affirmed
<i>Malotsis v Nillumbik SC [2022] VCAT 617 (30 May 2022)</i>	Clause 32.08-6 - construction of two or more dwellings on a lot in the GRZ1. Clause 42.03-2 - construction of a building and works in the SLO3.	This case concerns an application to review Nillumbik Shire Council's failure to determine a permit for the construction of three double-storey dwellings at 2/12 Sheffield Street, Eltham. The Council raised concerns about the proposal's impact on neighbourhood character, landscaping, and design, specifically regarding the steep driveway slope, insufficient landscaping, and overlooking. Several objections were also filed by nearby residents. After reviewing submissions and amended plans, the Tribunal affirmed the Council's decision, refusing the permit.	affirmed
<i>Fitzpatrick v Nillumbik SC (Corrected) [2022]</i>	Clause 35.06- 1 and 35.06-5 – use and development of land for a dwelling and associated buildings and works	This proceeding concerns the review of Nillumbik Shire Council's refusal to grant a permit for a dwelling on Lot 6 of a 10-lot subdivision. The Council objected to the proposed dwelling and shed's location on a ridgeline, arguing it failed to comply with planning guidelines regarding vistas, proximity to roads, and visual	set aside

<i>VCAT 567 (20 May 2022)</i>	Clause 44.06-2 – buildings and works associated with a dwelling	prominence. Despite these concerns, the Tribunal found the proposal acceptable in the context of its environment and policies and approved an alternative building envelope under the section 173 agreement.	
<i>16 Taylor Pty Ltd v Nillumbik SC [2022] VCAT 510 (10 May 2022)</i>	Clause 37.08-5 – construct a building construct or carry out works Clause 42.03-2 - construct a building construct or carry out works Clause 42.03-2 – removal of substantial trees; building and works within 5 metres of a substantial tree	In April 2021, Nillumbik Shire Council refused a planning application for constructing an outbuilding, associated water tanks, and an extended driveway at 370 Kangaroo Ground-Wattle Glen Road. The applicant appealed against the Council's decision. The Council argued that the proposal was inconsistent with the Rural Conservation Zone's aims and failed to meet several decision guidelines under the Nillumbik Planning Scheme, emphasizing concerns about scale and usage. However, after review, it was found that the proposal, while visible, would not dominantly impact the landscape due to its siting and the generous setbacks provided. Considering the landscape and the existing site usage, the proposed extension, although prominent, would blend sufficiently without imposing on the rural character. Consequently, the decision was made to overturn the Council's decision and grant the permit.	set aside
<i>Macauley Environmental Developments Pty Ltd v Nillumbik SC [2022] VCAT 624 (7 June 2022)</i>	Clause 32.08-6 – to construct two or more dwellings on a lot. Clause 42.03-2 – to remove, destroy or lop any substantial tree.	This case involves an application by Macauley Environmental Developments Pty Ltd to construct three dwellings and remove vegetation at 7 Macauley Court, Eltham. The Nillumbik Shire Council refused the application, citing issues such as poor design response to the sloping site, adverse impacts on vegetation, insufficient space for landscaping, and over-reliance on the public nature strip for amenity. After reviewing the case, the Tribunal affirmed the Council's decision, concluding that the proposal overly relies on public spaces and fails to meet the planning scheme's requirements for streetscape and landscaping. No permit was granted.	affirmed
<i>Pobjoy v Nillumbik SC [2022] VCAT 823 (15 July 2022)</i>	Rural Conservation Zone (RCZ) Clause 35.06-1 (a permit is required for the use of land for a dwelling in the RCZ). Clause 35.06-5 (a permit is required to construct a building or works associated with a use in Section 2 of Clause 35.06-1).	In December 2020, Council refused a planning permit for Daniel Pobjoy's proposed dwelling, garage, and associated vegetation removal at 35 Flat Rock Road, Kangaroo Ground. The refusal was based on policies prioritising agriculture and habitat conservation, which suggested that the residential use would fragment potential agricultural land and diminish habitat value. However, the Country Fire Authority approved the proposal, subject to bushfire management measures. Pobjoy argued that the land, being historically non-viable for agriculture, would benefit environmentally from the development through a comprehensive land	set aside

	<p>Bushfire Management Overlay (BMO) Clause 44.06-2 (a permit is required to construct a building or construct or carry out works associated with Accommodation).</p> <p>Environmental Significance Overlay (ESO) Clause 42.01-2 (a permit is required to construct and building or construct or carry out works and to remove, destroy or lop any vegetation, including dead vegetation).</p> <p>The land is located on a bend of Flat Rock Road, approximately 2 kilometres north of Kangaroo Ground. The shape of the land approximates a triangle, with a boundary to Flat Rock Road of 226.52 metres (comprising 201.37 metres along the northeast aspect and 25.15 metres along the eastern aspect). The western boundary is 146.85 metres and the southern boundary is 156.97 metres. The total area is 1.21 hectares. The land has a northeast to southwest downward slope with an elevation drop of approximately 18 metres over a distance of 140 metres.</p> <p>The land is mostly cleared however,</p>	<p>management plan aimed at enhancing the site's ecological value. After reviewing the submissions and inspecting the land, the Tribunal decided to set aside the Council's decision and grant the permit, concluding that the proposal, with its land management commitments, constitutes an acceptable response to planning policies and will contribute positively to sustainable land management and biodiversity conservation.</p>	
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	there are scattered mature trees present that are indigenous to the area (predominantly Eucalyptus tricarpa - Red Ironbark). These trees are mostly located in the southern part of the land. Native trees (mostly Red Ironbark) also form a continuous belt within the Flat Rock Road reserve adjacent to the land.		
<i>Cottrell v Nillumbik SC [2022] VCAT 915 (11 August 2022)</i>	Clause 42.03-2 – Construct a fence. Clause 43.01-1 – Construct a building or construct or carry out works including a fence if the fence is visible from a street.	This proceeding involved a review of Nillumbik Shire Council's refusal to grant retrospective approval for a 1.34-meter-high, 100-meter-long timber picket fence at 19 Luck Street, Eltham. The Council had rejected the application due to non-compliance with the Significant Landscape Overlay (SLO2), emphasising the importance of open streetscapes and connectivity between gardens and roadside vegetation. The Tribunal supported the Council's decision, noting the fence's inconsistency with the area's bushland character and its lack of permeability, which created a visual barrier. Although the applicant's concerns for personal safety were recognised, the Tribunal concluded that the fence failed to align with the objectives of the Planning Scheme, and thus upheld the Council's decision to deny the permit.	affirmed
<i>Malotsis v Nillumbik SC [2022] VCAT 901 (9 August 2022)</i>	Clause 32.08-6 to construct a dwelling if there is at least one dwelling existing on the lot Clause 42.03-2 to construct a building or construct or carry out works that is within 5 metres of a substantial tree	Benjamin and Catherine Leigh applied for a planning permit to construct a second double-storey dwelling behind the existing one at 10 Sheffield Street, Eltham, including associated carport, garage, and tree removal. The Nillumbik Shire Council issued a Notice of Decision to Grant a Permit, which was appealed by objectors citing concerns about neighbourhood character, vegetation loss, visual bulk, and vehicle access issues. The Tribunal reviewed the proposal's compliance with planning policies, including the General Residential Zone (GRZ1) and Significant Landscape Overlay (SLO3). The Tribunal found the development acceptable, balancing the slope of the site, vegetation retention, and neighbourhood character. Conditions were added to ensure tree protection, enhanced landscaping, and compliance with driveway gradient standards. The Tribunal directed the permit be granted, subject to	varied

		specified conditions, affirming the proposal as a net community benefit consistent with the Planning Scheme.	
<i>Phipps CR Investment Holdings Pty Ltd v Nillumbik SC [2022] VCAT 999 (30 August 2022)</i>	<p>Clause 32.08-6 – to construct two or more dwellings on a lot.</p> <p>Clause 44.06-2 – to construct a building or construct or carry out works associated with Accommodation.</p> <p>Clause 52.17 – to remove, lop or destroy native vegetation.</p>	<p>The proceeding of Phipps CR Investment Holdings Pty Ltd v Nillumbik SC addresses review of a council's decision to refuse a permit for constructing 13 double-storey dwellings, later amended to eight single-storey dwellings, on a designated site. Initially facing 58 objections, five of which led to this review, the council's refusal was based on concerns about neighbourhood character, building bulk, setbacks, landscaping, and overdevelopment, along with Clause 55 standards. Even with the amended plans, the objectors and council maintained their original concerns, adding issues regarding traffic and parking. The Tribunal granted the permit subject to conditions, finding the revised proposal acceptable. The decision considered the site's General Residential Zone (GRZ1), which supports increased housing density, balanced against the area's Garden Court precinct character emphasising vegetation and setbacks. Conditions included adjustments to setbacks, waste collection, tree retention, and landscaping. The Tribunal also addressed the Bushfire Management Overlay (BMO) and included conditions ensuring adherence with bushfire safety standards.</p> <p>The Tribunal believes that the “Nillumbik Planning Scheme, like all planning schemes in Victoria, seeks outcomes that are acceptable, not perfect or ideal. This is what clause 65 seeks:</p> <p>The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.</p> <p>This position is also supported by the Supreme Court:</p> <p>The statement that the present outcome "might not be ideal" does not demonstrate an error in law. The planning scheme does not require an ideal outcome as a pre-requisite to a permit. If it did, very few, if any, permits for development would ever be granted and there would be difficult differences of opinion as to whether the outcomes were in fact ideal. The Tribunal is entitled to grant a permit where it is satisfied that the permit will result in a reasonably acceptable outcome having regard to the matters relevant to its decision under the planning scheme.”</p>	set aside

<i>Dickson v Nillumbik SC [2022] VCAT 1084 (19 September 2022)</i>	Clause 32.09-6 To construct two or more dwellings on a lot in the NRZ1. Clause 42.03-2 Buildings and works greater than 7.5m in overall height and within 5m of Significant Trees in the SLO3 Clause 42.03-2 Removal of vegetation in SLO3	This proceeding evaluated Nillumbik Shire Council's decision regarding a development proposal for two dwellings within a Neighbourhood Residential Zone and under the Significant Landscape Overlay (SLO3). The application, which involved removing vegetation and working close to significant trees, sparked issues about neighbourhood character, vegetation protection, and the impact on local amenity. The Tribunal approved the proposal with specific modifications to lessen the visual bulk and enhance tree protection and landscaping. This included increasing the setbacks, adjusting building designs to better preserve existing vegetation, and enhancing landscaping plans to better integrate with the area's bush garden character. A permit was issued with detailed conditions focused on maintaining tree preservation, ensuring landscape integration, and adhering to neighbourhood character standards, aiming to balance development with environmental conservation.	set aside
<i>32 Collard Estates Pty Ltd v Nillumbik SC [2022] VCAT 1045 (9 September 2022)</i>	Clause 32.08-3 – Subdivide land. Clause 42.01-2 – Construct a building or construct or carry out works; subdivide land; and remove vegetation. Clause 44.06-2 – Subdivide land; construct a building or construct or carry out works associated with accommodation. Clause 52.17-1 – Native vegetation removal.	The Tribunal overturned Nillumbik Shire Council's decision to refuse a 56-lot subdivision at Collard Drive, Diamond Creek, finding it aligned with strategic and planning policies. Originally proposed as a 67-lot development, the revised plan accommodates housing growth while considering environmental factors, preserving significant trees and incorporating public open spaces. The subdivision design features smaller lots along Collard Drive with larger lots positioned to the south, reflecting the site's constraints and semi-bush character objectives. Adjustments to the road layout and comprehensive bushfire management strategies have received backing from experts and key agencies, including the Department of Environment, Land, Water and Planning (DELWP) and the Country Fire Authority (CFA). The Tribunal concluded that the subdivision delivers a net community benefit, provided that specific conditions related to vegetation management, construction impacts, and bushfire mitigation are met.	set aside
<i>White v Nillumbik SC [2022] VCAT 1221 (21 October 2022)</i>	Clause 37.01 (construct a building or construct or carry out works and vegetation removal in SUZ2). Clause 42.01 (construct a building or construct or carry out works including fencing and vegetation removal in ESO1).	The Tribunal upheld the Council's refusal of a permit for a single-storey outbuilding (94.5m ²) and four gates at a Bend of Islands property. The proposal required the removal of eight indigenous trees and expanded clearing beyond the designated development area, conflicting with the Special Use Zone Schedule 2 (SUZ2) and Environmental Significance Overlay 1 (ESO1). The outbuilding was deemed visually intrusive, adding to site clutter, while the gates detracted from the bushland character. Despite the applicant's justification for fire equipment storage and	affirmed

	Clause 52.17 (remove, destroy or lop vegetation on land with an area greater than 0.4 hectares).	security, the Tribunal found the proposal failed to align with planning controls prioritising environmental and landscape preservation.	
<i>Rizk v Nillumbik Shire Council [2022] VCAT 1236 (31 October 2022)</i>	<p>Clause 32.04-9: A permit is required for buildings and works associated with a Section 2 Use (Food and Drink premises). The Food and Drink premises exceeds the permitted leasable floor area of 150sqm in the Land Use Table.</p> <p>Clause 43.01-1: A permit is required for:</p> <p>Buildings and works.</p> <p>Partial demolition of existing buildings.</p> <p>A solar energy system attached to a building that primarily services the land on which it is situated if the services are visible from a street.</p> <p>A fence if the fence is visible from a street.</p> <p>Externally alter a building; and</p> <p>Construct or display a sign.</p> <p>Clause 43.02-2: A permit is required to construct a building including external alterations, construct a fence and display a sign.</p> <p>Clause 42.03-2: A permit is required to construct a building within 5.0m from a substantial tree.[1]</p> <p>Clause 52.05: To construct and display a sign (Category 4 – DDO1)</p>	<p>The Tribunal examined conditions attached to a permit for modifications at 736 Main Road, Eltham, involving solar panels, a server window, and an acoustic fence. The applicant requested amendments to these conditions, which included the removal of some solar panels, restrictions on the use of the server window, and specifications for the acoustic fence treatment. The Tribunal agreed to partially amend the conditions, allowing a reduction in the number of solar panels and removing the requirement for glare treatment on the window. However, it maintained restrictions on the use of the window as a server and upheld the necessity for acoustic fencing to mitigate increased noise from the car park. In its decision, the Tribunal stressed the importance of balancing heritage conservation, safety, and residential amenity, while also supporting energy efficiency initiatives.</p>	varied

