

# Planning and Consultation Committee Meeting

to be held at the Council Chamber, 32 Civic Drive, Greensborough  
on Tuesday 9 September 2025 commencing at 7:00 PM.

## Attachments

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

Thursday 4 September 2025

Distribution: Public

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

## Nillumbik Shire Council

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 Attachments
 

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- COM.001/25 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 12 August 2025
- Attachment 1. Minutes of the Planning and Consultation Committee Meeting held on Tuesday 12 August 2025

# Planning and Consultation Committee Meeting

held at the Council Chamber, 32 Civic Drive, Greensborough  
on Tuesday 12 August 2025 commencing at 7:00 PM.

## Minutes

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

Friday 15 August 2025

Distribution: Public

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



**Nillumbik Shire Council**

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**Nillumbik Shire Council**

**Minutes of the Planning and Consultation Committee Meeting held  
Tuesday 12 August 2025. The meeting commenced at 7:01 PM.**

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**Councillors present:**

Cr John Dumaresq	Wingrove Ward <b>(Mayor)</b>
Cr Naomi Joiner	Bunjil Ward <b>(Deputy Mayor)</b>
Cr Grant Brooker	Blue Lake Ward <b>(Chairperson Consultation Matters)</b>
Cr Kelly Joy	Edendale Ward
Cr Peter Perkins	Ellis Ward <b>(Chairperson Planning Matters)</b>
Cr Kate McKay	Swipers Gully Ward
Cr Kim Cope	Sugarloaf Ward

**Officers in attendance:**

Carl Cowie	Chief Executive Officer
Claire Quinlan	Chief Operating Officer
Sally Johnson	Acting 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
Nichole Johnson	Manager Community Partnerships
Yasmin Green	Coordinator, Youth, Social Planning and Equity

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**1. Welcome by the Chair**

**2. Acknowledgement of Country**

Acknowledgement of Country was read by the Chairperson Consultation Matters  
Cr Grant Brooker.

**3. Apologies/Leave of Absence**

Nil

**4. Declarations of conflict of interest**

Nil

Planning and Consultation Committee Meeting Minutes 12 August 2025

- COM.001/25 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 12 August 2025
- Attachment 1. Minutes of the Planning and Consultation Committee Meeting held on Tuesday 12 August 2025

**Planning and Consultation Committee Minutes**

**12 August 2025**

**5. Confirmation of Minutes**

**COM.001/25 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 8 July 2025**

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Confirmation of the Minutes of the Planning and Consultation Committee Meeting held on Tuesday 8 July 2025.

<b>Committee Resolution</b>
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**MOVED: Cr Naomi Joiner**

**SECONDED: Cr Kim Cope**

**That** the Committee (acting under delegation from Council) confirms the Minutes of the Planning and Consultation Committee Meeting held on Tuesday 8 July 2025 (**Attachment 1**).

**CARRIED UNANIMOUSLY**



Planning and Consultation Committee Minutes

12 August 2025

6. Officers' reports

PCC.010/25 Indara Corporation P/L lease proposal for Optus telecommunications infrastructure at Eltham Lower Park

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**Item:** Consultation Matter  
**Distribution:** Public  
**Manager:** Blaga Naumoski, Director Governance, Communications and Community Safety  
**Author:** Katia Croce, Manager Governance and Property

**Summary**

At its Council Meeting on 27 May 2025, Council resolved to commence the statutory procedures in accordance with section 115 of the *Local Government Act 2020* (the Act), to undertake a community engagement process in accordance with the Council's community engagement policy in respect to the proposal to enter into a lease with Indara Corporation Pty Ltd for part of the land at 570-576 Main Road, Eltham known as Eltham Lower Park shown on the Plan in **Attachment 1**, on the following terms and conditions:

- a) **Term of lease:** 10 years, with one further term of 10 years.
- b) **Rent amount:** \$25,000 per annum plus GST.
- c) **Rent review:** Fixed 3 percent (3%) per annum increase on the anniversary of the commencement date for 10 years, then a market rental review at the end of the first 10 year period.
- d) **Permitted Use:** To construct, maintain and operate a communications facility including but not limited to installing, inspecting, constructing, storing, operating, repairing, maintaining, altering, upgrading and replacing the Tenant's equipment, in accordance with any applicable planning permit.
- e) **Tenant's outgoings:** All outgoings including but not limited to; structure and maintenance of all the Tenant's assets on the leased land, building and public liability insurance, utility supply and usage charges, and reinstatement of land at end of the lease.
- f) **Relevant approvals received:** Ministerial Approval from the Minister or their delegate responsible for the Crown Land (*Reserves Act*) 1978 must be received on the proposed lease terms and conditions (Grant and Purpose Approval) and then the final agreement (terms and conditions approval), as Council is the Committee of Management for the land. The Tenant must also receive any other relevant approvals including but not limited to planning permit approvals.

Community consultation occurred between Friday 30 May to Sunday 22 June 2025.

This report provides a summary of the feedback received from the community consultation process in response to the lease proposal with Indara Corporation Pty Ltd (Indara) at Eltham Lower Park.

Submitters have been invited to attend this meeting of the Planning and Consultation Committee to speak to their submission.

- COM.001/25 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 12 August 2025
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Planning and Consultation Committee Minutes

12 August 2025

6. Consultation Matters

PCC.010/25 Indara Corporation P/L lease proposal for Optus telecommunications infrastructure at Eltham Lower Park

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

1. *Jim Connor*
2. *Vicky Shukuroglou on behalf of Friends of Biodiversity Hohnes Hill*
3. *Jaya Talbot*
4. *Wayne Kinrade (Co-Convenor), on behalf of Friends of the Eltham Copper Butterfly*
5. *Mitchell Flint on behalf of Downer & Indara (virtually).*

<b>Committee Resolution</b>
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**MOVED:** Cr John Dumaesq

**SECONDED:** Cr Kate McKay

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

1. Acknowledges and notes the submissions received from the community in **Attachment 2 (redacted) and Attachment 3 (unredacted)** and any verbal presentations made to the Committee on the lease proposal with Indara Corporation Pty Ltd for telecommunications infrastructure at Eltham Lower Park.
2. Requests a further report be presented to Council on 30 September 2025 to make a final decision on whether to proceed with the lease proposal.
3. Thanks submitters for providing Council with feedback on the lease proposal.
4. Resolves the confidential un-redacted copy of the written submissions to the lease proposal (**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**



6. Officers' reports

PCC.011/25 Draft Council Plan 2025-2029 - Submissions

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**Item:** Consultation Matter  
**Distribution:** Public  
**Manager:** Jeremy Livingston, Director Culture and Performance  
**Author:** Craig King, Manager Customer Experience and Business Performance

**Summary**

This report notes the submissions received from the community regarding the draft Council Plan 2025-2029 (Draft Plan).

The Council Plan is the Council's primary strategic document for its four-year term and is the elected Council's statement of its priorities for the Nillumbik community. The Council Plan is a requirement under section 90 of the *Local Government Act 2020* and must be adopted by Council before 31 October 2025.

The Draft Plan has been informed by both broad and deliberative community engagement. This included the Nillumbik Now and Beyond campaign in February and March 2025, which featured surveys and pop-up sessions across the Shire to gather a wide range of community perspectives. This was followed by a two-day Community Forum in May 2025, where a representative group of 20 residents explored key themes and priorities in greater depth. Development of the Draft Plan was also informed by a series of workshops with Councillors.

The community feedback also identified strong support for the existing Community Vision, which is proposed to remain unchanged.

The Draft Plan (**Attachment 1**) was released for the purposes of public consultation at the Council Meeting on 17 June 2025. It was exhibited for three weeks, and 16 submissions were received (**Attachment 2**).

It is recommended that the Committee notes the submission on the Draft Plan, before finalising the documents and presenting it to Council for adoption at the Council Meeting on 30 September 2025.

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

1. Murray Paternoster on behalf of Friends of Nillumbik
2. Mel Ellis (committee member) on behalf of Wildlife Advocates Nillumbik
3. Vicky Shukuroglou on behalf of Sue Rosenhain
4. Vicky Shukuroglou
5. Roma O'Callaghan
6. Wayne Kinrade (Co-Convenor), on behalf of Friends of the Eltham Copper Butterfly

<b>Committee Resolution</b>
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**MOVED:** Cr John Dumaresq

**SECONDED:** Cr Naomi Joiner

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

1. Acknowledges and notes the submissions received from community members and groups who provided feedback on the draft Council Plan 2025-2029 (**Attachment 2**).
2. Acknowledges the presentations to the Committee.
3. Considers the matters contained in the submissions and this report during finalisation of the draft Council Plan 2025-2029.
4. Requests a further report to be presented at the September 2025 Council Meeting to adopt the final version of the Council Plan 2025-2029.
5. Thanks the submitters for providing Council with feedback on this important document.
6. Resolves the confidential un-redacted copy of the written submissions to the **Draft Council Plan (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**

Planning and Consultation Committee Minutes

12 August 2025

6. Officers' reports

PCC.012/25 Draft Nillumbik Health and Wellbeing Plan 2025-2029 - Public Submissions

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Item: Consultation Matter

Distribution: Public

Manager: Corrienne Nichols, Director Communities

Author: Nichole Johnson, Manager Community Partnerships

Summary

This report provides Council with the outcomes of the community engagement on the Draft Nillumbik Health and Wellbeing Plan 2025 -2029 (draft Plan) **Attachment 1**.