<i>1208MRE Pty Ltd v Nillumbik SC (Corrected) [2022] VCAT 1419 (13 December 2022)</i>	Construction of two or more dwellings in GRZ1. Construction of buildings and works over 7.5 metres in height or within 5.0 metres of the base of a substantial tree in SLO3.	The Tribunal reviewed a proposal for 11 apartments at 1208 Main Road, Eltham, following Nillumbik Shire Council's refusal of the planning permit. The applicant had reduced the number of units from 15 to 11 in an attempt to address initial concerns. However, the revised proposal was still found to be incompatible with the site's "bush suburban" character. The design's clustered buildings, inadequate setbacks, and poor integration with the surrounding landscape did not align with the character preservation goals. Additionally, unresolved issues with car parking, internal amenity, and access via a narrow service road, which posed traffic and pedestrian safety concerns, contributed to the decision. Despite the site's zoning for medium-density housing, the Tribunal concluded that the proposal failed to effectively balance housing diversity with local character preservation. Consequently, the Tribunal upheld the council's refusal, and no permit was granted.	affirmed
<i>Diamond Valley Developments Pty Ltd v Nillumbik SC [2022] VCAT 1435 (16 January 2023)</i>	Clause 32.08-6, a permit is required to construct two or more dwellings on a lot. Clause 43.03-2, a permit is required to construct a building or carry out works. A permit is required to remove vegetation.	Diamond Valley Developments Pty Ltd appealed against Nillumbik Shire Council's decision to refuse a permit for the construction of four two-storey dwellings and vegetation removal at 63 Batman Road, Eltham. The Tribunal reviewed the revised plans, which included adjusted setbacks, the elimination of a visitor car space, and altered driveway configurations. Both the Council and local objectors had opposed the development, raising issues regarding overdevelopment, the visual bulk of the buildings, poor vegetation retention, insufficient setbacks, and impacts on local amenity. In its assessment, the Tribunal determined that the site was appropriately located for medium-density development, considering its close proximity to local services and the activity centre. Although the development would lead to the removal of some vegetation, it preserved significant high-value trees and included provisions for new canopy plantings, which would contribute to the area's "bush garden" character over time. The concerns related to the buildings' bulk and setbacks were addressed through thoughtful landscaping and design adjustments, including reverse living arrangements that took advantage of the site's topography. The Tribunal granted the permit, concluding that the development successfully balanced housing diversity, vegetation retention, and neighbourhood character, aligning well with established planning policies.	set aside
<i>Georgakopoulos v Nillumbik SC [2023]</i>	Clause 32.09-6 (NRZ1) – construct two or more dwellings on a lot;	Fontini Georgakopoulos appealed against Nillumbik Shire Council's decision to refuse permission to subdivide the property at 8A Bird Street, Eltham into four lots	set aside

VCAT 172 (21 February 2023)	Clause 32.09-3 (NRZ1) – to subdivide the land; and Clause 42.03-2 (SLO2) – to construct a building or to carry out works.	and to construct four dwellings. The land falls under the Neighbourhood Residential Zone 1 (NRZ1) and Significant Landscape Overlay 2 (SLO2), which demand that any development maintains the semi-bush character of the area. The Council had rejected the initial proposal, pointing to issues of overdevelopment, excessive bulk, inadequate tree planting, and concerns over amenity. Upon review, the Tribunal found that the proposal supported the provision of medium-density housing close to local services and could integrate well with the neighbourhood character, provided that suitable landscaping was implemented. The Tribunal mandated modifications to the landscaping plans, specifically requiring the replacement of Golden Wattles with native canopy trees and the involvement of a professional for oversight of the planting process. The Tribunal granted the planning permit with these conditions and additionally ruled that the Council should reimburse Fontini Georgakopoulos for the costs incurred during the appeal process.	
<i>Eskander & Shehata Property Group Pty Ltd v Nillumbik SC [2023]</i> VCAT 111 (3 February 2023)	Clause 32.08-6 - construction of two or more dwellings on a lot in the GRZ1.	An application proposing the construction of seven mixed-height dwellings around preserved trees in Diamond Creek was denied by the council, citing reasons such as overdevelopment, non-compliance with local planning clauses, and adverse impacts on neighbourhood character and infrastructure. The decision was challenged by the applicant at the Tribunal, who argued that the project made efficient use of the site's unique features and addressed concerns highlighted by experts. Despite these arguments, the Tribunal concurred with the council, especially pointing out issues with the site layout, the potential effects on local trees, and the lack of sufficient amenity for both existing residents and future occupants. The Tribunal ultimately upheld the council's decision and did not grant a permit.	affirmed
<i>SBL Developments Pty Ltd v Nillumbik SC [2022]</i> VCAT 1266 (3 November 2022)	Use and development of a child care centre in TZ Buildings and works in BMO1 Buildings and works in DDO5 Buildings and works including removal of vegetation in SLO2 Alteration of access to a road in TRZ2	This proceeding reviews SBL Developments Pty Ltd's application to construct a 65-place childcare centre at 782 Heidelberg-Kinglake Road, Hurstbridge, which Nillumbik Shire Council refused. The application's suitability is debated mainly on two fronts: first, whether the design maintains the rural and natural essence of the Hurstbridge township as mandated by the Nillumbik Planning Scheme, and second, whether the access arrangements ensure safety and appropriateness. The applicant contends that the design effectively integrates urban design principles with bushfire protection policies and addresses the community's need	affirmed

		for childcare services. However, the Tribunal concluded that the proposed structure is excessively imposing and does not align with the township's characteristic low-scale, village-like appearance. Concerns were also noted regarding the building's poor integration with the natural surroundings, the predominance of hard landscaped areas, and an inadequate streetscape presentation. Despite acknowledging the advantages such as improved pedestrian pathways and the provision of childcare, the design was considered inadequate. Consequently, the Tribunal upheld the council's decision to refuse the permit.	
<i>Quarter Prospect Pty Ltd v Nillumbik SC [2023] VCAT 65 (31 January 2023)</i>	Cl. 37.08-5 (the construction of a building and the construction and carrying out of works on land in ACZ1) Cl. 42.03-2 (the construction of a building or the construction and carrying out of works within 5.0 metres of a substantial tree on land in SLO1; and the removal of a substantial tree on land in SLO1)	This proceeding involves a review by the Tribunal of Nillumbik Shire Council's decision to deny a permit for constructing four two-storey dwellings and removing trees on designated land. The council's refusal cited concerns about the development's built form, landscaping, setbacks, design detail, and overall density. The pivotal issue examined is whether the proposed development delivers an acceptable built form and landscape outcome, considering the site's physical and strategic context. After reviewing the submissions and evidence, assessing relevant policies of the Planning Scheme, and conducting a site inspection, the Tribunal decided to set aside the council's decision.	set aside
<i>Akdeniz v Nillumbik SC [2023] VCAT 205 (6 March 2023)</i>	Clause 32.09-6 - to construct a dwelling if there is at least one dwelling existing on the lot. Clause 32.09-3 - to subdivide land. Clause 42.03-2 - to construct a dwelling within 5 metres of a tree, remove two native trees, construct a brush fence, undertake excavation greater than 500mm in depth and construct retaining walls within 5 metres of a tree.	Mr. Akdeniz applied to Nillumbik Shire Council for permission to build a second house, conduct earthworks, remove native vegetation, build a fence, and subdivide his property into two lots. The Council refused, leading Mr. Akdeniz to seek a review. He argues the development is low-impact, fits local medium-density policies, and respects the landscape. The Council contends the design doesn't fit the area's character or topography, involves excessive earthworks, and won't support significant vegetation. Key issues include the suitability of adding a dwelling and lot, the proposal's design and character, and its compliance with environmental overlays. Ultimately, the Tribunal sided with the Council, agreeing that the proposal did not meet the necessary character, landscape, and environmental guidelines, resulting in the decision to deny the permit.	affirmed
<i>Aloi v Nillumbik SC [2023] VCAT 357 (3 April 2023)</i>	Clause 32.08-6: To construct a dwelling if there is at least one dwelling existing on the lot in the	Adrian Aloi applied for a permit to construct a second dwelling in Eltham, which was initially refused by the Nillumbik Shire Council due to concerns about neighbourhood and landscape character, as well as overdevelopment. Despite	set aside

	GRZ1. Clause 42.03-2: to construct a building and construct and carry out works in the SLO2; and to construct a fence (specified in the schedule to the overlay) in the SLO2.	amendments to the plans, which included adjusted setbacks and a reduced height to better blend with local aesthetics, the Council maintained its opposition. However, the Tribunal overturned the Council's decision, recognising strategic support for the development based on its proximity to services and transport, although it is not adjacent to the Eltham Activity Centre. The Tribunal's approval was contingent on the proposal's ability to integrate with the existing neighbourhood character and appropriately respond to the landscape. To ensure compatibility with local standards and policies, specific conditions were attached to the permit.	
<i>Scott v Nillumbik SC [2023] VCAT 497 (19 May 2023)</i>	Clause 35.06-1 (RCZ) a permit is required to: - use the land for the purposes of a dwelling (section 2 use). Clause 35.06-5 (RCZ) a permit is required to: - construct a building associated with a section 2 use; and - construct a building which is within 100 metres from a waterway. Clause 42.01-2 (ESO) a permit is required to: - construct a building or construct or carry out works. Clause 44.06-2 (BMO) a permit is required to: - construct a building or construct or carry out works associated with use for accommodation.	This proceeding, Application P966/2022, reviews Geoffrey Scott's challenge against the Nillumbik Shire Council's refusal to grant a permit for a dwelling at 1025 Cottles Bridge-Strathewen Road, Strathewen. The Council's refusal was based on several factors, including non-alignment with the Municipal Planning Strategy, which focuses on preserving the environmental integrity of the Green Wedge and discouraging residential development that impacts rural landscapes and agriculture. Additionally, the development was deemed inconsistent with the sustainable land management and conservation values required by the Rural Conservation Zone. The applicants contended that the dwelling would minimally impact the environment and enhance their ability to manage the land's ecological values. VCAT set aside the Council's decision, granting the permit subject to conditions, finding the proposal acceptable within the relevant planning frameworks.	set aside
<i>Celik v Nillumbik SC [2023] VCAT 857 (21 July 2023)</i>	Clause 32.08-6 construct two or more dwellings on a lot	This proceeding addresses Nillumbik Shire Council's refusal to issue a planning permit for three dwellings at 17 Dartagook Street, Diamond Creek Valley, situated under a Bushfire Management Overlay. The refusal was based on the proposal's	affirmed

	Clause 44.06-2- construction of buildings and works	<p>inadequate integration with the local character, specifically concerning its bulk, massing, and insufficient landscaping. Additional concerns included the site's remoteness from Diamond Creek Activity Centre and limited public transport access.</p> <p>The applicants contended that the design was considerate of the site's constraints and aligned with objectives of the General Residential Zone and Bushfire Management Overlay. However, the Tribunal supported the Council's decision, emphasising that the proposal failed to comply with the Planning Policy Framework, local policies, and Clause 55 ResCode standards, particularly in relation to privacy and potential overlooking impacts on adjacent properties.</p>	
<i>Rowe v Nillumbik SC [2023] VCAT 1013 (30 August 2023)</i>	<p>Clause 35.06-5 to construct or carry out buildings and works associated with a dwelling where the additions are greater than 100 square metres.</p> <p>Clause 44.06-2 to construct a building or construct or carry out works associated with a dwelling where the additions are greater than 50% of the existing floor area</p> <p>Clause 52.17-1 to remove, destroy or lop native vegetation</p>	<p>This proceeding concerns an application to review a condition on Planning Permit No. 142/2022/05P, issued for alterations to a dwelling and native vegetation removal at 51 Valley Road, Wattle Glen. The condition, 1(a), required evidence of a secured offset for vegetation removal before development commenced. The applicant argued the condition duplicated existing requirements in Conditions 5 and 6, which already mandated offsets under the planning scheme.</p> <p>The Tribunal agreed with the applicant, finding Condition 1(a) unnecessary as Conditions 5 and 6 adequately addressed offset obligations. Retaining Condition 1(a) could delay unrelated works, such as building renovations. While the Council viewed the condition as a safeguard to ensure compliance, the Tribunal determined it was redundant and deleted it from the permit. The permit was varied to reflect this decision.</p>	varied
<i>Bernadini v Nillumbik SC [2023] VCAT 922 (9 August 2023)</i>	<p>Clause 32.09-6 - to construct a dwelling if there is at least one dwelling existing on the lot.</p> <p>Clause 32.09-3 - to subdivide land.</p> <p>Clause 42.03-2 - to construct building or carry out works including within 5.0 metres of a substantial tree, undertake</p>	<p>This proceeding concerns an application to review Nillumbik Shire Council's refusal to grant a permit for constructing a second dwelling, associated works, native vegetation removal, and a two-lot subdivision at 17 Dartagook Street, Diamond Creek. The proposed dwelling featured a two-storey contemporary design with significant excavation and landscaping alterations.</p> <p>The Council refused the application due to conflicts with planning policies, including neighbourhood character, landscape objectives, and excessive excavation impacting native vegetation. The Tribunal upheld the Council's decision, finding the</p>	affirmed

	excavation greater than 500mm in depth and remove native trees.	proposal inconsistent with the area's preferred character and failing to address significant landscape and environmental objectives. Key issues included the dwelling's bulk, its impact on trees with high arboricultural value, and inadequate measures to preserve native vegetation and topography. The Tribunal concluded the proposal failed to meet the Planning Scheme requirements and declined to grant a permit.	
<i>Bassett-Smith v Nillumbik SC [2023] VCAT 1250 (15 November 2023)</i>	Clause 32.08-6: Construct a second dwelling on a lot. Cause 42.03-2: Construct a building or construct and carry out works.	<p>This proceeding concerns a review of the Nillumbik Shire Council's refusal to grant a permit for constructing a second dwelling, carport, and associated works at 17 Helene Street, Eltham. The proposal also includes landscaping and partial demolition of existing structures.</p> <p>The Council refused the application, citing conflicts with neighbourhood character objectives under Clause 15.01-5L and the Significant Landscape Overlay (Schedule 3). Key concerns included the dwelling's bulk, scale, siting near boundaries, lack of meaningful landscaping, and visual impacts on neighbouring properties. Additionally, the Council argued the proposal failed to meet key standards of Clause 55 (ResCode), including neighbourhood character, landscaping, and overlooking provisions.</p> <p>The Tribunal upheld the Council's decision, finding the proposal inconsistent with neighbourhood and landscape character policies. The lack of space for meaningful canopy tree planting and excessive visual bulk in the rear yard setting were significant issues. The Tribunal concluded the design represented overdevelopment and affirmed the Council's decision to refuse the permit.</p>	affirmed
<i>Murray v Nillumbik SC (Corrected) [2023] VCAT 1299 (11 January 2024)</i>	Clause 42.03-2 – To construct a fence in a SLO2	This proceeding concerns a review of Nillumbik Shire Council's decision to impose a condition on a planning permit for a retrospective front fence at 8 Bird Street, Eltham. The fence, made of Colorbond slats with 5mm spacing, ranges from 1.5m to 1.8m in height. Council required adjustments to the slat spacing to achieve 25% transparency, citing the Significant Landscape Overlay (SLO2) and Semi-Bush 3 (SB3) precinct objectives, which favour open, bushland-style streetscapes with minimal or transparent fencing.	varied

		<p>The applicant argued the fence was necessary to improve privacy and reduce glare from headlights due to its proximity to neighbouring driveways. The Tribunal found the existing fence, with its muted design and limited length, did not significantly detract from the area's semi-bush character. It also noted Bird Street already features numerous front fences. The Tribunal concluded the condition was unnecessary and directed its removal, allowing the existing fence to remain unchanged.</p>	
<p><i>Murphy v Nillumbik SC [2023] VCAT 1337 (1 December 2023)</i></p>	<p>Subdivision of land in both RCZ3 and BMO. Alteration of access to a road in TRZ2.</p>	<p>This proceeding involves Rowan Murphy's application for a planning permit to rearrange the title boundaries of three lots at 1622 – 1630 Main Road, Research, creating a common area for access. Despite meeting requirements under the Bushfire Management Overlay (BMO), Nillumbik Shire Council refused the permit based on the Rural Conservation Zone (RCZ) provisions. The council argues that the re-subdivision would improperly increase the number of dwellings permissible on the land, leading to potential negative impacts on native vegetation and complications regarding the provision of reticulated services. The key issues to be addressed include whether the re-subdivision increases permissible dwellings, if the new lot configuration adheres to RCZ provisions, and any other land management or risk concerns that might justify permit refusal. After reviewing the evidence and submissions, the decision was to grant the permit with conditions, as the re-subdivision was found to be acceptable under the planning scheme.</p>	<p>set aside</p>
<p><i>Eltham Prospect Pty Ltd v Nillumbik SC [2024] VCAT 82 (31 January 2024)</i></p>	<p>Clause 32.08-7 To construct two or more dwellings on a lot in the GRZ1. Clause 42.03-2 To carry out works within five metres of the base of a substantial tree. Clause 52.06-3 Reduction in requirement for one visitor car space.</p>	<p>This proceeding concerns a planning review for a development at 51-53 Beard Street, Eltham. The proposal involves replacing an existing dwelling with five single-storey homes, following a previous refusal for a different project. Nillumbik Shire Council initially refused the permit, citing issues with design and integration into the landscape. However, after considering amended plans and the site's proximity to amenities, the Tribunal overturned the council's decision and granted the permit.</p> <p>Key considerations included the development's alignment with the bush garden character of the neighbourhood, the adequacy of proposed landscaping, and the management of amenity impacts and traffic concerns. To ensure integration with the existing environment, the Tribunal imposed additional landscaping conditions,</p>	<p>set aside</p>

		reinforcing the importance of local planning policies that balance medium-density housing needs with the preservation of the area's natural aesthetic.	
<i>G3 Projects Pty Ltd v Nillumbik SC [2024] VCAT 138 (23 February 2024)</i>	<p>Clause 37.08: Use of dwellings at ground level and development of buildings and works in ACZ1.</p> <p>Clause 42.03: Construct buildings and works within five metres of a tree protected under SLO1.</p> <p>Clause 52.06 in conjunction with clause 45.09 – reduction in car parking, with reference to the PO1.</p>	<p>The case involves a proposal to develop two mixed-use buildings, four to five storeys high, at 22 Arthur Street and 25 Dudley Street in Eltham, Victoria. The development plan includes removing some vegetation and reducing car parking requirements, following a 2019 Tribunal decision that rejected a previous proposal for a taller development on the same site due to poor integration with the landscape and community. The Nillumbik Shire Council initially refused the permit, prompting a review by VCAT.</p> <p>Despite concerns related to built form, height, landscaping, car parking, vegetation protection, and local character, VCAT deemed the outcome acceptable and overturned the council's decision, issuing a planning permit with conditions to ensure compliance with local planning policies and mitigate impacts. The proposal includes one car space per building that complies with the Disability Discrimination Act 1992. The Tribunal was satisfied that the proposed car space, although not directly next to the lift core, was sufficiently conveniently located. The Tribunal also noted that there was no requirement in the planning scheme for a DDA-compliant space or how it should be allocated, yet the overall design met DDA requirements. The Tribunal accepted that the landscape space provided was adequate for a commercial context and did not require relocation of the DDA spaces as suggested by council engineering comments.</p>	set aside
<i>Diamond Valley Developments Pty Ltd v Nillumbik SC [2024] VCAT 244 (20 March 2024)</i>	<p>Clause 32.08-6[1] – Construction of two or more dwellings on a lot within the GRZ1</p> <p>Clause 43.03-2 – Construction of buildings and works, including removal of vegetation in the SLO3</p>	<p>The proceeding involves a review of Nillumbik City Council's decision to refuse consent to revisions associated with a planning permit for development at 63 Batman Road, Eltham. The proposed revisions include changes to the privacy screens and balcony screens across several dwellings. The council determined that secondary consent was not appropriate for these changes, citing that they have significant implications in relation to the planning controls and do not meet the Overlooking Standard.</p> <p>The Tribunal's decision considered the criteria set forth in the Westpoint case for allowing secondary consent, concluding that the proposed changes do not</p>	set aside

		<p>transform the overall proposal or introduce requirements for primary consent, and are not of consequence to the planning control's purpose. Additionally, it determined that the changes do not contradict any specific requirements of the permit.</p> <p>The key issue was whether the proposed changes could be managed under the secondary consent mechanism and if they were appropriate. The Tribunal also evaluated if the changes were of "material consequence" regarding the planning controls and if they complied with the Overlooking Standard. After reviewing the submissions and evidence presented, including sightline diagrams and the application of the Overlooking Standard, the Tribunal decided to set aside the council's decision and allow the secondary consent plans to be endorsed, deeming the proposed changes acceptable.</p>	
<p><i>Brougham Street Cohousing Pty Ltd v Nillumbik SC [2024] VCAT 360 (22 April 2024)</i></p>	<p>Clause 32.04-7 to construct two or more dwellings on a lot on land within the Mixed Use Zone</p> <p>Clause 42.01-2 to construct a building, construct or carry out works, and construct a fence on land to which the Environmental Significance Overlay applies</p> <p>Clause 42.03-2 to construct a building, construct or carry out works, construct a fence, and removal of vegetation on land to which the Significant Landscape Overlay applies</p> <p>Clause 43.01-2 to partly demolish a building, and to construct a building and construct or carry out works on land to which the Heritage Overlay applies</p> <p>Clause 43.02-2 to construct a</p>	<p>This proceeding concerns a review of Nillumbik Shire Council's decision to refuse a permit for 21 dwellings at 62A Brougham Street, Eltham, proposed by Brougham Street Cohousing Pty Ltd. The project is a citizen-led initiative aiming to provide affordable, sustainable housing with communal facilities. The council cited design, landscaping, and flood risk concerns, but the Tribunal found the proposal aligned with local policies promoting medium-density housing in the Mixed Use Zone.</p> <p>The Tribunal deemed the design compatible with the Eltham Gateway's character, maintaining vegetation dominance and minimising visual impact. It upheld the project's response to flooding constraints, ecological considerations, and bushfire risk while ensuring no unreasonable off-site amenity impacts. Acknowledging innovative architecture and community focus, the Tribunal set aside the council's decision, granting a permit subject to conditions to enhance integration with the area's heritage and landscape.</p>	<p>set aside</p>

	building and construct or carry out works on land to which the Design and Development Overlay applies Clause 44.04-2 to construct a building and construct or carry out works (including a fence and decks) on land to which the Land Subject to Inundation Overlay applies		
<i>Parkinson v Nillumbik SC [2024] VCAT 402 (2 May 2024)</i>	Clause 32.09-6 construct two or more dwellings on a lot Clause 42.03-2- construction of buildings and works and removal of vegetation	<p>This proceeding concerns a planning permit application for two dwellings at 117 Franklin Street, Eltham. Nillumbik Shire Council refused the permit on 29 March 2023, citing concerns over the proposal's alignment with the character of the area, landscaping opportunities, and vegetation impacts. The Council argued the design conflicted with the purposes of the Neighbourhood Residential Zone 1 (NRZ1), the Significant Landscape Overlay 3 (SLO3), and several ResCode standards.</p> <p>The applicant, Mr. Song, appealed the decision, asserting the design was site-responsive, aligned with the Planning Policy Framework, and complied with ResCode. Expert evidence supported claims that vegetation removal and landscaping were appropriate, and the proposal reflected the area's built-form and landscape character.</p> <p>The Tribunal identified the key issues as the proposal's consistency with state and local policies, zoning and overlay purposes, and Clause 55 standards. Concluding the proposal achieved a balance between increased density and preserving the area's character, the Tribunal overturned the Council's decision. The permit was granted with conditions addressing vegetation retention, landscaping, and compliance with local guidelines.</p>	set aside
<i>Foster v Nillumbik SC [2024] VCAT 462 (17 May 2024)</i>	Clause 32.08-5 (construct two or more dwellings on a lot in GRZ1).	<p>This proceeding concerns a refused application to construct three attached double-storey dwellings on a sloped site in Nillumbik Shire. The council and neighbours opposed the development, citing its negative impact on neighbourhood character, significant tree removal, and concerns over privacy, traffic, and parking. The applicant argued the proposal adhered to local policies, addressed housing needs, and appropriately considered the site's constraints.</p>	affirmed

		Key issues included alignment with planning strategies, environmental impact from vegetation removal, and the adequacy of car parking and access. The Tribunal assessed whether the development met planning objectives, integrated with the landscape, and preserved the area's character. The Tribunal upheld the council's refusal, finding the proposal failed to deliver net community benefit, did not align with broader policy outcomes, and denied the permit.	
<i>Brisbane Silver Pty Ltd v Nillumbik SC (Corrected) [2024] VCAT 376 (4 June 2024)</i>	<p>Clause 33.03-1 – use the land for the purposes of industry</p> <p>Clause 33.03-1 – use the land for the purposes of offices</p> <p>Clause 33.03-1 – use the land for the purposes of food and drink premises (café)</p> <p>Clause 33.03- 1 - use the land for the purposes of warehouse (self-storage units)</p> <p>Clause 33.03-4 – to construct a building, to construct or carry out works</p> <p>Clause 52.06- reduction in the car parking requirement for warehouse (self-storage units).</p> <p>Clause 52.05 – to display business identification signage greater than 8m2 in area</p>	This proceeding concerns an application by Brisbane Silver Pty Ltd, Slaco Investments Pty Ltd, and others to develop the Mesh Industry Park within the Bridge Street Business Area. The proposal includes a café, self-storage units, offices, and industrial units across three zones with vehicle access and limited pedestrian connectivity. Nillumbik Shire Council refused the permit, citing conflicts with local planning objectives, particularly regarding visual amenity, functionality, accessibility, traffic impact, and pedestrian safety. Despite amended plans, the council and a local community group opposed the development, raising concerns about its scale, design, and traffic implications. The Tribunal set aside the council's decision, granting a permit with conditions to address these concerns and ensure an acceptable built form outcome.	set aside

DRAFT

Appendix 11 – Errors and Anomalies

HO80 - Mapping	Not covering the hawthorn Hedges
HO61	Thread Palms have been removed by Council
HO17 - Mapping	Extent of mapping not aligning with Statement of Significance. Also reference to a 25m radius around heritage buildings not matching mapping.
HO7	Subdivision has resulted in land that may not require the HO
62A Brougham St, Eltham	Partial DDO1 missing
SLO Permit Trigger	Particular weed species triggering the need for a planning permit.
28 Station St, Diamond Creek	Zoned TRZ1 when it would be more appropriately zoned ACZ2
West of Coventry Oval, Diamond Creek	ACZ2 land appears to have the incorrect Neighbourhood Character classification under Clause 15.01-5L.
DCP04	Section 2.0 table - R006 has the incorrect percentage
130 Allendale Rd, Eltham North	Land has been incorrectly rezoned to Public Park and Recreation Zone (PPRZ) when it is privately owned and already used for residential land uses, including accommodation.