Council adopted the draft Plan at the Council Meeting on 17 June 2025 for the purpose of public consultation. The draft Plan was exhibited from for a three-week period (18 June 2025 through to 9 July 2025) to provide the community and partners an opportunity to provide feedback.

The submissions received, including an Officer Response to each of the submissions, can be found in **Attachment 2** and confidential **Attachment 3**. Officers have outlined recommended changes to the Plan for Council consideration.

It is proposed that the Committee considers the submissions on the draft Plan and that the matter then be considered by Council on 30 September 2025.

<b>Committee Resolution</b>
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**MOVED:** Cr Kelly Joy

**SECONDED:** Cr Peter Perkins

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

1. Acknowledges and notes the nine submissions from stakeholders and community members who provided feedback on the Draft Nillumbik Health and Wellbeing Plan 2025 -2029 (**Attachment 2 and Attachment 3**).
2. Considers the matters contained in the submissions and this report during finalisation of the Nillumbik Health and Wellbeing Plan 2025-29.
3. Acknowledges presentations to the Committee.
4. Requests a further report to be presented at the Council Meeting on 30 September 2025 to adopt the final version of the Nillumbik Health and Wellbeing Plan 2025-2029 (**Attachment 1**).
5. Resolves the confidential un-redacted copy of the written submissions to the Plan (**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.
6. Thanks the submitters for providing Council with feedback on this important document.

**CARRIED UNANIMOUSLY**

*Katia Croce Manager Governance and Property temporarily left the meeting during discussion of this item at 8.24pm and returned at conclusion of this item at 8.27pm.*



Planning and Consultation Committee Minutes

12 August 2025

6. Officers' reports

PCC.013/25 Draft Asset Plan 2025-2035 and Draft Financial Plan 2025-2035 - Submissions

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Item: Consultation Matter

Distribution: Public

Manager: Jeremy Livingston, Director Culture and Performance

Author: Melika Sukunda, Chief Financial Officer

Summary

This report notes the submissions received from the community regarding the draft Asset Plan (Draft Asset Plan) and draft Financial Plan 2025-2035 (Draft Financial Plan).

The Draft Asset Plan (**Attachment 5**) and Draft Financial Plan (**Attachment 6**) were released for the purposes of public consultation at the Council Meeting on 17 June 2025. The draft plans were exhibited for three weeks, with the Draft Asset Plan receiving four submissions (**Attachment 1**) and the Draft Financial Plan also receiving four submissions (**Attachment 2**).

It is recommended that the Committee notes the submissions to the Draft Asset Plan and Draft Financial Plan, before finalising the documents and presenting them to Council for adoption at the Council Meeting on 30 September 2025.

<b>Committee Resolution</b>
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**MOVED:** Cr John Dumaesq

**SECONDED:** Cr Peter Perkins

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

1. Acknowledges and notes the submissions received from community members and groups who provided feedback on the draft Asset Plan and draft Financial Plan 2025-2035 (**Attachment 1 and 2**).
2. Acknowledges the presentations to the Committee.
3. Considers the matters contained in the submissions and this report during finalisation of the draft Asset Plan and draft Financial Plan 2025-2035.
4. Requests a further report to be presented at the September 2025 Council Meeting to adopt the final version of the Asset Plan and Financial Plan 2025-2035.
5. Thanks the submitters for providing Council with feedback on these important documents.
6. Resolves the confidential un-redacted copy of the written submissions to the Draft Asset Plan and Draft Financial Plan (**Attachment 3 and 4**) 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**

<b>COM.001/25</b>	<b>Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 12 August 2025</b>	
<b>Attachment 1.</b>	<b>Minutes of the Planning and Consultation Committee Meeting held on Tuesday 12 August 2025</b>	
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<b>PCC.013/25</b>	<b>Draft Asset Plan 2025-2035 and Draft Financial Plan 2025-2035 - Submissions</b>	

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Planning and Consultation Committee Minutes

12 August 2025

6. Officers' reports

PCC.014/25 MAV State Council Meeting - Endorsement of Nillumbik Shire Council Motions

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Item: Consultation Matter

Distribution: Public

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

Author: Michele Purtle, Manager Advocacy Communications and Engagement

Summary

The Municipal Association of Victoria (MAV) State Council meets to consider matters of state-wide significance. The deadline for motions to be submitted for consideration at the 10 October 2025 is 15 August 2025.

Motions must have state-wide significance or relevance across the Victorian Local Government sector and be related to issues and initiatives that affect the livelihood and wellbeing of the Nillumbik community.

This report is seeking Council endorsement to lodge three motions to the MAV State Council Meeting to be held on 10 October 2025.

<b>Committee Resolution</b>
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**MOVED:** Cr Naomi Joiner

**SECONDED:** Cr Kate McKay

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

1. Resolves to adopt the following three motions to the Municipal Association of Victoria's State Council Meeting to be held on 10 October 2025.
  - a) *That the Municipal Association of Victoria advocates to the State Government to:*
    1. Provide a dedicated and ongoing funding commitment to peri-urban councils to better support the preparation of Green Wedge Management Plans and the ongoing implementation, monitoring and review of these plans to ensure long-term objectives are delivered.
    2. Strengthen the powers of local councils to effectively enforce, respond to breaches of, and have increased penalty units for, contraventions of their Planning Schemes under the Victorian Planning Provisions, particularly regarding illegal native vegetation removal as referenced in the "Offsetting Native Vegetation Loss on Private Land" VAGO Report (May 2022), and illegal earthworks.
    3. Prioritise a bus network review in peri-urban council areas to identify where to improve services and expand bus infrastructure to provide better connectivity to townships and existing rail infrastructure.
2. Resolves to lodge motions and rationale (**Attachment 1**) at the Municipal Association of Victoria's State Council Meeting to be held on 10 October 2025.

**CARRIED UNANIMOUSLY**

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<b>PCC.014/25</b>	<b>MAV State Council Meeting - Endorsement of Nillumbik Shire Council Motions</b>	

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7. Supplementary and urgent business
- Nil
8. Confidential reports
- Nil
9. Close of Meeting

The meeting closed at 8.40pm.

Confirmed:

Cr

Chairperson Planning Matters

Cr

Chairperson Consultation Matters

**COM.001/25**      **Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 12 August 2025**  
**Attachment 1.**   **Minutes of the Planning and Consultation Committee Meeting held on Tuesday 12 August 2025**

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*Planning and Environment Act 1987*

**NILLUMBIK PLANNING SCHEME**

**AMENDMENT C143nill – Part A**

**INSTRUCTION SHEET**

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

The Nillumbik Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 21 attached map sheets.

**Zoning Maps**

- ~~1.~~ Amend Planning Scheme Map No. 13ZN in the manner shown on the 1 attached map marked Nillumbik C143nill 001znMap13 Exhibition

**Overlay Maps**

- 2.1. Amend Planning Scheme Map No. 13SLO in the manner shown on the 1 attached map marked Nillumbik C143nill 002d-sloMap13 Exhibition.

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

- ~~3.2.~~ In **Planning Policy Framework**- insert new Clause 11.03 in the form of the attached document.

- 4.3. In **Zones** – Clause 37.08, replace Schedule 1 with a new Schedule 1 in the form of the attached document.

- 5.4. In **Overlays** – Clause 42.03, replace Schedule 1 with a new Schedule 1 in the form of the attached document.