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Financial Report

31 March 2025



Financial Report - 31 March 2025

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Financial Report - 31 March 2025

Income Statement

For the financial year to date 31 March 2025

	YTD Budget	YTD Actuals	YTD Variance Fav / (Unfav)		Annual Budget
	\$	\$	\$	%	\$
Income					
Rates	64,839,083	65,134,152	295,069	0.46	65,213,001
Waste management charge	15,058,927	15,139,596	80,669	0.54	15,058,927
Government grants-recurrent	5,249,368	5,440,383	191,015	3.64	5,920,506
Government grants-non-recurrent	9,498,867	10,090,089	591,222	6.22	16,324,717
User charges	12,411,093	12,322,236	(88,857)	(0.72)	18,639,561
Statutory fees and fines	1,492,958	1,357,997	(134,961)	(9.04)	2,127,640
Reimbursements	57,031	81,136	24,105	42.27	57,031
Interest income	1,070,480	1,245,552	175,072	16.35	1,250,000
Capital contributions	142,584	226,508	83,924	58.86	1,009,212
Other revenue	465,836	1,283,366	817,530	175.50	702,579
Contributions	103,500	1,158,170	1,054,670	1,019.00	103,500
Total income	110,389,727	113,479,185	3,089,458	2.80	126,406,674
Expenses					
Employee benefits	30,871,000	29,426,494	1,444,506	4.68	42,552,693
External contracts	16,215,859	16,807,320	(591,461)	(3.65)	24,238,306
Materials and related costs	13,374,679	14,464,350	(1,089,671)	(8.15)	18,570,841
Other expenditure	4,978,499	5,274,934	(296,435)	(5.95)	7,955,373
Interest expenditure	625,963	625,958	5	0.00	966,484
Financial year projects allocation	1,091,427	1,115,150	(23,723)	(2.17)	2,637,819
Total expenses	67,157,427	67,714,206	(556,779)	(0.83)	96,921,516
Earnings before Depreciation	43,232,300	45,764,979	2,532,679	5.86	29,485,158
Depreciation	9,330,000	9,330,000	-	-	12,440,000
Net Surplus	33,902,300	36,434,979	2,532,679	7.47	17,045,158

Financial Report - 31 March 2025

Balance Sheet

For the financial year to date 31 March 2025

	31-Mar-25	30-Jun-24
	\$	\$
ASSETS		
Current assets		
Cash assets	33,881,406	40,410,000
Other Financial Assets	5,000,000	10,000,000
Receivables	36,365,355	14,589,000
Accrued income	835,323	990,000
Prepayments	480,021	1,790,000
Inventories	13,026	32,000
Total current assets	76,575,131	67,811,000
Non-current assets		
Investments in associates	1,649,722	1,650,000
Other Financial Assets	5,000	5,000
Property, infrastructure, plant & equipment		
At cost	1,351,653,020	1,351,852,000
Accumulated depreciation	(346,165,484)	(336,844,000)
Work in progress	32,954,603	11,466,000
Right of use assets	1,120,502	1,121,000
Total non-current assets	1,041,217,363	1,029,250,000
TOTAL ASSETS	1,117,792,494	1,097,061,000
LIABILITIES		
Current liabilities		
Creditors	3,781,871	2,667,000
Trust funds	2,495,964	3,729,000
Prepaid income	686,820	289,000
Unearned Income	-	8,018,000
Accrued expenses	2,000	5,977,000
Provisions	7,584,066	12,728,000
Borrowings	665,657	2,617,000
Lease liabilities	401,579	402,000
Total current liabilities	15,617,957	36,427,000
Non-current liabilities		
Provisions	21,956,492	16,861,000
Borrowings	17,065,879	17,066,000
Lease liabilities	804,467	804,000
Total non-current liabilities	39,826,838	34,731,000
TOTAL LIABILITIES	55,444,795	71,158,000
NET ASSETS	1,062,347,699	1,025,903,000
Presented by:		
Accumulated surplus	399,781,779	399,772,000
YTD surplus/(deficit)	36,434,978	-
Asset revaluation reserve	590,134,952	590,134,000
Other reserves	35,995,990	35,997,000
TOTAL EQUITY	1,062,347,699	1,025,903,000

Financial Report - 31 March 2025

Statement of Cash Flows

For the financial year to date 31 March 2025

	31-Mar-25 YTD \$	30-Jun-24 * \$
Inflows from operating activities		
Rates	58,895,213	76,630,000
Statutory fees & fines	1,357,997	1,865,000
User charges	12,385,529	17,097,000
Grants	7,617,653	7,683,000
Contributions	1,890,457	1,403,000
Interest	1,245,552	2,104,000
Other receipts	844,927	7,148,000
Total inflows from operating activities	84,237,328	113,930,000
Outflows from operating activities		
Payments to suppliers	(35,966,438)	(56,542,000)
Payments to employees	(29,426,494)	(38,645,000)
Trust	(1,233,036)	(77,000)
Other payments	(5,274,934)	(7,894,000)
Total outflows from operating activities	(71,900,902)	(103,158,000)
Movement in operating activities	12,336,426	10,772,000
Inflows from investing activities		
Proceeds from sale of assets	199,056	279,000
Proceeds from investments	5,000,000	-
Outflows from investing activities		
Payments for property, infrastructure, P&E	(21,486,363)	(17,651,000)
Payments for investments	-	(5,000,000)
Movement in investing activities	(16,287,307)	(22,372,000)
Inflows from financing activities		
Proceeds from borrowings	-	8,000,000
Outflows from financing activities		
Repayment of borrowings	(1,951,631)	(1,897,000)
Borrowing costs	(625,958)	(697,000)
Interest paid - lease liabilities	-	(75,000)
Repayment of lease liabilities	(124)	(420,000)
Movement in financing activities	(2,577,713)	4,911,000
TOTAL CASH MOVEMENT FOR PERIOD	(6,528,594)	(6,689,000)
Opening bank balance	40,410,000	47,099,000
Net increase/(decrease) in cash and cash equivalents	(6,528,594)	(6,689,000)
CLOSING BANK BALANCE	33,881,406	40,410,000

*Comparative reflective of annual report which has been rounded to the nearest thousand

Financial Report - 31 March 2025

1. Income Statement Variance Analysis

a. Operating Income year to date

	YTD Budget	YTD Actuals	YTD Variance Fav / (Unfav)		Annual Budget
	\$	\$	\$	%	\$
Income					
Rates	64,839,083	65,134,152	295,069	0.46	65,213,001
Waste management charge	15,058,927	15,139,596	80,669	0.54	15,058,927
Government grants-recurrent	5,249,368	5,440,383	191,015	3.64	5,920,506
Government grants-non-recurrent	9,498,867	10,090,089	591,222	6.22	16,324,717
User charges	12,411,093	12,322,236	(88,857)	(0.72)	18,639,561
Statutory fees and fines	1,492,958	1,357,997	(134,961)	(9.04)	2,127,640
Reimbursements	57,031	81,136	24,105	42.27	57,031
Interest income	1,070,480	1,245,552	175,072	16.35	1,250,000
Capital contributions	142,584	226,508	83,924	58.86	1,009,212
Other revenue	465,836	1,283,366	817,530	175.50	702,579
Contributions	103,500	1,158,170	1,054,670	1,019.00	103,500
Total Operating Income	110,389,727	113,479,185	3,089,458	2.80	126,406,674

Significant variance commentary:

Rates and Waste Management Charge \$375,738.

- Reflective of supplementary valuations.

Recurrent Government Grants \$191,015.

- Additional funding received from:
 - Department of Education \$96,757.
 - Department of Transport and Planning \$37,288.
 - Department of Health \$28,332.

Non-Recurrent Government Grants \$591,222.

- New funding received from:
 - Department of Social Services \$146,114.
 - Ausnet \$240,909.
 - Department of Education \$85,995.
 - Transport Accident Commission \$25,000.
- Additional funding received from Department of Government Services \$80,000.

User Charges (\$88,857).

- Leisure facilities income (\$158,189).
- Asset protection fee income (\$55,522).
- Living and Learning community program fee income \$70,042.
- Subdivision supervision fee income \$21,686.
- Edendale nursery plant sales \$16,195.

Statutory Fees and Fines (\$134,961).

- Planning application fees (\$169,129).
- Building permit fees (\$26,302).
- Planning prosecution income \$70,000.

Interest Income \$175,072.

- Interest earned on investments.

Capital Contributions \$83,924.

- Yarra Plenty Regional Library \$75,000.

Other Revenue \$817,530.

- Insurance claim refunds \$358,860.
- Aligned Leisure facilities \$130,591.
- Recycling collection - container deposit scheme refunds \$114,211.
- Storm event claim return \$108,251.
- VicRoads roadside maintenance \$37,792.
- Recycling and Recovery Centre recycling income \$24,829.

Contributions \$1,054,670.

- Developer contributions received for open space and DPO4 area infrastructure and open space \$1,036,552.

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b. Operating Expenditure year to date

	YTD Budget	YTD Actuals	YTD Variance		Annual Budget
	\$	\$	\$	%	\$
Expenditure					
Employee benefits	30,871,000	29,426,494	1,444,506	4.68	42,552,693
External contracts	16,215,859	16,807,320	(591,461)	(3.65)	24,238,306
Materials and related costs	13,374,679	14,464,350	(1,089,671)	(8.15)	18,570,841
Other expenditure	4,978,499	5,274,934	(296,435)	(5.95)	7,955,373
Interest expenditure	625,963	625,958	5	0.00	966,484
Financial year projects allocation	1,091,427	1,115,150	(23,723)	(2.17)	2,637,819
Total operating expenditure	67,157,427	67,714,206	(556,779)	(0.83)	96,921,516

Significant variance commentary:

Employee Benefits \$1,444,506.

- Year to date variances resulting from position vacancies due to resignations, staff being on secondment or long service leave.

External Contracts (\$591,461).

- Leisure facilities expenditure (\$525,225).
- Agency and temporary staff engaged to backfill vacant roles (\$347,674).
- External consultants engaged to provide specialised services (\$62,246).
- Cleaning service requirements for public facilities (\$55,096).
- Former Plenty landfill site leachate compliance requirements (\$44,101).
- Disposal costs:
 - Recycling \$183,880.
 - Organics \$142,116.
- Hard waste collection \$66,506

Materials and Related Costs (\$1,089,671).

- Contractors engaged for provision of mowing services (\$722,312).
- Traffic Enforcement parking overstay detection sensors (hardware and software) (\$205,399)
- Insurance policy premiums higher than budgeted (\$114,714).
- Graffiti removal costs (\$60,486).
- Major patching (\$40,977).
- Waste Management inspections \$88,804.

Other Expenditure (\$296,435).

- Lease costs for:
 - cleansing equipment (\$76,714).
 - street sweeper (\$40,903).
- Vegetation offsets for planning permits (\$50,906).
- Planning permit costs for arboriculture activities (\$47,044).
- Alliance memberships for advocacy (\$32,317).
- Sportsground maintenance (\$21,803).

Financial Report - 31 March 2025

2. Statement of Capital Works

For the financial year to date 31 March 2025

Asset Class	YTD Budget	YTD Actuals	YTD Variance Fav / (Unfav)		Annual Budget
	\$	\$	\$	%	\$
Bridges	41,328	41,342	(14)	(0.03)	241,182
Children's playground equipment	53,984	53,998	(14)	(0.03)	341,006
Commercial centres/major streetscapes	151,804	151,674	130	0.09	1,109,429
Digital transformation projects	163,681	209,316	(45,635)	(27.88)	517,589
Disability access works	32,320	32,839	(519)	(1.61)	100,000
Drainage	431,335	431,331	4	0.00	960,292
Footpaths	382,932	385,936	(3,004)	(0.78)	967,048
Landfill closure/regional park	4,356,239	4,534,097	(177,858)	(4.08)	7,011,414
Major leisure centres & community halls	47,184	1,373,479	(1,326,295)	(2,810.90)	100,539
Other council buildings	3,001,289	3,489,057	(487,768)	(16.25)	5,497,441
Other infrastructure	159,297	181,794	(22,497)	(14.12)	402,630
Plant & vehicle replacement	1,377,956	1,377,956	-	-	2,265,648
Public open space	744,953	748,322	(3,369)	(0.45)	1,002,552
Recreation, leisure & community	2,819,919	3,040,364	(220,445)	(7.82)	9,194,284
Recreation trails	329,055	327,704	1,351	0.41	3,847,540
Roads	3,168,094	3,353,701	(185,607)	(5.86)	6,107,036
Special charge schemes	42,584	44,396	(1,812)	(4.25)	42,584
Sportsfields & pavilions	972,354	1,028,730	(56,376)	(5.80)	4,334,898
Traffic works	393,531	394,762	(1,231)	(0.31)	1,056,406
Various/miscellaneous capital	114,000	288,061	(174,061)	(152.69)	114,000
Total	18,783,839	21,488,859	(2,705,020)	(14.40)	45,213,518
Renewal	5,403,325	5,671,463	(268,138)	(4.96)	8,476,178
New	1,979,349	1,970,707	8,642	0.44	7,954,518
Upgrade	10,455,101	12,849,009	(2,393,908)	(22.90)	25,442,503
Expansion	946,064	997,680	(51,616)	(5.46)	3,340,319
Total	18,783,839	21,488,859	(2,705,020)	(14.40)	45,213,518

Commentary:

The 2024-25 annual capital works program is underway and is tracking well, with a total spend variance of 14.40% percent ahead of budget. This remains within annual budget projections.

Projects currently under construction:

- Alistair Knox changing places - installation of Nillumbik's first registered changing places facility and upgraded amenities
- Eltham Lower Park dog park - conversion of a section of the existing horse and pony club to create new dog park space
- Plenty War Memorial Oval - LED lighting upgrade
- Urban Congestion Busting – pedestrian crossing and associated civil works complete, traffic signals to be complete April/May

Projects recently completed:

- Rejuvenation of Ryan's Reserve - upgrade of playground and installation of new public amenities facility
- Diamond Valley Library outdoor space - construction of new outdoor educational and learning space
- Diamond Creek Tennis court reconstruction
- Herberts Lane play space - construction of a new play space near Herberts Lane, Diamond Creek
- Kangaroo Ground Tennis Club car park upgrade
- Eltham North Adventure Playground car park upgrade
- Edendale shade sail construction

The overall financial position of the capital works portfolio spend continues to be closely monitored.

Financial Report - 31 March 2025

3. Treasury

a. Loans

Financial Institution	Start date	Term (years)	End date	Principal	Interest Rate	Current Balance
				\$	%	\$
NAB	28/06/2007	20	28/06/2027	2,200,000	6.96%	401,457
NAB	27/06/2008	20	27/06/2028	3,647,000	7.87%	1,004,780
TCV	22/06/2022	7	22/06/2029	7,000,000	4.42%	4,503,298
NAB	10/06/2011	20	10/06/2031	2,120,000	7.91%	1,037,442
NAB	21/06/2021	10	21/06/2031	3,303,000	2.03%	2,064,375
ANZ	29/06/2012	20	29/06/2032	2,373,000	5.88%	1,189,104
TCV	3/05/2024	10	3/05/2034	8,000,000	5.13%	7,531,079
Total						17,731,536

b. Investment activities

Council carries out investment activities according to Section 143 of the Victorian Local Government Act 1989. All Council funds are invested with Authorised Deposit Taking Institutions (ADI's), in either cash, at call or term deposits. The following tables provide our investment portfolio by maturity and rating type.

Financial Institution	Green Investment	S & P Rating	Investment Type	Principal \$	Maturity Date	Term (days)	Interest Rate %
AMP		A2	11:00am	4,020,652			4.80%
CBA		A1+	11:00am	3,500,000			3.90%
ING		A1	Term Deposit	2,000,000	3/04/2025	31	4.28%
Bendigo	Yes	A2	Term Deposit	1,000,000	14/04/2025	40	4.10%
NAB		A1+	Term Deposit	2,000,000	5/05/2025	90	4.90%
Bendigo	Yes	A2	Term Deposit	1,500,000	12/05/2025	180	5.10%
NAB		A1+	Term Deposit	4,000,000	12/05/2025	91	4.90%
NAB		A1+	Term Deposit	2,000,000	20/05/2025	90	4.83%
Westpac		A1+	Term Deposit	2,000,000	26/05/2025	91	4.63%
NAB		A1+	Term Deposit	3,500,000	2/06/2025	91	4.70%
Westpac		A1+	Term Deposit	1,000,000	2/06/2025	90	4.62%
Westpac		A1+	Term Deposit	5,000,000	11/06/2025	365	5.15%
ING		A1	Term Deposit	2,000,000	25/08/2025	180	4.71%
BOQ		A2	Term Deposit	2,000,000	2/09/2025	180	4.75%
Total				35,520,652		Weighted average	4.71%

Financial Institution Rating	Investment	Portfolio
A1+	23,000,000	64.75%
A1	4,000,000	11.26%
A2	8,520,652	23.99%
Total	35,520,652	100%

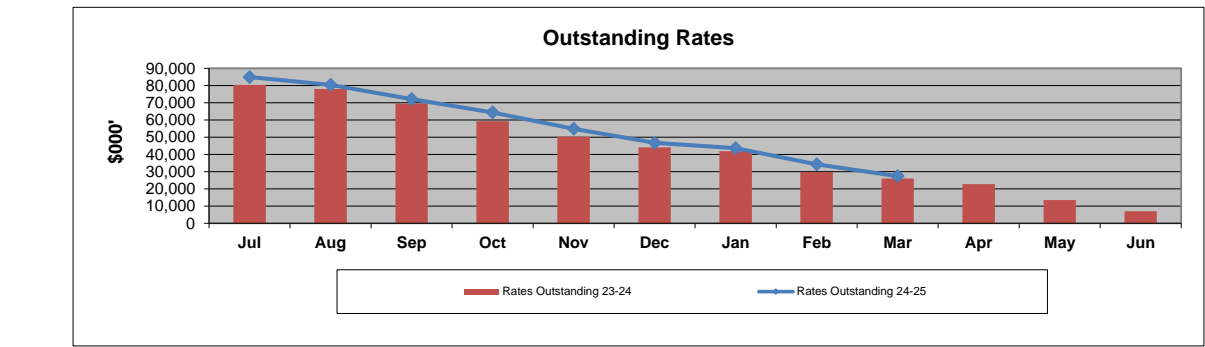
Council's current average rate of return on investments for the 2024-25 financial year is 4.71 percent and is compliant with Council's investment policy.

The portion of investment portfolio currently invested with green institutions is 7.04 percent. Green institutions are defined as being fully divested from fossil fuels, that is, having no direct or indirect investment in the fossil fuel industry.

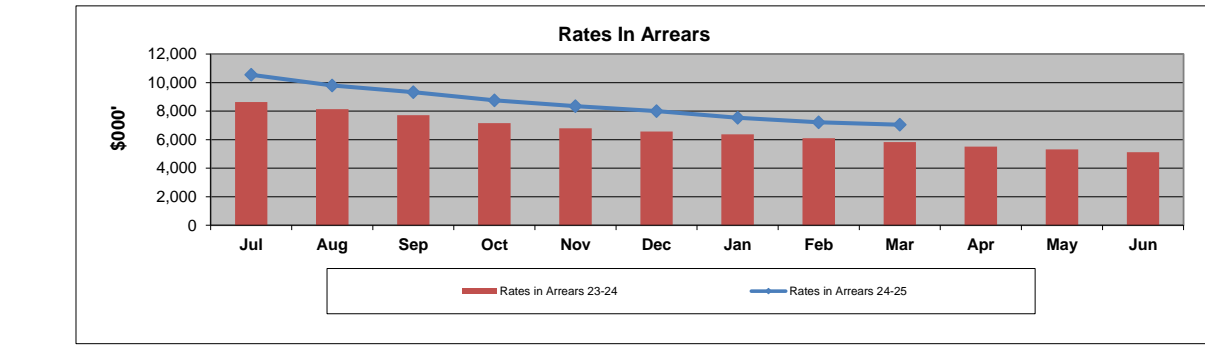
Financial Report - 31 March 2025

4. Rates Analysis

	YTD Actual 31-Mar-24 \$000'	YTD Actual 31-Mar-25 \$000'	Variance \$000'	Variance %
Rates Outstanding	26,046	27,380	(1,334)	(5.12)
Rates in Arrears (prior years)	5,832	7,046	(1,214)	(20.82)



When Council adopts the budget, rates are levied on properties and the full amount due is treated as income at that point.



Supplementary Valuations

Between the annual revaluation cycle, supplementary valuations are conducted to:

- record changes made to properties that affect property value,
- record changes to the rateability status, and
- consider any planning amendments made within the cycle.

Growth in the number of rateable assessments predominantly occurs as a result of developments within the Shire, creating assessments through subdivision of land and/or buildings.

Rateable properties at 1 July 2024	24,208
2024-25 growth	71
Rateable properties at 31 March 2025	24,279

Financial Report - 31 March 2025

5. Grant Activity

The following table provides a summary of grant funding, greater than \$50,000, received for Council activities during the period 1 July 2024 to 31 March 2025.

Project Description	2024-25 Actuals YTD \$	Funding Body
Recurrent		
Central registration and enrolment scheme	63,550	Department of Education (Vic)
Best Start	99,664	Department of Education (Vic)
Eltham Childcare rebates	90,266	Department of Education, Skills and Employment (Cwlth)
Panton Hill Childcare rebates	106,985	Department of Education, Skills and Employment (Cwlth)
Diamond Creek Neighbourhood House	75,251	Department of Families, Fairness and Housing
Home & Community Care - transport	75,782	Department of Health
Enhanced Maternal & Child Health interface councils	51,486	Department of Health (Vic)
Enhanced Maternal & Child Health	64,125	Department of Health (Vic)
Maternal & Child Health universal funding	313,840	Department of Health (Vic)
Grants Commission - roads	1,455,853	Department of Jobs, Precincts and Regions
Grants Commission - general purpose	2,115,742	Department of Jobs, Precincts and Regions
School crossing supervision	391,864	Department of Transport
Total Recurrent	4,904,408	
Non-Recurrent		
Council Plan / Grant Funded Initiatives		
Nillumbik deer control 2022-25	128,767	Department of Energy, Environment and Climate Action
PWMP Rivers to Ranges 2022-25	75,000	Department of Environment, Land, Water and Planning
Emergency Management Officer	80,000	Department of Government Services
Youth engagement - Edendale	146,114	Department of Social Services
Capital Works		
Hurstbridge Hub energy resilience	240,909	Ausnet Electricity Services Pty Ltd
Eltham South Preschool bathroom & storage area	55,699	Department of Education
Diamond Creek Memorial Kindergarten expansion	85,995	Department of Education
Roads and carpark renewal (RTR)	732,000	Department of Infrastructure, Transport, Regional Development, Communications and the Arts
Diamond Creek netball courts roof	100,000	Department of Jobs, Precincts and Regions
Ironbark Road blackspot works	308,860	Department of Transport
Total Non-Recurrent	1,953,344	

Financial Report - 31 March 2025

6. Defined Benefit Superannuation Update

Council has an obligation to contribute to any funding shortfalls within the Local Authorities Superannuation Fund (LASF) Defined Benefit Plan.

The Australian Prudential Regulation Authority (APRA) standard SPS160 uses the Vested Benefits Index (VBI) as its primary measure of fund solvency. The VBI measures the market value of assets in a defined benefit portfolio against the benefits that members would have been entitled to if they had all resigned on the same day.

The independent Actuary to the fund calculates the VBI at 30 June each year. It is necessary for the VBI to be 100% or greater at 30 June each year.

Vision Super produces interim quarterly VBI estimates based on actual quarterly assets and membership.

The recent history of the LASF VBI is shown below:

Estimated Vested Benefit Index

Year	30 Sept (estimated) %	31 Dec (estimated) %	31 Mar (estimated) %	30 Jun (actual) %
2024/25	107.30	106.50	**	
2023/24	102.30	103.80	106.30	105.40
2022/23	101.50	101.70	104.20	104.10
2021/22	109.90	111.20	108.50	102.20

** The 31 March 2025 estimated figure is not yet available from Vision Super.

To enable Council to monitor this risk, reliance is placed on the actuarial reviews conducted on the fund on a periodic basis. The most recent actuarial review was completed at 30 June 2024 and the fund actuary found that the LASF Defined Benefit Plan was in a satisfactory financial position.

Draft Revenue and Rating Plan 2025-2029



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Acknowledgement of Country

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

1. Purpose

The purpose of the Revenue and Rating Plan is to determine the rating and revenue strategy which, in conjunction with other income sources, will adequately finance the objectives proposed in the Council Plan.

2. Summary

Nillumbik Shire Council requires sufficient revenue to maintain its service delivery needs and fund its infrastructure needs. The most important sources of these funds are:

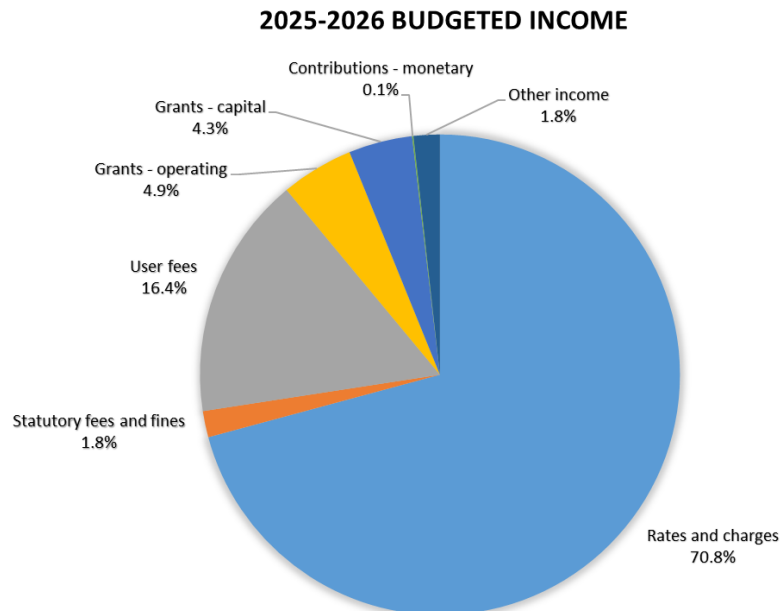
- general rates
- government grants
- fees and charges.

General Rates are levied annually, in compliance with the Fair Go Rating System.

Council advocacy is an ongoing priority to obtain external grant funds, particularly for community infrastructure capital works programs.

Council has reviewed all fees and charges and increased/decreased the levels consistent with application of the user pays principle – that is, so far as is possible, the cost of providing a direct service will be met by the fees charged.

A schedule of the current user fees and charges is presented in the annual budget. Also included is a selection of council services and their costs compared to the income received for their provision.



3. General Rates Income

General Rates are levied annually, in compliance with the Fair Go Rating System, the *Local Government Act 1989* and the *Local Government Act 2020*.

The Fair Go Rates System (FGRS) sets out the maximum amount councils may increase rates in a year. The cap applies to general rates and is calculated on the basis of council's average rates and charges.

The rating system is based on property valuations, which are carried out annually by the Valuer-General Victoria or their nominated representatives. Rates are levied based on these valuations.

Council has several means by which it can vary the amounts which are levied, including:

- a general rate
- a municipal charge
- differential rates
- service rates and charges
- special rates and charges
- rebates, deferments, concessions and exemptions.

Several propositions are considered in developing the most suitable rating system. This entailed giving consideration to a number of factors, such as:

- equity of the system
- efficiency of application
- the link between rate levied and benefit to be derived.
- the valuation base of rates
- A differential rating system with and without a municipal charge
- The use of rebates and deferment schemes
- Policy approaches for exemptions and concessions
- Rating of cultural and recreational land.

3.1 Valuation Base

In raising Council rates, Council is required to use the valuation of the rateable property to levy rates, with the valuation updated annually.

The *Local Government Act 2020* (the Act) permits councils to use three valuation basis; Site Value (SV), Capital Improved Value (CIV) and Net Annual Value (NAV).

Capital Improved Value – the total market value of the land plus buildings and other improvements.

Net Annual Value – the current value of a property's net annual rent (by law, Net Annual Value must be at least 5% of the Capital Improved Value for commercial property and exactly 5% of Capital Improved Value for residential property).

Site Value – the market value of the land only.

Capital Improved Value (CIV) better reflects capacity to pay than the other two bases as it incorporates the developed value of properties i.e. the total value. Most Victorian councils use the Capital Improved Value to levy rates.

Basis of Valuation

The basis of valuation currently used by Nillumbik is the Capital Improved Value (CIV), in compliance with the Fair Go Rates System and the Act.

3.2 Differential rates

Differential rates are where councils set different rates in the dollar for different categories of rateable land. Councils are able to levy either a uniform rate across all properties, or one or more differential rates. Council may, for example, have differential rates for farm land, various categories of residential property or commercial/industrial properties – each paying a higher or lower rate in the dollar.

Differential rates are usually used to achieve greater equity or efficiency.

The highest differential rate cannot be more than four times the lowest differential rate declared by a council.

Details of the objectives of each differential rate, the types of classes of land, which are subject to each differential rate and the uses of each differential rate, are set out below.

Commercial land - any land used for commercial purposes.

Occupied for the principal purpose of carrying out the trade in goods and services or unoccupied but zoned commercial under the State Planning Scheme

Industrial – any land used for industrial purposes

Occupied for the principal purpose of carrying out the manufacture or production of or unoccupied but zoned industrial under the State Planning Scheme.

Farm land – Land not less than two hectares in area; that is used primarily for grazing (including agistment), dairying, pig-farming, poultry-farming, tree farming, bee-keeping, viticulture, horticulture, fruit-growing or the growing of crops of any kind or for any combination of those activities; that is used by a business.

Land that has a significant and substantial commercial purpose or character; and that seeks to make a profit on a continuous or repetitive basis from its activities on the land; and that is making a profit from its activities on the land, or that has a reasonable prospect of making a profit from its activities on the land if it continues to operate in the way that it is operating.

Farm land with Sustainable Agriculture Rebate – Used by the applicant for a single farm enterprise must comprise and aggregate of a minimum 30 hectares;

The property in respect of which the rebate is sought is classified as Farm Land; the applicant shall satisfy detailed criteria relating to sustainable farming practices and land care principles as developed by Council.

Other land – Unoccupied land which is not farm land, commercial/industrial land or vacant land - residential and specified low density residential zones.

Vacant Land – Residential and Specified Low Density Residential Zones

General Residential / Activity Centre Zone / Neighbourhood Residential Zones and Low Density Residential Zones (LDRZ) to which Development Planning Overlay 4 applies, on which no habitable dwelling exists.