- ~~6.5.~~ In **Operational Provisions** – Clause 72.08, replace the Schedule with a new Schedule in the form of the attached document

End of document

OFFICIAL

Proposed C143nill

SCHEDULE 1 TO CLAUSE 37.08 ACTIVITY CENTRE ZONE

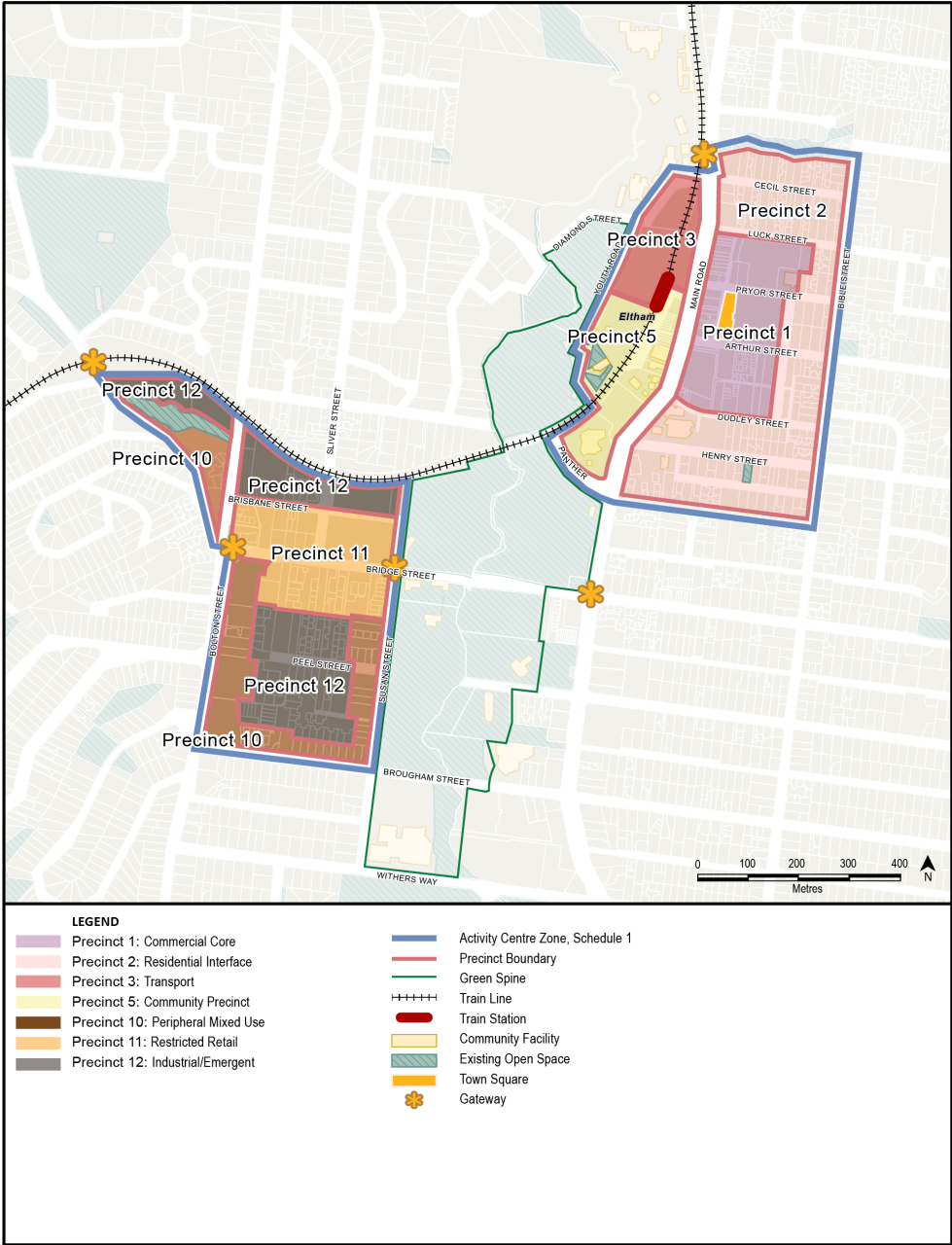
Shown on the planning scheme map as ACZ1.

ELTHAM ACTIVITY CENTRE

1.0

Proposed C143nill

Eltham Activity Centre Framework Plan



Definitions

The following definitions apply for the purposes of interpreting this Schedule:

**Gateway** means a transition area between Metropolitan Melbourne and its rural hinterland. It provides a sense of arrival into and departure from Eltham, reflects Eltham’s environmental heritage and its distinctive cultural heritage.

## 2.0 Land use and development objectives to be achieved

Proposed C143nill

### Land use

To encourage convenience and comparison shopping, including local spending.

### Built form and character

To ensure the scale and form of development complements the unique, natural landscape, distinctive style and arts heritage of Eltham.

To ensure non-residential development is consistent with the preferred residential character and role of the Centre.

To ensure built form responds to and enhances links to the ‘green spine’ of Alistair Knox Park and other parkland along the Diamond Creek.

To ensure building setbacks achieve spatial proportion to the street, define the street edge and provide high amenity for users of the street.

To maintain appropriate levels of solar access to existing and proposed public spaces.

To ensure land is not underdeveloped.

To create a transition in uses and built form scale from higher intensities within the Centre to more appropriate intensities adjacent to residential areas and open spaces.

To ensure development adequately responds to flooding constraints.

To provide significant opportunities for deep rooted planting and landscaping around the perimeter of buildings, taking into consideration basement design.

### Landscape and place activation

To create a lively and people-based Centre, accommodating a wide variety of place-based activities, including pop up parks, playgrounds, markets, festivals and events.

To increase activity, interaction and passive surveillance, particularly in main retail and mixed-use areas, along pedestrian routes and open spaces by incorporating active frontages and large display windows at ground level.

To encourage and protect indigenous vegetation and canopy trees.

To ensure that the front, side and rear setbacks of development sites are extensively and effectively landscaped with canopy trees and other vegetation, particularly along identified landscape setbacks.

To ensure new car parking areas are provided with landscaping and canopy trees where appropriate.

### Movement and access

To provide for and strengthen circulation networks and linkages between the Eltham Town Centre (Precincts 1-5) and the Bridge Street Business Area (Precinct 10-12) and other destinations in and around the Activity Centre.

To improve the visual and physical safety and function of pathways for pedestrians and cyclists along and between the Diamond Creek Trail, gateways and enhanced connections.

### Community and leisure

To encourage public artwork that contributes to the ‘art character’ of Eltham.

### 3.0

Proposed C143nill

## Table of uses

### Section 1 - Permit not required

Use	Condition
Accommodation (other than Corrective institution, Dwelling, Residential aged care facility, Small second dwelling)	Must be in Precinct 1, 3 or 5. Any frontage at ground floor level must not exceed 2 metres.
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
Bed and breakfast	Must be in Precinct 1, 2, 3 or 5.  In Precinct 2: <ul style="list-style-type: none"> <li>no more than 10 persons may be accommodated away from their normal place of residence.</li> <li>at least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</li> </ul>
Convenience shop	Must be in Precinct 10, 11 or 12.
Dwelling (other than Bed and breakfast)	Must be in Precinct 1, 2, 3 or 5.  In Precincts 1, 3, or 5, any frontage at ground floor level must not exceed 2 metres (other than Caretaker's house).
Food and drink premises (other than Bar, Convenience restaurant, Hotel)	Must be in Precinct 1, 3 or 5.
Home based business	
Informal outdoor recreation	
Medical centre	Must be in Precinct 1, 3 or 5.
Office (other than Medical centre)	Must be in Precinct 1, 3, 5 or 10.
Place of worship	Must be in Precinct 1, 2, 3 or 5.  The gross floor area of all buildings must not exceed 250 square metres.  In Precinct 2, the site must adjoin or have access to a road in a Transport Zone 2 or Transport Zone 3.
Railway station	Must be in Precinct 3 or 5.  The total leasable floor area for the selling of food, drink and other convenience goods and services must not exceed 50 square metres.
Restricted retail premises	Must be in Precinct 11.

Use	Condition
Retail premises (other than Shop, Food and drink premises)	Must be in Precinct 1, 3 or 5.
Small second dwelling	<p>Must be in Precinct 1, 2, 3 or 5.</p> <p>Must be no more than one dwelling existing on the lot.</p> <p>Must be the only small second dwelling on the lot.</p> <p>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.</p>
Shop (other than Adult sex product shop, Bottle shop, Convenience shop, Restricted retail premises)	Must be in Precinct 1, 3 or 5.
Warehouse (other than Fuel depot, Mail centre or Shipping container storage)	<p>Must be in Precinct 10, 11 or 12.</p> <p>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.</p> <p>The land must be at least the following distances from land (not a road) which is in a Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</p> <ul style="list-style-type: none"> <li>• The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>• 30 m, for a purpose not listed in the table to Clause 53.10.</li> <li>• Must not: <ul style="list-style-type: none"> <li>• Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</li> <li>• Require a notification under the Occupational Health and Safety Regulations 2017.</li> <li>• Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</li> <li>• Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</li> </ul> </li> <li>• Must not adversely affect the amenity of the neighbourhood, including through the: <ul style="list-style-type: none"> <li>• Transport of materials, goods or commodities to or from the land.</li> <li>• Appearance of any stored goods or materials.</li> </ul> </li> </ul>

Use	Condition
	<ul style="list-style-type: none"> <li>Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</li> </ul>