Lots greater than 8,000 square metres in the Plenty LDRZ are excluded.

This is a higher differential to encourage construction of new dwellings in preferred locations across the Shire.

Rateable land under this definition includes Vic Roads land that is not used for transport or for residential properties.

Cultural and Recreational Land – Council is required to determine an amount payable as rates in respect to recreational lands.

Recreational lands are described as lands which are:

- Vested in or occupied by a body-corporate or un-incorporate which exists for the purpose of providing or promoting cultural or sporting recreational facilities or objectives.
- Which applies its profits in promoting its objectives and prohibits the payment of dividend or amount to members used for outdoor sporting recreational or cultural purposes or similar outdoor activities.

3.3 Proposed rating system

Rate in the dollar, proposed draft budget 2025-2026

Type or class of land	2025-26 Rate in Dollar
General	0.002378
Farm Land	0.002021
Commercial/Industrial	0.002758
Vacant Land - Residential and Specified Low Density Residential Zones	0.003531
Cultural and Recreational Land	0.000927

** rate in the dollar values to be updated once total value of each type or class of land has been verified by the Valuer-General.*

Rates levied, proposed draft budget 2025-2026

Rate Type	No.	Capital Improved Value 000'	Share of Capital Improved Value
Residential	22,910	25,500,938	94.19%
Farm Land	144	301,525	1.11%
Commercial / Industrial	1,003	1,097,185	4.05%
Vacant Land - Residential and Specified Low Density Residential Zones	220	167,985	0.62%
Cultural and Recreational Land	2	5,100	0.02%
Total	24,279	27,072,733	100%

** total rates by class may vary once valuations have been verified by the Valuer-General.*

Past and proposed rate levels

Year	Rates Levied	Assessments	Adopted % Increase	Rate Cap %	Rates per Assessment
2025-2026*	66,820,742	24,279	3.00%	3.00%	2,752.20
2024-2025	64,569,068	24,208	2.75%	2.75%	2,667.26
2023-2024	62,510,440	24,129	3.50%	3.50%	2,590.68
2022-2023	60,196,396	24,087	1.75%	1.75%	2,499.12
2021-2022	58,780,166	23,972	1.50%	1.50%	2,452.03

**2025-2026 proposed rates to be levied*

3.4 Supplementary Rates

Supplementary rates apply to properties where valuations and revaluations are conducted between general revaluations as a result of properties physically changing such as when a building is constructed, renovated, extended, altered or demolished. It may also apply when land is subdivided, amalgamated or portions are sold off or rezoned.

3.5 State Government Pensioner Rebate

Pensioners may qualify for a maximum 50% State Government rate rebate (to a gazetted maximum) for the home in which they are living. A rebate will apply for the Fire Services Property Levy. To be eligible, a ratepayer must hold one of the following concession cards:

- Pensioner Concession Card from Centrelink or Veterans' Affairs
- Gold Card from Department of Veterans Affairs specifying War Widow (WW) or Totally and Permanently Incapacitated (TPI).

Other than administrative costs this State Government Rebate scheme is cost neutral to Council as this is fully funded by the State Government.

3.6 Waste Service Charge

The waste management charge captures all known costs associated with the provision of the service.

Council's approach to the service charge is compliant with section 162 of the *Local Government Act 1989*. The Essential Services Commission is capturing the data on the waste management charge.

Currently the charge levied to residents captures the cost of service provision including known costs for the landfill rehabilitation sites.

The waste service charge levied is dependent on the level of service the ratepayer elects to receive.

Current and proposed waste service charges

Type of Charge	2024-25 \$	2025-26 \$
Waste Management - Residential - Standard service	658.35	679.87
Waste Management - 80 litre landfill bin	526.68	543.90
Waste Management - 2 x 120 litre landfill bin	921.69	951.82
Waste Management - 140 litre landfill bin - fortnightly collection	724.19	747.86
Waste Management - 120 litre landfill bin – weekly collection	1,185.03	1,223.77
Waste Management - Elderly persons units - bin	164.59	169.97

3.7 Rate instalment due dates

Rates and charges are due on a quarterly instalment basis. The due dates for the 2025-26 financial year will be:

- 30 September 2025,
- 30 November 2025,
- 28 February 2026 and
- 31 May 2026

(if any of these dates fall on a weekend, the due date will be the following Monday).

3.8 Rates – summary

In council's view the proposed revenue and rating strategy puts due emphasis on equity. The budget projections have been prepared on the basis of a 3.00 percent rate increase in 2025-2026 followed by increases of 3.00 percent in each of the following years.

4. Fees and Charges

Council provides a wide range of services, to the community, often for a fee or charge. The nature of these fees and charges generally depends on whether they relate to compulsory or discretionary services. Some of these, such as statutory planning fees, are set by state government statute and are commonly known as 'regulatory fees'. In these cases, councils usually have no control over service pricing.

The *Local Government Act 1989* gives Council the power to set these fees and charges at a level that recovers the full cost of providing the services, unless there is an overriding policy or imperative in favour of subsidisation.

A schedule of the current user fees and charges is presented in Council's annual budget. Council periodically reviews all fees and charges and adjusts the levels consistent with application of the user pays principle – the cost of providing a direct service will be met by the fees charged where possible.

4.1 Principles

Council has developed a range of principles to determine the level of fees and charges to be applied to each service. These principles are:

- Fees and charges are set in line with other like services through benchmarking.
- Fees and charges are set at a level that is deemed to be fair and equitable to enable the majority of residents to access the services.
- Full cost or direct cost recovery is achieved where possible.
- Fees are charged in line with State or Federal government legislation or Local Laws.
- Fees are charged in line with State or Federal government funding requirements.
- Fees and charges are comparable to private industry.

4.2 Full Service Costing

Cost recovery

Setting fees and charges is often determined by a notion that the fee charged for a service should correspond with the cost of providing the service; that is, the costs borne by the council are fully recovered.

Council operations attracting fees and charges

All council services are reviewed to assess whether they are appropriate to attract user fees and charges. Attributes of a service that can affect the ability for a council to place a fee or charge include whether the operation is a public or private good in nature and if there is any state & federal government legislation or funding conditions prohibiting or setting ceilings for pricing. Examples of such charges are found below:

Examples of council fees and charges

Area	Significant or typical fee or charge	Examples of Constraints
Business and Economic	Planning application fees	Many fee levels set by Victorian Government
Traffic and Streets	Parking fees and fines	Nil
Recreation and Culture	Leisure centre entrance fees	Competition (if any) from other centres
	Library fees	Basic services free as condition of State Government funding
Family and Community	Child care centres	Constraints from funding agreements
		Competition from private providers
Waste Management	Maternal and child health	Basic services free as part of State Government funding
	Kerbside collection fees	Nil
Aged and Disabled	Tip disposal fees	Influenced by Environment Protection Act 1970 provisions
	HACC services fees	Maximums set by State Government
Governance	Local Laws fees or fines	Related to penalty units set annually by State Government

Full cost

The full cost of delivering a service or providing a facility include both:

- **direct costs** – those costs that can be readily and unequivocally attributed to a service or activity because they are incurred exclusively for that particular product/activity
- **indirect Costs (often referred to as overheads)** – those costs that are not directly attributable to an activity, but support a range of activities across the council.

Direct Costs

Council has systems for calculating the direct costs of providing services. These include:

- labour – the wages and salaries of all staff directly working on the service.
- materials and supplies – supplies used in providing the service.
- capital equipment and assets used in providing the service – this may include plant hire or, where a council owns the equipment and assets, allowance for asset replacement and depreciation.

Indirect Costs

Every council has a range of back office operations that are not directly tied to any service delivery. Nonetheless, these involve real costs that are incurred in supporting the delivery of direct services. Two widely used methods to allocate indirect costs are:

- activity-based costing – links an organisation's outputs or goods and services to the activities used to produce them, and then assigns a cost to each output based on the rate of consumption of associated activities
- the pro-rata approach – allocates indirect costs on a proportionate basis by using measures that are easily available, such as staff involved in the activity as a percentage of total staff, or the service unit's share of total office space.

4.3 Pricing Policy

After a council has calculated the full costs of a service, another series of questions require answers before prices are decided. These include:

- Do any external constraints apply? Possibilities include:
 - either the State or Commonwealth Government sets a statutory price for that service; and if the service has private sector competitors AND is a “significant business activity”, the council needs to check competitive neutrality conditions. How would the service users respond to any price changes?
- Is a price based on the full cost of the service competitive with other suppliers (nearby councils and/or private competitors)?
- Does the council have a specific policy either:
 - to subsidise this service (setting prices below full costs)?
 - to use the service as a taxation mechanism (setting prices above the full cost level)?

If a competitive neutrality assessment is required, the following steps are recommended by the Victorian Government’s National Competition Policy (the Policy) and Local Government Statement:

- Determine whether the operation is a “significant business activity” and, therefore, subject to the policy
- Assess the full costs of providing the services, including all overheads
- Identify any aspect whereby the operation gains a net commercial benefit from being government owned.

If this analysis shows that a significant business does enjoy a net competitive benefit, the council is expected to set prices that include competitive neutral adjustments. However, under the policy this is not required if the council:

- decides that the costs of applying competitive neutrality outweigh the benefits
- conducts and documents a public interest test, which involves public consultation on costed options, and identifies clear public policy objectives for providing the service at below competitive neutral prices.

The policy aims to identify subsidies, make them transparent to the community, and explain why the council is providing cross-subsidisation. Cross-subsidisation implies that one group may pay higher/lower prices than another group. Cross-subsidisation exists in a number of forms:

- cross-subsidisation between the fees and charges paid by different users for a specific service – a cross subsidy between users
- cross-subsidisation between fees and charges and rates – a cross subsidy between users and ratepayers or from one service to another service
- cross-subsidisation between the amounts of rates paid by various classes of ratepayers.

The final step in a pricing policy is identifying what council services or service areas are “public goods” and therefore most appropriate for funding via general rate revenue. This need not be an exacting exercise, and as often noted, few council services fall exclusively into the public or private goods category. But it is important for a council to make recommendations that as far as possible allow judgements to be made and a rationale for pricing decisions to be expressed in the rating and revenue strategy.

The final step in a pricing policy is identifying what council services or service areas are “public goods” and therefore most appropriate for funding via general rate revenue.

5. Government Grants

Council pursues all avenues to obtain external grant funds for prioritised works. A large proportion (64%) of government grants is made up of the Financial Assistance Grants provided by the Commonwealth Government under the Local Government (Financial Assistance) Act 1995 (Commonwealth) and distributed annually to 79 local governing bodies within Victoria.

The Financial Assistance Grant program consists of two components:

- A general purpose component, which is distributed between the states and territories according to population (i.e., on a per capita basis), and
- An identified local road component, which is distributed between the states and territories according to fixed historical shares.

Both components of the grant are un-tied, allowing councils to spend the grants according to local priorities. Council applies the local roads component to road rehabilitation projects in its Capital Works Program, and utilises the general purpose component to fund Council operations and Capital works.

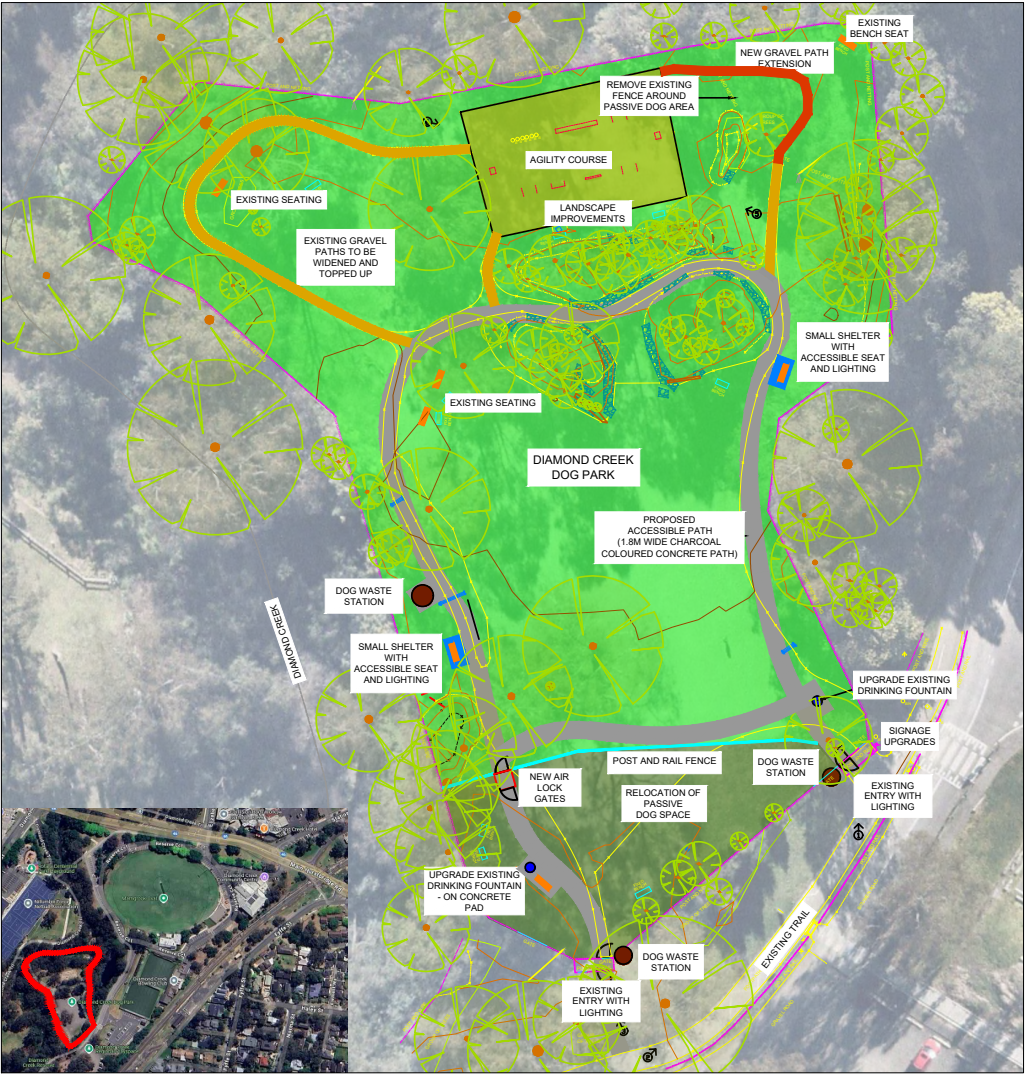
6. Other Income

Council receives income from other sources, including interest on investments, rent received, reimbursements and insurance refunds.