Any use listed in Clause 62.01

Must meet requirements of Clause 62.01

## Section 2 - Permit required

Use	Condition
Accommodation (other than Corrective institution, Small second dwelling, Residential aged care facility)	Must be in Precinct 1, 2, 3 or 5.
Adult sex product shop	<p>Must be in Precinct 1, 3, 5, 10, 11 or 12.</p> <p>Must be at least 200 m (measured by the shortest route reasonably accessible on foot) from Precinct 2, a residential zone or, land used for a Hospital, Primary school or Secondary school or land in a Public Acquisition Overlay to be acquired for a Hospital, Primary school or Secondary school.</p>
Amusement parlour	<p>Must be in Precinct 1, 3, 5, 10, 11 or 12.</p> <p>In Precinct 10, the site must not adjoin or have access to Brougham Street.</p>
Bottle shop	Must be in Precinct 1, 3 or 5.
Car park	Must be used in conjunction with another use in Section 1 or 2.
Car wash	In Precinct 2, the site must adjoin or have access to a road in a Transport Zone 2 or Transport Zone 3.
Child care centre	Must be in precinct 1, 2, 3, or 5
Cinema	Must be in Precinct 1, 3 or 5.
Cinema based entertainment facility	
Convenience restaurant	<p>In Precinct 2, the site must adjoin or have access to a road in a Transport Zone 2 or a Transport Zone 3.</p> <p>The gross floor area of all buildings must not exceed 250 square metres.</p>
Convenience shop	<p>In Precinct 2:</p> <ul style="list-style-type: none"> <li>the land must be located within 100 metres of Precinct 1, 3, 5, or a Mixed Use Zone.</li> <li>the land must have the same street frontage as the land in Precinct 1 or Mixed Use Zone.</li> </ul>



Use	Condition
Education centre (other than Childcare centre)	In Precinct 10, 11 or 12, it must not be a Primary school or Secondary school.
Hotel	In Precinct 2, the site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Industry (other than Car wash)	Must be in Precinct 1, 3, 5, 10, 11 or 12.  In Precinct 1, 3 or 5, must not be a purpose listed in the table to Clause 53.10.
Nightclub	Must be in Precinct 1, 3, 5, 10, 11 or 12.  In Precinct 10, the site must not adjoin or have access to Brougham Street.
Office (other than Medical centre)	In Precinct 2: <ul style="list-style-type: none"><li>the land must be located within 100 metres of Precinct 1, 3 or 5.</li><li>the land must have the same street frontage as the land in Precinct 1, 3 or 5.</li><li>leasable floor area must not exceed 250 square metres.</li></ul>
Residential aged care facility	Must be in Precinct 1, 2, 3 or 5.
Restricted retail premises	Must be in Precinct 1, 3, 5, 10 or 12.
Retail premises (other than Food and drink premises, Shop)	Must be in Precinct 10, 11 or 12.
Service station	In Precinct 2, the site must either: <ul style="list-style-type: none"><li>adjoin land in Precinct 1, 3 or 5;</li><li>adjoin or have access to a road in a Transport Zone 2 or a Transport Zone 3.</li></ul> In Precinct 2 the site must not exceed either: <ul style="list-style-type: none"><li>3000 square metres,</li><li>3600 square metres if it adjoins on two boundaries of a road in a Transport Zone 2 or a Transport Zone 3.</li></ul>
Sex services premises	Must be in Precinct 1, 3, 5, 10, 11 or 12.  Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from Precinct 2, a residential zone or, land used for a Hospital, Primary school or Secondary school or land in a Public Acquisition Overlay to be acquired for a Hospital, Primary school or Secondary school.

Use	Condition
<b>Shop (other than Adult sex product shop, Bottle shop, Convenience shop, Restricted retail premises)</b>	<p>Must be in Precinct 1, 2, 3 or 5.</p> <p>In Precinct 2:</p> <ul style="list-style-type: none"> <li>the land must be located within 100 metres of Precinct 1, 3, 5, or a Mixed Use Zone.</li> <li>the land must have the same street frontage as the land in Precinct 1 or Mixed Use Zone.</li> </ul>
<b>Store</b>	Must be in a building, not a dwelling, and used to store goods, machinery or vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
<b>Take away food premises</b>	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
<b>Warehouse (other than Store)</b>	<p>Must be in Precinct 1, 3, 5, 10, 11 or 12.</p> <p>In Precinct 1, 3 or 5, must not be for a purpose listed in the table to Clause 53.10.</p>
<b>Any other use not in Section 1 or 3</b>	

### Section 3 – Prohibited

Use
<b>Corrective institution</b>
<b>Intensive animal husbandry</b>
<b>Motor racing track</b>

#### 4.0

Proposed C143nill

### Centre-wide provisions

#### 4.1

Proposed C143nill

### Use of land

A permit is not required to use land for the purpose of local government, recreation, education, transport, police or health providing the use is undertaken by, or on behalf of, the public land manager.

Land use must not detrimentally affect amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

#### 4.2

Proposed C143nill

### Subdivision

Subdivision that fragments existing land holdings and reduces development opportunities and active frontages is discouraged.

The consolidation of land to create lots of a size sufficient to accommodate the visual and amenity impacts associated with more intense development is encouraged.

#### 4.3

Proposed C143nill

#### Buildings and works

A permit is not required for buildings and works for railway purposes including signals (and related control buildings), new tracks, track-work and realignment, train stabling, overhead power lines, gantries, buildings and works related to railway power requirements and any work required under the Disability Discrimination Act-Disability Standards for Accessible Public Transport 2002.

In Precincts 1, 3 and 5 a permit is not required to construct a building or construct or carry out works for the following:

- The installation of an automatic teller machine unless it occupies more than 10% of the frontage.
- The alteration to an existing commercial building façade provided that:
  - The alteration does not include installation of an external roller shutter.
  - At least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- The construction of an awning that projects over a road if it is authorised by the relevant public land manager.

#### Construction and extension of one dwelling on a lot

In Precinct 2 a permit is not required to construct a building or construct or carry out works for the following:

- Construct or extend one dwelling on a lot of more than 300 square metres and not on common property.
- Construct or extend an outbuilding (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

A development must meet the requirements of Clause 54, unless otherwise stated in this schedule.

#### Construction and extension of two or more dwellings on a lot

A development must meet the requirements of Clause 55, unless otherwise stated in this schedule. This does not apply to a development of five or more storeys.

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

#### Buildings on lots that abut a residential zone

Any buildings or works constructed on a lot that abuts land in a General Residential Zone or Neighbourhood Residential Zone should be designed to manage visual bulk and overshadowing and must meet the requirements of Clauses 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary, unless otherwise stated in this schedule.

#### 4.4

Proposed C143nill

#### Design and development

The following design and development requirements apply to an application to construct a building or construct or carry out works:

#### Building height

A basement is not a storey for the purposes of calculating the number of storeys in a building.

A permit cannot be granted to vary any mandatory maximum building height specified in this schedule.

Permit applications which seek to exceed any preferred maximum building height specified in the precinct provisions of this schedule, must demonstrate that:

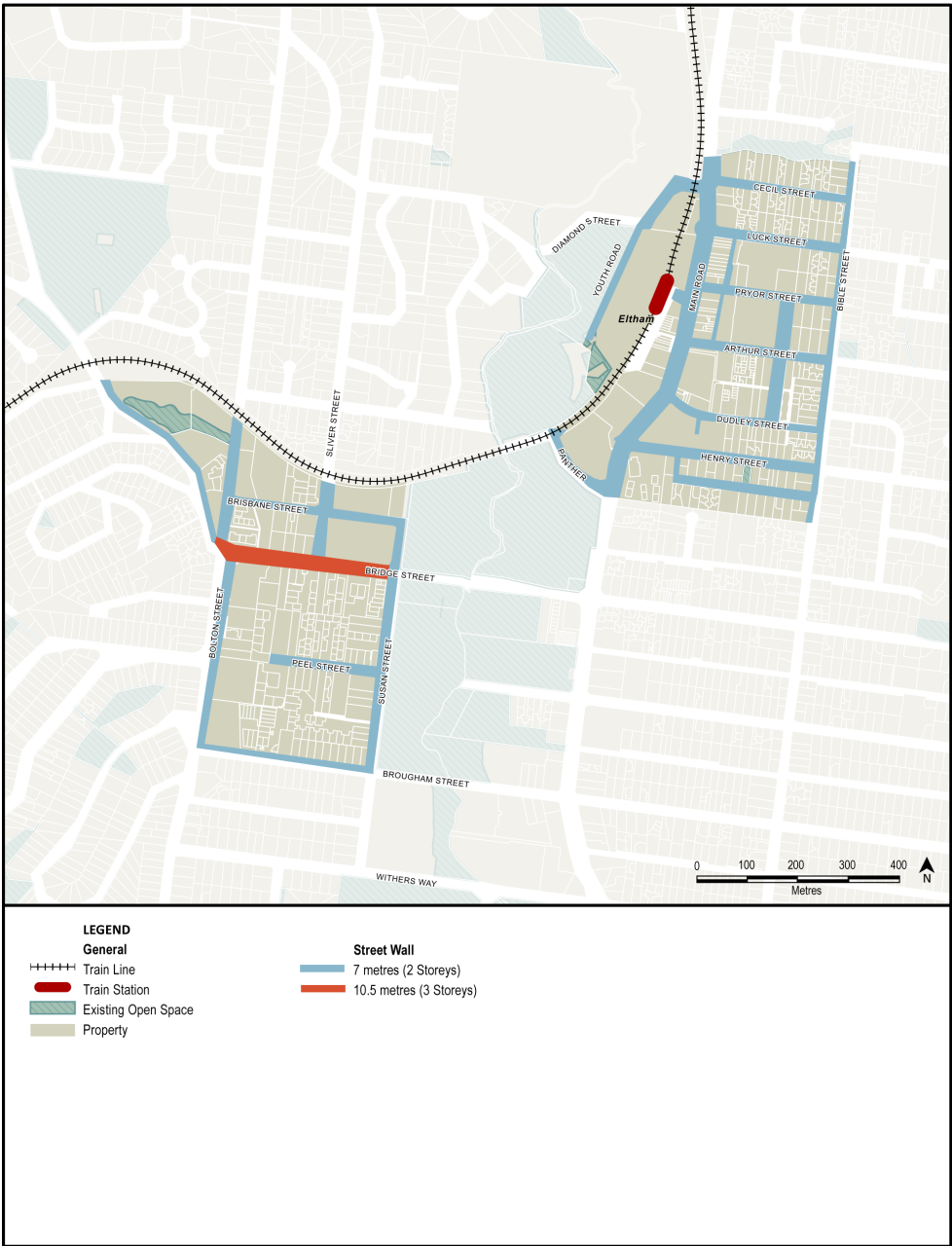
- Increased setbacks are provided for landscaping which include additional canopy trees to assist in visually softening the development at street level and providing increased permeable surfaces.
- Design principles are included which provide landscaping beyond the ground level and green facades.
- The development responds to the character of the Activity Centre through outstanding architecture.

For the purposes of this schedule, building height excludes service equipment including plant rooms, lift overruns, solar collectors and other such equipment provided the following criteria are met:

- The equipment is no more than 4 metres above the maximum building height.
- The equipment occupies no more than 20 per cent of the floor area of the top building level.
- The equipment is located to minimise additional overshadowing of neighbouring properties and public spaces.
- The equipment is designed, screened and finished in a non-reflective material and of a colour to the satisfaction of the responsible authority.

#### **Street wall heights**

Street walls should incorporate articulated facades and active frontages at ground level.

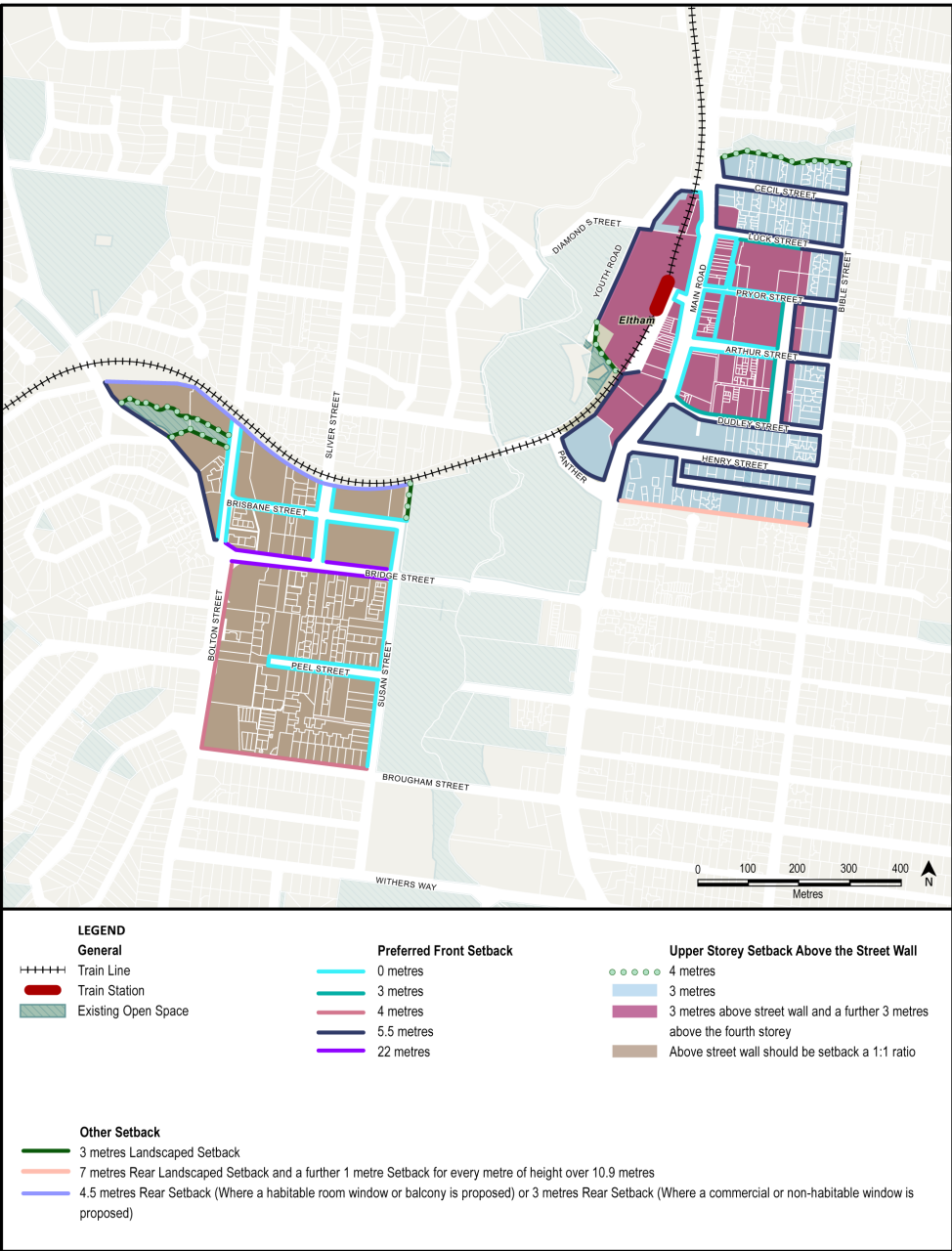


**Building setbacks**

Minor works including verandahs, architectural features, balconies, sunshades, screens and artworks may be constructed within any setback area, provided they are designed and located to the satisfaction of the responsible authority.

Development on street corners should address both frontages and have regard to prevailing setbacks to both streets.

Where a front setback is specified, that setback is measured from the property boundary.



**Direct Interfaces with creek reserves or public open space**

Should be designed:

- To address the creek reserve or public open space with entries, windows and balconies; and,
- Incorporate low and visually permeable fences to clearly define the public realm while retaining the potential for visual interaction.

**Eltham Character**

Developments should be designed to respect the Eltham character by:

- Using natural materials including lightweight cladding, timber, render, on-masonry sheeting, glazing, brick, mud-brick and iron roofing, including recycled, recyclable and/or renewable materials and elements.
- Incorporating the use of simple, robust design elements, verandahs with timber colonnades on the outer edge and art on the facade of buildings.
- Selecting colour palettes that include muted-and, earthy tones that blend in with the natural environment and vegetation.
- Siting and designing buildings in response to the topography of the land while providing a transition in built form towards sensitive and residential areas and respecting major view lines.