7. Review

The next review of this document is scheduled for completion by 30 June 2029 as part of the next Council Plan development process.

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DIAMOND CREEK DOG PARK
LANDSCAPING IMPROVEMENTS - CONCEPT PLAN



SHELTER



FENCING STYLE FOR PASSIVE DOG SPACE



WATER FOUNTAIN WITH DOG BOWL



ACCESSIBLE SEATING

- NOTES
- SURFACE DRAINAGE IMPROVEMENTS
 - LANDSCAPING AND VEGETATION PROTECTION, AS NECESSARY
 - SOLAR LIGHTING AT PARK ENTRIES AND AT THE SHELTERS
 - DEDICATED WASTE BINS FOR BOTH AREAS
 - CHARCOAL COLOURED CONCRETE PATH LOOPING THROUGH THE PARK
 - ADDITIONAL ACCESSIBLE SEATING
 - ACCESSIBILITY IMPROVEMENTS
 - WIDENING AND TOP UP OF EXISTING GRAVEL PATHS
 - RELOCATION OF PASSIVE DOG AREA TO FRONT OF PARK

- LEGEND
- ACCESSIBLE 1.8M WIDE PATH (FROM ENTRY TO NORTH EAST CORNER) CHARCOAL COLOURED CONCRETE
 - NEW BIN FOR DOG WASTE AND WASTE BAG STATIONS
 - DRINKING FOUNTAIN
 - LATCHED SWING GATE - TWO WAY
 - ACCESSIBLE SEAT WITH SHELTER AND LIGHTING
 - ACCESSIBLE SEAT WITH CONCRETE PAD
 - PASSIVE DOG SPACE FENCE LINE (POST AND RAIL WITH MESH INFILL)
 - NEW 1.2M WIDE GRAVEL PATH

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Attachment 1 - Glass Collection Service Advocacy
Council Meeting 29 April 2025

Putting the kerbside glass recycling service onhold

A consortium of Victorian Councils is calling for an expansion of Victoria's Container Deposit Scheme and a review into the feasibility of Council kerbside glass recycling services before it embarks on the multi-million dollar roll out of a fourth bin to all their households and properties with a Council recycling service.

Background

Recycling Victoria – A new economy was released in 2020 and is a blueprint that outlines the systemic change that is needed to cut waste and boost recycling and reuse our precious resources.

The blue print is supported by the Circular Economy (Waste and Recycling) Act 2021 which stipulates that Councils will provide a glass recycling service to residents by 2027.

We are seeking

- To extend the timeframe for Councils to introduce a glass recycling service until national standardisation of kerbside services and Container Deposit Schemes has been implemented.
- To expand the Victorian Container Deposit Scheme to accept wine and spirits bottles in line with other states in Australia
- For the Victorian Government to review the effectiveness of the Container Deposit Scheme and assess against the usage of the glass recycling service that has been rolled out by councils to date.
- That the Victorian Government share the Business Case it prepared on kerbside glass recycling for Victoria.

While Councils acknowledge that importance of recycling glass, latest research findings show that introduction of a costly kerbside collection service will have no additional benefits than expanding the successful Victorian Container Deposit Scheme to include wine and spirit bottles would achieve.

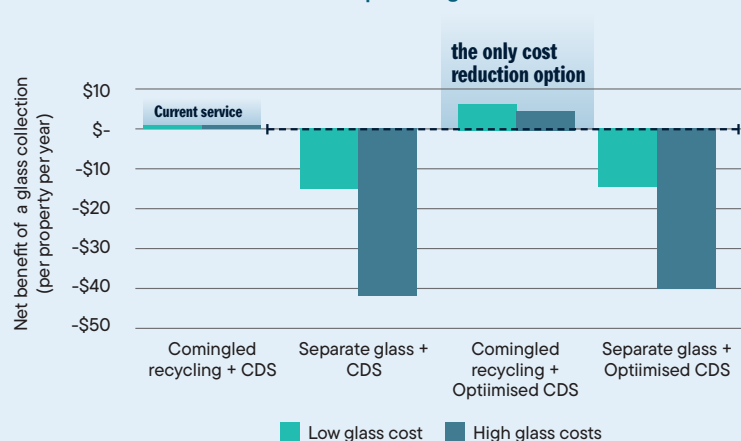
Latest research

An independent study of 22 local Councils found:

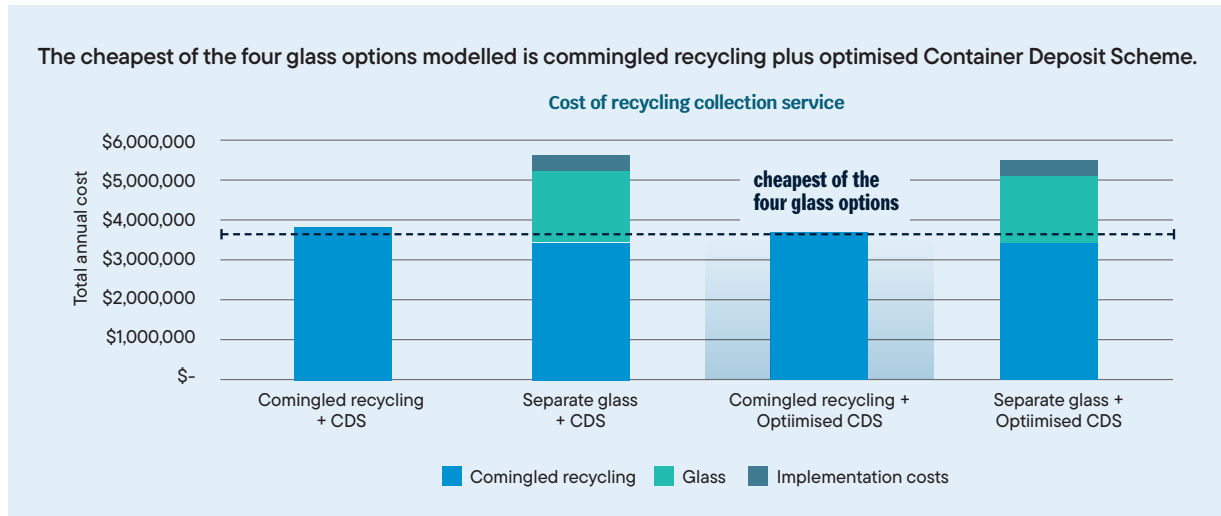
- Implementation of a kerbside glass recycling service would cost a combined amount of \$75M.
- A monthly kerbside collection service would cost each Council an additional \$1.43M each year (based on a typical Council).
- Of the four collection options studied, only the co-mingle recycling service and expanded container deposit scheme came at no cost to Council.

Research concluded that only one option provided a cost reduction to Council. All other options would see an increased cost to residents.

Net collection and processing costs of the four models

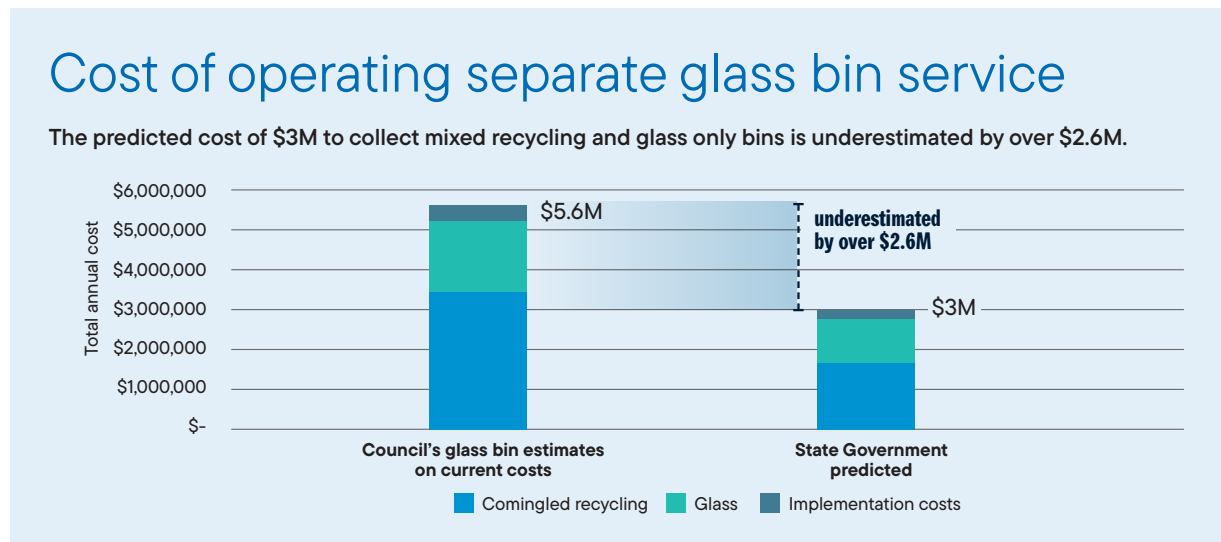


Submitted by Maroondah Council on behalf of 30 Victorian Councils



Inconsistent financial modelling

- A kerbside glass collection service (with no expansion to the current Container Deposit Scheme) is \$2.6M higher per year for a typical Council than predicted.
- Additionally, the independent research showed that Councils' forecasting on the cost to implement the kerbside service was almost double the predictive costs that the State Government had based its financial modelling on.
- These are costs that would be borne by Council residents despite research concluding that the implications – including the cost, materials recovered and emission impacts were not beneficial.



Submitted by Maroondah Council on behalf of 30 Victorian Councils

Implementation costs

Implementation costs and the availability of funding to support rolling out the service would be \$2.2M higher than predicted.

Combined implementation costs for glass

Commodity revenue	'Typical' council (total implementation cost)	Government modelling (total implementation cost)	Difference in cost to Council (total)
Bin purchase and delivery	\$3,351,000	\$1,569,000	\$1.78M
Procurement, education and administration	\$413,000	*included in per bin cost	\$413,000
Collection trucks	\$1,000,000	\$1,000,000	\$0
Total implementation cost	\$4,763,000	\$2,569,000	\$2.2M

Roll out of service cost

These implementation costs are made up of the cost of rolling out a new service and the kerbside collection service.

Bin purchasing costs, 'typical' council vs government modelling

Commodity revenue	'Typical' council (per bin)	Government modelling	Difference in cost to Council (total)
Bin purchase and delivery			
Metropolitan and interface, regional cities, large and small shires	\$63	\$34.50	\$1,782,000
Total difference in one-off bin purchasing costs:			\$1,782,000

Kerbside collection cost

Financial assumptions, 'typical' council vs government modelling

Modelling scenario	'Typical' council (per property, per year)	Government modelling (per property, per year)	Difference in cost to Council (total, per year)
Commingled recycling (glass included) (current service offered)	\$36	\$27	\$585,035
Glass (monthly) collection cost	\$27	\$23	\$212,740
Commingled recycling (glass excluded)	\$36	\$26	\$531,850
Total annual collection cost difference – glass excluded:			\$744,590

Submitted by Maroondah Council on behalf of 30 Victorian Councils

No benefit to kerbside collection

The research found that the net benefit of a separate glass collection that was presented in State Government modelling could not be replicated using actual data from the participating Councils. This is supported by:

- Conversations with Material Recovery Facilities (MRF) and Glass Beneficiation Plants (GBF) indicating they don't see financial benefits through removing glass from other recyclables.
- Research suggests that there is not a significant difference in the amount of glass recovered through comingled vs separated kerbside collection.
- Diversion of glass from landfill and recovery of high-value recycled glass are both greater through Container Deposit Schemes than through either separated or comingled kerbside glass recycling.
- Comments from industry indicate that contamination in the comingled recycling stream does not impact the ability of material recovery facilities to access end markets for glass or other recyclables.

Container Deposit Scheme

Victoria's Container Deposit Scheme commenced in November 2023 after the Circular Economy (Waste and Recycling) Act 2021 was legislated. The scheme has had an immediate reduction in the amount of glass in recycling bins. It is hoped the scheme will be expanded to include other glass products such as wine and spirit bottles in line with other Australian states.

Benefits of an expanded container deposit scheme include:

- The nature of CDS returns means that it provides a material stream with very low levels of contamination.
- CDS collections result in a very small portion of loss to landfill, so expanding the CDS and increasing the quantity of material flowing through this system would likely increase overall glass recovery rates.
- Research from South Australia estimates a \$34 million saving to councils from diverting containers from kerbside bins under an expanded CDS scenario, when compared to a glass only kerbside bin option.
- An expanded CDS would utilise existing infrastructure.
- Costs would be incurred by newly included beverage producers/suppliers instead of the community.
- Avoids the transport emissions born from 79 Councils introducing new glass only truck fleets.

Why council is asking for an extension to the 2027 timeframe

The consortium of Councils is calling on the State Government to review its financial modelling and the potential expansion of the container deposit scheme before they invest more than \$75 million in infrastructure to roll out a glass bin kerbside collection services.

This will also give Council time to adequately survey its community to understand the demand for a collection service that they pay for rather than a Container Deposit Scheme that refunds them personally.

Additionally, Council is requesting the Victorian Government release the business case it prepared for the state and local councils to justify the economic and environmental benefits of a kerbside glass collection service.

This will help Council to justify the cost to the community and support the implementation of the service.

¹ Data from 22 participating councils was used as inputs into the model, aggregated to form a 'typical council'. The four scenarios that were modelled were:

- Comingled kerbside recycling and the existing Victorian Container Deposit Scheme (CDS) (the status quo).
- Comingled kerbside recycling and the existing Victorian CDS, plus a separate kerbside glass recycling service.
- Comingled kerbside recycling and an optimised CDS (accepting wine and spirit glass containers).
- Comingled kerbside recycling and an optimised CDS plus a separate kerbside glass recycling service.

Additionally, the assumptions set out in the RIS were used to model the option preferred by the RIS (comingled kerbside recycling and the existing Victorian CDS, plus a separate kerbside glass recycling service), using data from the typical council.