#### **Landscape design**

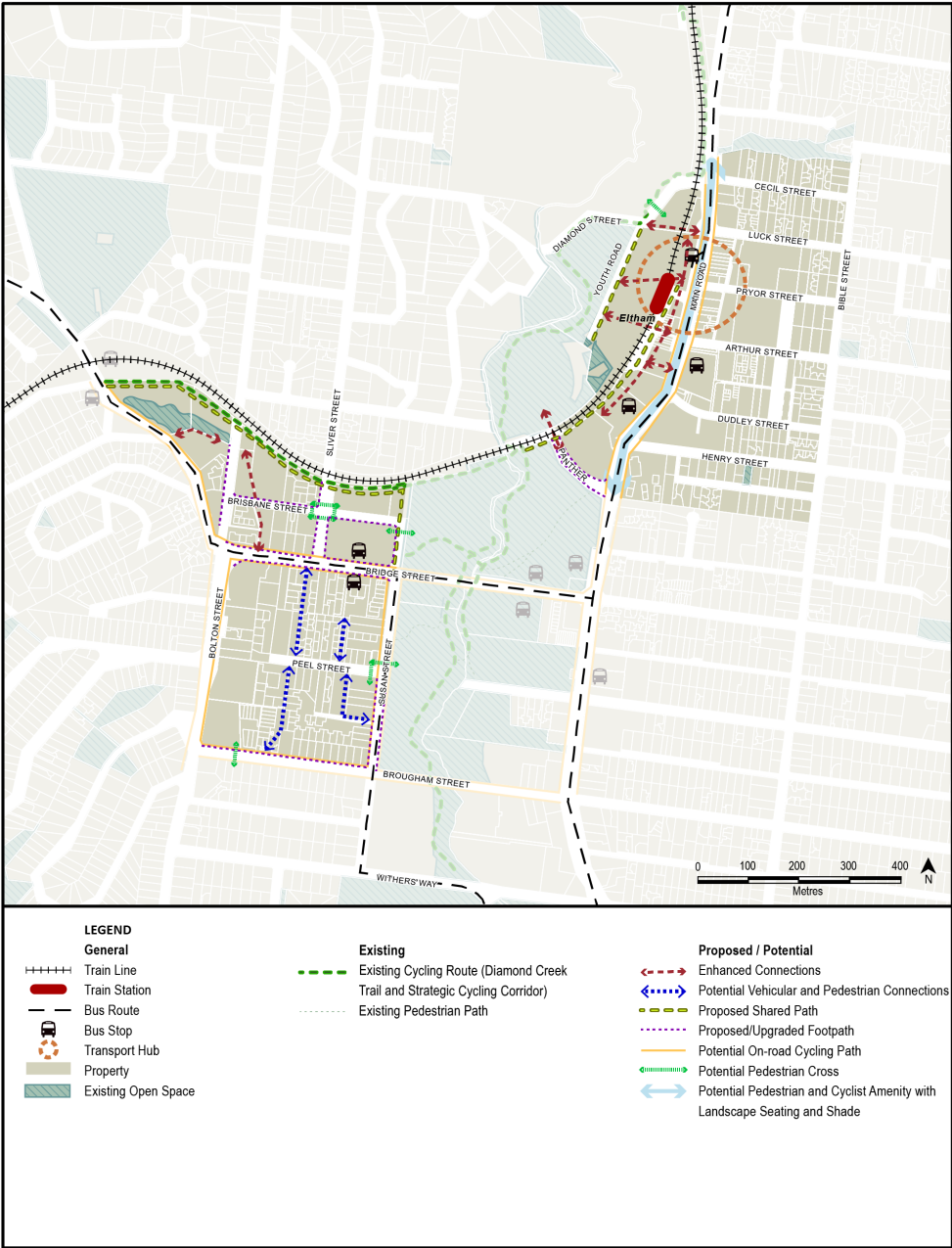
Landscape design should:

- Create private and public open space areas that are accessible, safe, attractive and functional.
- Retain and protect established indigenous vegetation.
- Limit the removal of vegetation to the minimum required to allow the land to satisfy its development potential.
- Provide exceptional landscape treatments within front, side and rear setbacks, particularly within identified landscaped setbacks with a focus on indigenous planting and canopy trees.
- Provide shade trees planted in at-grade car parks with more than 10 car spaces.

#### **Movement and access**

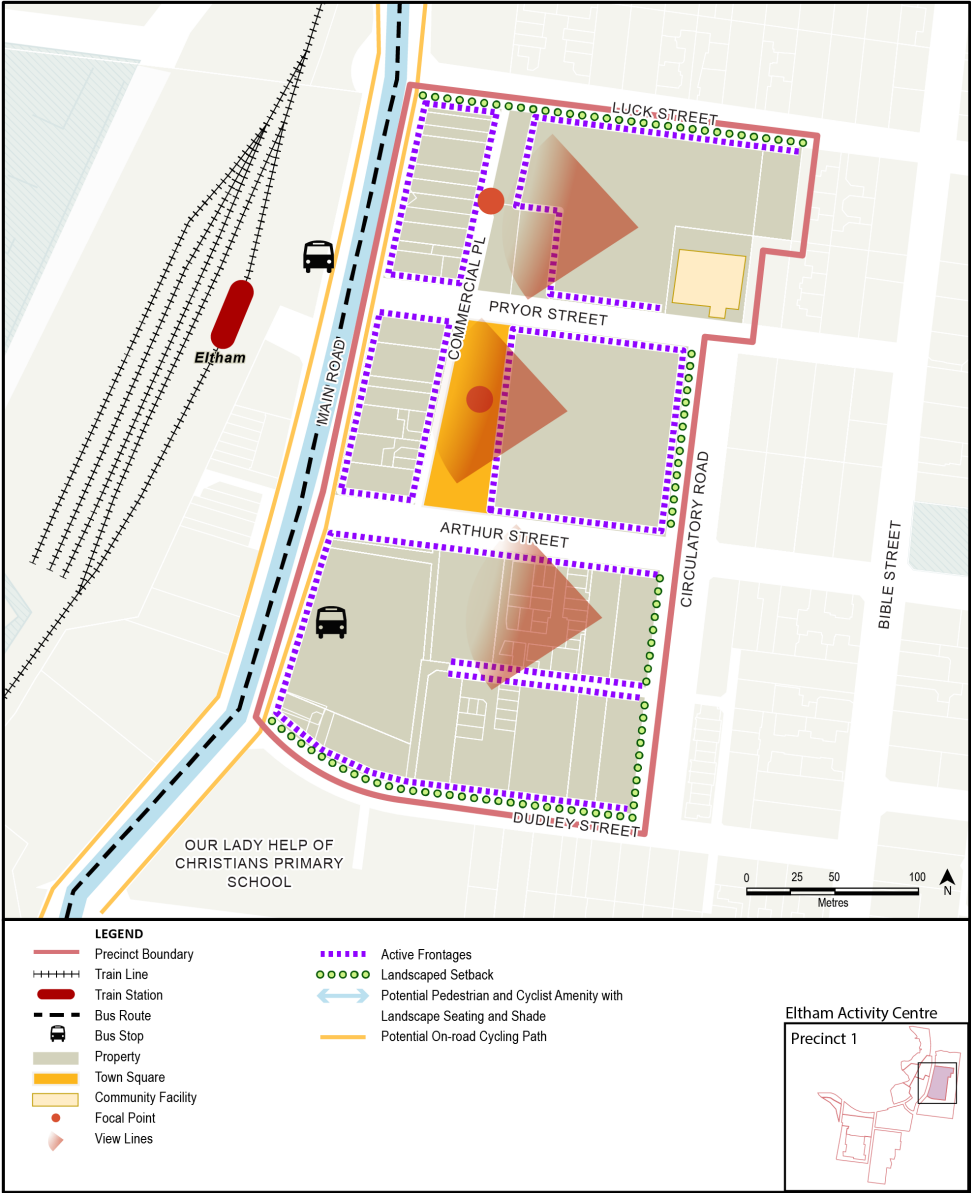
New development should achieve objectives of the movement and access map below.

MILLUMBIK PLANNING SCHEME





5.0	Precinct provisions
5.1	Precinct 1 – Commercial core
5.1-1	Precinct map



5.1-2 Precinct objectives

To encourage dining and entertainment, professional services, offices, specialised food retailing, transport and emerging industries.