Submitted by Maroondah Council on behalf of 30 Victorian Councils

Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)



In this Instrument '**officers**' means –

Renae Ahern
Briana Barnes
Emma Barrett
John Brennan
Megan Brittingham
Kestas Celna
Andrea de Boer
Melody Du
Andrew Feeney
Aidan Francischelli
Eloise Gabriele
Richard Glawitsch
Kamal Hasanoff
Mark Huntersmith
Kate Jewell
Jennifer Kemp
Ben Kenyon
Sav Koletas
Stewart Mala
Anastasia Matete
Sarah Mayman
Daniel McGrath
Karen McPherson
Raymond Micallef
Robert Mitchelmore
Tim Oldfield
Nicholas Ouzas
Aaron Peck
Serge Perna
Barry Pilliner
Taylor Richards
Katrina Ross
Catriona Sexton
Sarah Shehata
Marianne Sparks
Warren Tomlinson
Frank Vassilacos
Timothy Vickers
Emrys Williams
Crystal Ye

By this Instrument of Appointment and Authorisation Nillumbik Shire Council –

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officers to carry out the duties or functions and to exercise the powers of an authorised officer under the *Planning and Environment Act 1987*; and
2. under s 313 of the *Local Government Act 2020* authorises the officers either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this Instrument –

- a) comes into force immediately upon its execution;
- b) remains in force until varied or revoked.

This instrument is authorised by a resolution of **Nillumbik Shire Council** on 25 March 2025.

THE COMMON SEAL of NILLUMBIK)

SHIRE COUNCIL was affixed hereto)

On the day of March 2025)

On the authority of the Council and)

signed by:)

.....

Councillor

.....

Chief Executive Officer

Informal Meeting of Councillors Record

The Meeting commenced at 5.33pm

MEETING DETAILS:	Title:	Councillor Briefing 18 March 2025
	Date:	Tuesday 18 March 2025
	Location:	Council Chamber
PRESENT:	Councillors:	Cr Grant Brooker, Cr Naomi Joiner, Cr Kelly Joy, Cr Peter Perkins, Cr Kate McKay and Cr John Dumaresq Cr Kim Cope (virtual)
	Council Staff:	Carl Cowie, Melika Sukunda, Blaga Naumoski, Corrienne Nichols, Jeremy Livingston, Frank Vassilacos, Melika Sukunda, Nichole Johnson, Alan Marsh, Loretta Bellato, Lance Clark, Tania Treasure
	Other:	Uncle Joel Wright - MobJobs
APOLOGIES:		

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Strategic Communications update to Councillors	No disclosures were made
2	Reconciliation in Nillumbik	No disclosures were made
3	Councillors Procurement Induction	No disclosures were made
4	Eltham Redbacks - Pitch Renewal Sinking Fund	No disclosures were made
5	Visitor Economy Partnership	No disclosures were made
6	Organisational Structure discussion	No disclosures were made

The Meeting concluded at 10pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Blaga Naumoski Director Governance Communications and Community Safety
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Informal Meeting of Councillors Record

The Meeting commenced at 6:33pm

MEETING DETAILS:	Title:	Recreation Trails Advisory Committee
	Date:	Wednesday 19 March 2025
	Location:	Civic Centre, Council Chambers
PRESENT:	Councillors:	<ul style="list-style-type: none"> • Cr Kelly Joy (Chair) • Cr Kim Cope (Deputy Chair)
	Council Staff:	<ul style="list-style-type: none"> • Chris Gipps (Recreation and Community Infrastructure Project Manager) • Mike Dean (Coordinator Recreation and Leisure Facilities)
	Other:	<u>Committee Members:</u> <ul style="list-style-type: none"> • Andrew Bakos • Andrew Chau • Andrew McMahon • Bernie Broom • Bill Penrose • Brad March • Cath Giles • Janice Davies • Rex Niven • Serena Marriott (online)
APOLOGIES:		<ul style="list-style-type: none"> • Julie O'Connell Seamer

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Conflict of Interest and Informal Meeting of Councilors Record	No disclosures were made
2	Minutes of previous meeting	No disclosures were made

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
3	Agenda Item 6: Actions from previous meeting 6.1. Maroondah Aqueduct Trail (Kangaroo Ground to Yarra Glen) 6.2. Wattle Glen Public Realm project update 6.3. Active Transport Fund outcome	No disclosures were made
4	Agenda Item 7: Presentation (Andrew McMahon) <ul style="list-style-type: none"> • Maroondah Aqueduct Trail – Kangaroo Ground to Yarra Glen – Priority Action 2ii 	No disclosures were made
5	Agenda Item 8: Presentation (Andrew Bakos) <ul style="list-style-type: none"> • Maroondah Aqueduct Trail – Kangaroo Ground to Yarra Glen – Southern Section 	No disclosures were made
6	Agenda Item 9: Any other business 9.1. Montmorency to Eltham bike trail update (Janice) 9.2. Survey works at Eltham North Dog park (Andrew Bakos)	No disclosures were made

The Meeting concluded at 8:05pm

RECORD COMPLETED BY:	Officer Name: Chris Gipps Officer Title: Recreation and Infrastructure Project Manager
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Informal Meeting of Councillors Record

The Meeting commenced at 10:00am

MEETING DETAILS:	Title:	Health and Wellbeing Advisory Committee
	Date:	Thursday 20 March 2025
	Location:	Macey Room, Edendale Community Farm, 32 Gastons Rd, Eltham, 3095
PRESENT:	Councillors:	Cr Kelly Joy, Cr Grant Brooker
	Council Staff:	Corrienne Nichols, Nichole Johnson, Cassie Zurek, Alana Marsh
	Other:	Committee Members - Eliza Pitson (healthAbility), Megan Elias (Women's Health in the North), Matt Weisheit (Belgravia Leisure), Jackie Babington (Aligned Leisure), Natalie Bittner (Yarra Plenty Regional Libraries), Missy Ali (Gambler's Help, Holstep Health), Deanna Finn
APOLOGIES:		Jeff Hallyburton (Diamond Valley Community Support), Johanna Mithen (North Eastern Public Health Unit), Jules Jay, Ann Hutchinson, Victoria Police, Austin Health, Department of Health

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Welcome and introduction	Cr Kelly Joy opened and chaired the meeting. No disclosures were made
2	Update <ul style="list-style-type: none"> - Factsheets and Profile now live - Community Engagement progress - Change of endorsement date - Health and Wellbeing Partnership Forum 	Cassie Zurek facilitated this section. No disclosures were made

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
3	Findings <ul style="list-style-type: none"> - Community Engagement (to date) - Health and Wellbeing Profile - Policy and legislative context - Evaluation 	Cassie Zurek facilitated this section. No disclosures were made
4	Discussion <ul style="list-style-type: none"> - Determining the Priority Areas - Public Health approaches 	Cassie Zurek facilitated this section. No disclosures were made Alana Marsh joined the meeting during this discussion only.
5	Thank you and close	Cr Kelly Joy thanked everyone and closed the meeting. No disclosures were made. The meeting closed at 12:00pm and Cr Kelly Joy and Cr Grant Brooker left.

The Meeting concluded at 12:00pm

RECORD COMPLETED BY:	Officer Name: Cassie Zurek Officer Title: Social Planning and Policy Officer
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Informal Meeting of Councillors Record

The Meeting commenced at 5.33pm

MEETING DETAILS:	Title:	Council Meeting Pre-Meet
	Date:	Tuesday 25 March 2025
	Location:	Council Chamber
PRESENT:	Councillors:	Cr Grant Brooker, Cr Naomi Joiner, Cr Kelly Joy, Cr Peter Perkins, Cr Kim Cope, Cr Kate McKay and Cr John Dumaresq
	Council Staff:	Carl Cowie, Melika Sukunda, Blaga Naumoski, Corrienne Nichols, Jeremy Livingston, Frank Vassilacos, Michele Purtle, Lance Clark, Narelle Hart, Natalie Campion, Steven Blight, Kellie Grocock, Katia Croce
	Other:	
APOLOGIES:		

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Confirmation of Minutes Council Meeting held Tuesday 25 February 2025	No disclosures were made
2	Petition to Nillumbik Shire Council - LGBTIQA+ Advisory Committee	No disclosures were made
3	Advisory Committee Report - 25 March 2025	No disclosures were made
4	Preschool Registration and Enrolment Scheme Priority of Access review	No disclosures were made
5	Quarterly Risk and Safety Report - December 2024	No disclosures were made
6	Audit and Risk Committee Meeting February 2025	No disclosures were made
7	Draft Budget 2025-2026	No disclosures were made
8	Proposal to rename a section of Duffs Road, Panton Hill to Welton View	No disclosures were made
9	Jayson Avenue Special Charge Scheme, Eltham	No disclosures were made
10	Bourchiers Road Special Charge Scheme, Kangaroo Ground - Declaration	No disclosures were made
11	Alistair Knox Park - Emergency Rectification Works	No disclosures were made
12	Instrument of Appointment and Authorisation (Planning and Environment Act 1987)	No disclosures were made
13	Instrument of Delegation to the Chief Executive Officer	No disclosures were made

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
14	Instrument of Delegation from Council to Council staff	No disclosures were made
15	National General Assembly of Local Government 2025 - Call for Motions	No disclosures were made
16	Tender Report - Contract 2324-093 Cleaning Services	No disclosures were made
17	Tender Report - Contract 2425-028 Panton Hill Tennis Courts Resurfacing and Drainage Works	No disclosures were made
18	Tender Report - Contract 2425-024 Diamond Creek Outdoor Pool Redevelopment - Construction	No disclosures were made
19	CEO Employment Matters - mid-year performance review	No disclosures were made
20	Informal Meetings of Councillors Records - 25 March 2025	No disclosures were made

The Meeting concluded at 6.37pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Blaga Naumoski Director Governance Communications and Community Safety
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Informal Meeting of Councillors Record

The Meeting commenced at 5.35pm

MEETING DETAILS:	Title:	Councillor Briefing
	Date:	Tuesday 1 April 2025
	Location:	Council Chamber
PRESENT:	Councillors:	Cr Grant Brooker, Cr Naomi Joiner, Cr Kelly Joy, Cr Peter Perkins, Cr Kim Cope, Cr Kate McKay and Cr John Dumaresq
	Council Staff:	Carl Cowie, Melika Sukunda, Blaga Naumoski, Corrienne Nichols, Jeremy Livingston, Frank Vassilacos, Tania Treasure, Michele Purtle, Steve Blight, Mike Dean, Chris Gripps, Sal Hali
	Other:	Leigh Harry Chair of Yarra Ranges Tourism and Simon O'Callaghan CEO Yarra Ranges Tourism
APOLOGIES:		

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Strategic Communications update to Councillors	No disclosures were made
2	Draft Place Naming Policy	No disclosures were made
3	Yarra Ranges Tourism and Visitor Economy Partnership Update	No disclosures were made
5	Diamond Creek Dog Park Upgrade	No disclosures were made
6	Glass Collection Service (Purple Bin) Advocacy Position	No disclosures were made
7	Arts and Culture Programs Overview	No disclosures were made
8	Eltham North Reserve Car Park Extension	No disclosures were made
9	CEO Update with Councillors - 1 April 2025	No disclosures were made

The Meeting concluded at 10.20pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Blaga Naumoski Director Governance Communications and Community Safety
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Informal Meeting of Councillors Record

The Meeting commenced at 10:30am

MEETING DETAILS:	Title:	Positive Ageing Advisory Committee
	Date:	Friday 4 April 2025
	Location:	Council Chamber , Civic Centre and via Zoom
PRESENT:	Councillors:	Cr Peter Perkins
	Council Staff:	Corrienne Nichols (Director Communities) – Zoom attendee, Stephanie Vassilios (Acting Coordinator Community Support Services), Heather Macmillan (Positive Ageing Officer), Cassie Zurek (Social Planning and Policy Officer), Jodie Hoskins (Aged Care Navigation and Advocacy Officer) and Julie-Anne Grech (Business and Program Support Officer)
	Other:	Tanya Cottrell, Ann Hutchinson, Kate Puls, Tom Fisher, Deanna Finn, Janice Crosswhite and Joy Ferguson
APOLOGIES:		Narelle Hart (Manager Community Programs), Sandra Verdam, Richard Kottek, Chantal Blitenthall, Sheila Cheary, Greg Bourke and Mashid Ghorbani

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Conflict of Interest and Informal Meeting of Councillors Record	No disclosures were made
2	Minutes of previous meeting & Outstanding Action Items	No disclosures were made
3	Business Arising	No disclosures were made
4	Update on recommendation PAAC made to Council in August 2024	No disclosures were made

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
5	Business Arising	No disclosures were made
6	Health and Wellbeing Plan update. Cassie Zurek, NSC Social Planning and Policy Officer. What we've been hearing in our community consultations	No disclosures were made
7	Ageing Well team update	No disclosures were made
8	Presentation on 'My Aged Care' and Aged Care Reforms	No disclosures were made
9	PAAC 2023-2025 thank you and certificate presentation.	No disclosures were made
10	Roundtable	No disclosures were made

The Meeting concluded at 1:30pm

RECORD COMPLETED BY:	Officer Name:	Julie-Anne Grech
	Officer Title:	Business and Program Support Officer

Informal Meeting of Councillors Record

The Meeting commenced at 5.36pm

MEETING DETAILS:	Title:	Planning and Consultation Committee Pre-Meet
	Date:	Tuesday 8 April 2025
	Location:	Council Chamber
PRESENT:	Councillors:	Cr Grant Brooker, Cr Kelly Joy, Cr Peter Perkins, Cr Kate McKay and Cr John Dumaresq
	Council Staff:	Carl Cowie, Melika Sukunda, Blaga Naumoski, Corrienne Nichols, Jeremy Livingston, Frank Vassilacos, Daniel Tarquinio, Sarah Shehata, Katia Croce
	Other:	
APOLOGIES:		Cr Naomi Joiner, Cr Kim Cope

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Strategic Communications Update	No disclosures were made
2	Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 11 March 2025	No disclosures were made
3	Proposed sale of Council land at 311A Yan Yean Road, Plenty	No disclosures were made
4	Community Forum	No disclosures were made

The Meeting concluded at 5.56pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Katia Croce Manager Governance and Property
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Informal Meeting of Councillors Record

The Meeting commenced at 7.14pm

MEETING DETAILS:	Title:	Councillor Briefing
	Date:	Tuesday 8 April 2025
	Location:	Council Chamber
PRESENT:	Councillors:	Cr Grant Brooker, Cr Naomi Joiner (Virtual), Cr Kelly Joy, Cr Peter Perkins, Cr Kate McKay and Cr John Dumaresq
	Council Staff:	Carl Cowie, Jeremy Livingston, Frank Vassilacos
	Other:	
APOLOGIES:		Cr Kim Cope

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Draft Planning Scheme Review (PSR) 2025 - Findings and Recommendations (for Community Engagement)	No disclosures were made

The Meeting concluded at 9.04pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Frank Vassilacos Director Planning, Environment and Strategy
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