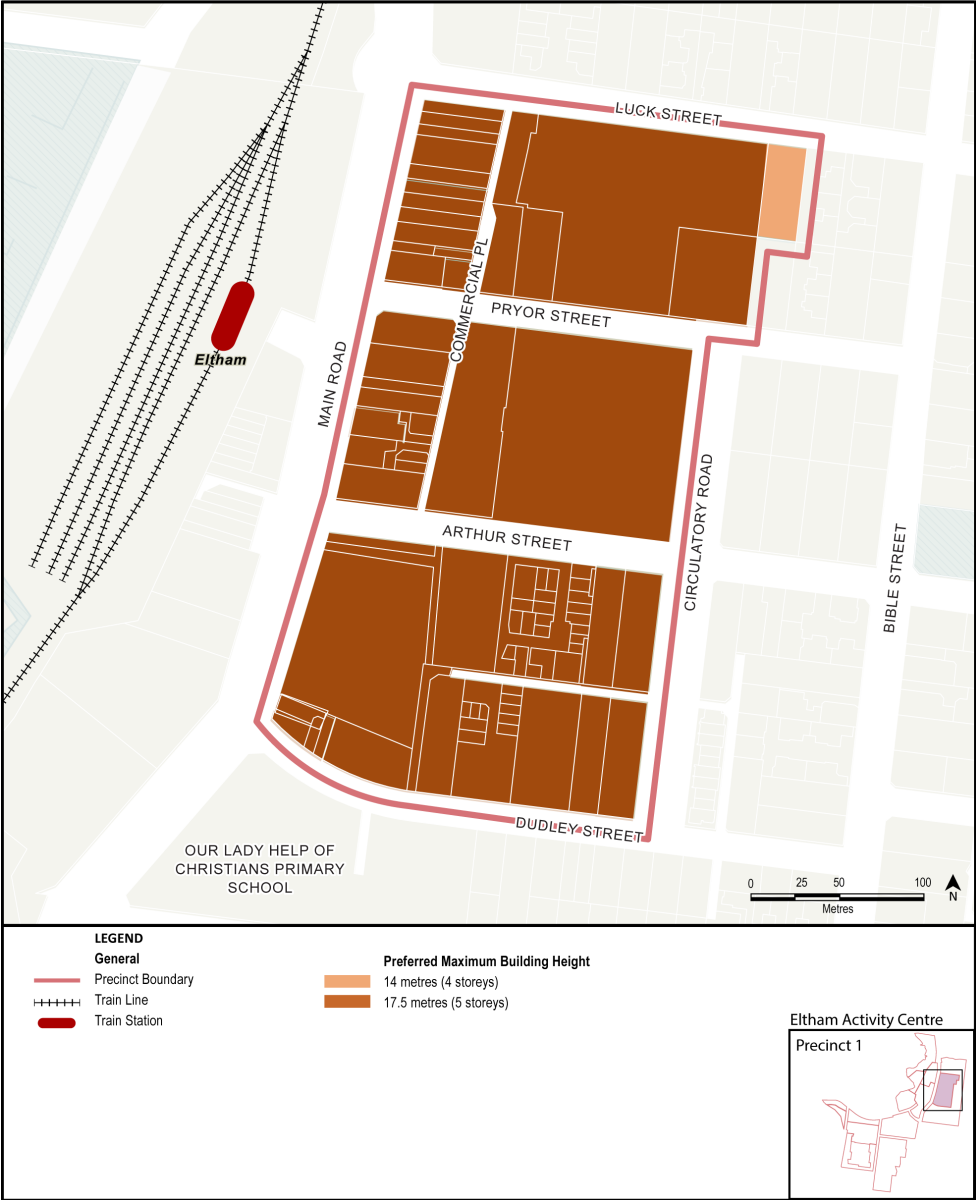
To provide and improve pedestrian and cycling linkages around the train line, Town Square and Main Road.

To ensure new development does not unreasonably interrupt the canopy ridge line of Eltham and views available to the west.

To create a transition in uses and built form scale between the town centre and the nearby residential interface precinct.

5.1-3 Precinct requirements

Maximum building height requirements:



Avoid blank walls and reflective glazing.

Buildings on corner allotments should address both street frontages with commercial/ shop front windows at street level, corner allotments of Dudley Street and Main Road as well as Luck Street and Main Road should have expressed corner building forms to create a sense of entry into this precinct.

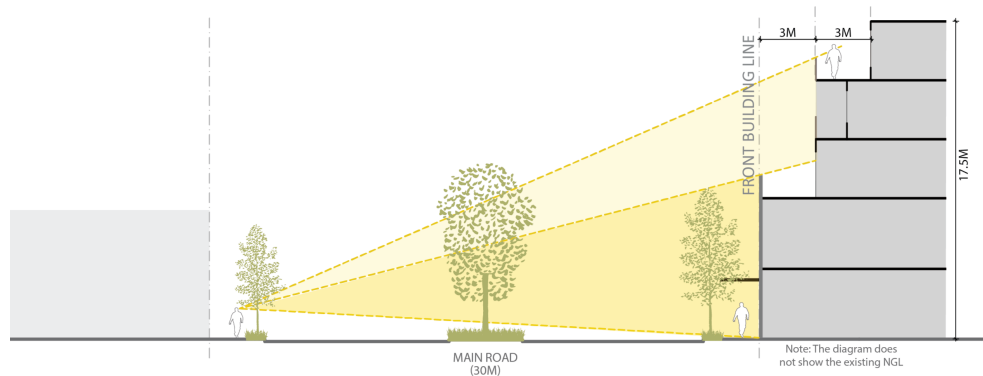
Provide basement access from the side street, rather than Commercial Place for developments fronting Main Road between Arthur Street and Luck Street.

Buildings fronting Main Road, Pryor Street, Arthur Street and Commercial Place should:

- Provide 65-80% clear glazing (non-reflective) between a height of 0.5 metres and 2.4 metres above the footpath offering unobstructed views into the building.
- Provide pedestrian entries at least every 15 metres.
- Utilise the front wall to provide informal bench seating (can be low windowsills).
- Include a street wall that includes both a fine grain and strong vertical articulation to deliver visual interest.
- Continuous weather protection for pedestrians to be provided along the Main Road, Pryor Street, Arthur Street and Commercial Place building frontages, subject to protecting existing tree canopies.

The preferred built form character includes a street wall height of 7 metres or two storeys (not including a basement), whichever is the lesser, with levels above setback to reduce their visibility from the public realm. Any part of the building above 7 metres or two storeys (not including a basement), whichever is the lesser, should be setback at least 3 metres from the front building line and a further 3 metres above 14 metres or four storeys. Refer to *Building setbacks* under section 4.4. Section Diagram 1 shows indicative minimum setbacks along Main Road.

**Section Diagram 1 - Indicative minimum setbacks along Main Road in Precinct 1**



#### 5.1-4      **Precinct guidelines**

Encourage retail development at ground level, particularly in Pryor Street, Commercial Place, Arthur Street and Dudley Street.

Encourage restaurants and active uses near the Town Square and on Commercial Place between Luck and Pryor Streets.

Encourage the development of offices throughout the precinct, particularly on sites abutting the west side of the Circulatory Road.

New development should provide active frontages to the street at ground level including facade articulation, inclusion of windows, entries and verandahs.

Encourage the creation of a new pedestrian link between the Town Square and Main Road by converting one of the retail premises fronting Main Road into an open plaza.

Upper levels of new developments should be articulated with building recesses and balcony treatments.

Continuous weather protection for pedestrians should be provided along the Main Road, Pryor Street, Arthur Street and Commercial Place building frontages, subject to protecting existing tree canopies.

Medium density mixed-use developments should provide basement or podium car parking sleeved with other uses that provide active frontages.

Ensure built form in Commercial Place responds to the narrow street with upper-level setbacks.

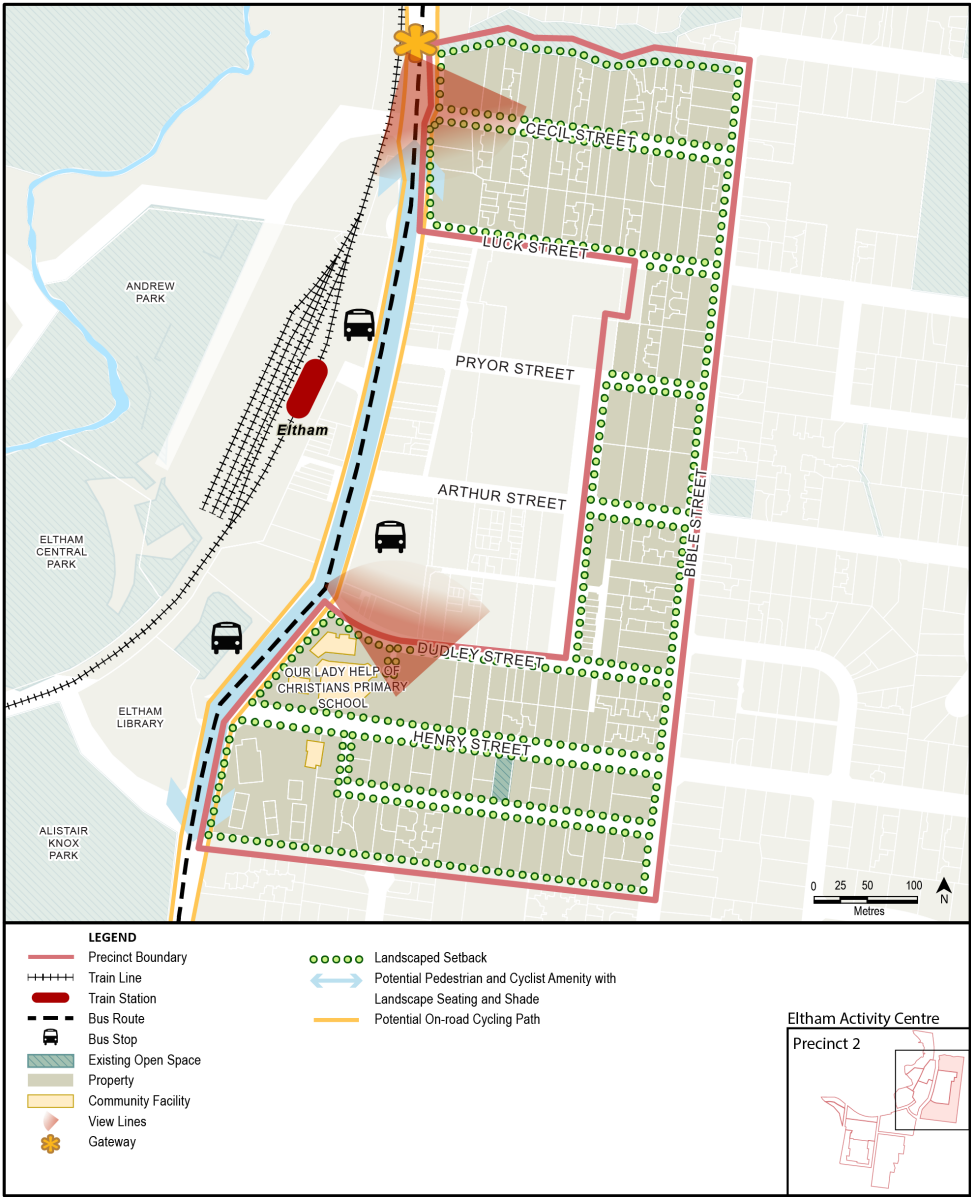
5.1-5

Any other requirements

None specified.

5.2 Precinct 2 – Residential interface

5.2-1 Precinct map



5.2-2 Precinct objectives

Encourage medium density housing, particularly on larger lots, while also providing some small to medium scale office use.

To protect and enhance the amenity within the Activity Centre and surrounding established residential neighbourhoods by encouraging significant use of landscaping, including canopy trees and well vegetated front, side and rear setbacks.

To ensure development adequately responds to flooding constraints at the northern end of the precinct as identified by application of the Special Building Overlay.

### 5.2-3 Precinct requirements

#### Maximum building height requirements:

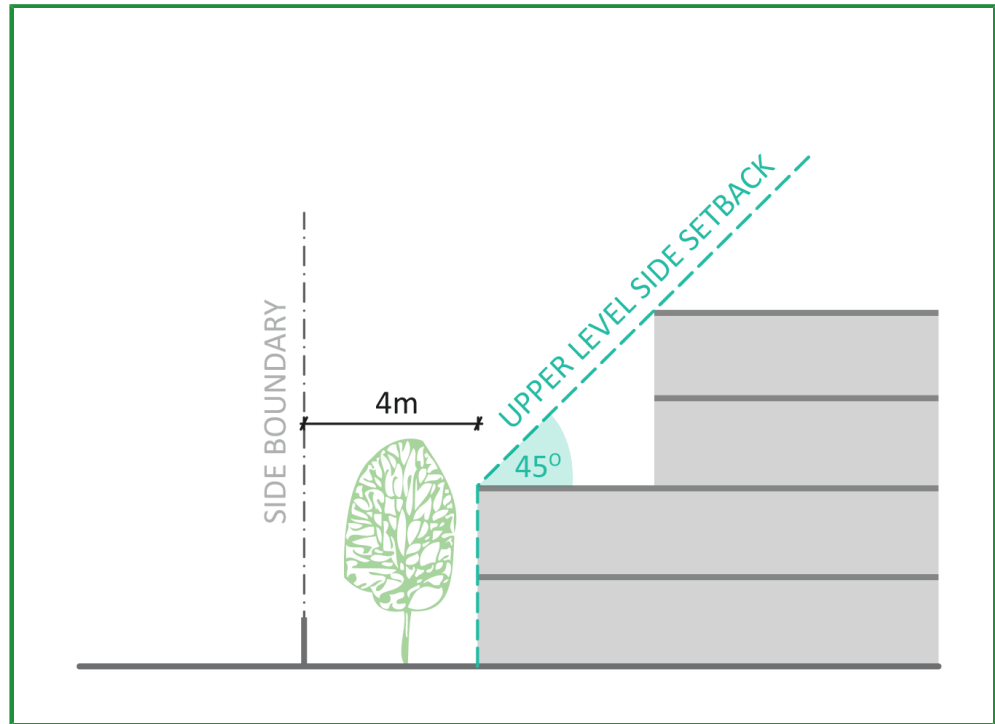


Preferred minimum setbacks as shown in Building setbacks map in section 4.4.

Development in precinct 2 should manage visual bulk, overshadowing and the sensitive interface by ensuring:

- A minimum 4 metre side setback to allow for small and slender trees that contribute to the landscape character.
- Any part of the building above 7 metres or two storeys (not including a basement), whichever is the lesser, should be setback beyond a 45 degree plane from the sides of the level below (refer to Section Diagram 2).

Section diagram 3 - Setback beyond a 45 degree plane from the sides of the level below in Precinct 2



#### 5.2-4 Precinct guidelines

Use and development of non-residential uses should:

- Be compatible with surrounding residential use, scale and intensity.
- Reflect the pattern of existing building siting and massing within the precinct.

Consideration will be given to increased residential density on sites with larger footprints of 1,500 square metres or greater, on which development should be designed with split levels to respond to the natural topography.

Main pedestrian entrances should be clearly legible from the street and demarcated with strong architectural and landscape features including way finding signage.

Developments sited alongside boundaries should be massed in a staggered manner to avoid overlooking adjacent properties and reduce overshadowing impacts.

Building siting should provide the opportunity for open space areas and allow for canopy tree landscaping to be integrated with the total development.

Visibility of on-site car parking from the public realm should be minimised by limiting car parking in front crossovers and driveways and siting car parking underground or to the side and rear of dwellings.

#### 5.2-5 Any other requirements

None specified.

Proposed C143nill

## SCHEDULE 1 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO1.

### ELTHAM TOWN CENTRE

#### 1.0

Proposed C143nill

#### Statement of nature and key elements of landscape

The *Eltham Major Activity Centre Structure Plan* (Kinetica, July 2020) recognises that the Eltham Town Centre has a distinctive character which in part is defined by the integration of the built form and vegetation, particularly canopy trees, which should be preserved and enhanced. The Eltham Town Centre is also a designated area of substantial change, where the development potential of sites is to be realised in accordance with the *Eltham Major Activity Centre Structure Plan* (Kinetica, July 2020). Future development should thus seek to strike a balance between the retention and planting of vegetation and the accommodation of higher intensity development.

In the future, new development will contribute to a strong sense of place by reflecting the special qualities of the Eltham Town Centre through the achievement of the following preferred character:

- New development will employ earthy muted tones, natural building materials and innovative design.
- Buildings will not exceed the predominant tree canopy height and while visible from the street, their appearance will be softened through landscaping.
- Building forms will be modest and compact in scale and avoid excessive bulk through the use of articulation, low roof pitches, and other design elements.
- Vegetation, both native and exotic canopy trees, will dominate long distance views, the skyline of streetscape views, and front gardens.
- There will be little physical evidence of the boundary between private and public property at the front of buildings, and no solid fences.

#### 2.0

Proposed C143nill

#### Landscape character objectives to be achieved

To recognise, protect and enhance the contribution provided by canopy trees, particularly native trees, to the existing and preferred character of the Eltham Town Centre.

To ensure that the health of existing canopy trees is not unnecessarily jeopardised by buildings and works.

To restrict removal of vegetation to the minimum required to allow land to satisfy its development potential in accordance with the *Eltham Major Activity Centre Structure Plan* (Kinetica, July 2020).

To ensure that new development contributes to the achievement of the preferred character through additional landscaping, particularly canopy trees.

To reinforce the indigenous planting regime within the Eltham Town Centre.

#### 3.0

Proposed C143nill

#### Permit requirement

A permit is required to construct a building or carry out works.

A permit is required to remove, destroy or lop any substantial tree. This does not apply to:

- The pruning of a tree for regeneration or ornamental shaping;
- The removal of dead trees or dead limbs; or
- The partial removal of limbs and branches directly overhanging buildings.





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Planning and Environment Act 1987

NILLUMBIK PLANNING SCHEME  
AMENDMENT C144nill  
EXPLANATORY REPORT

Overview

The amendment proposes changes to update and improve particular planning scheme ordinances applied to the Diamond Creek Major Activity Centre (Diamond Creek MAC). The changes include implementing the findings of the *Diamond Creek Major Activity Centre Structure Plan* (Kinetica, September 2020), particularly by amending Clause 11.03-1L-01 (Activity centres in Nillumbik), Schedule 2 to the Activity Centre Zone (ACZ2), Schedule 6 to the Significant Landscape Overlay (SLO6) and the Schedule to Clause 72.08 (background Documents) to reflect and implement the recommendations of the structure plan.

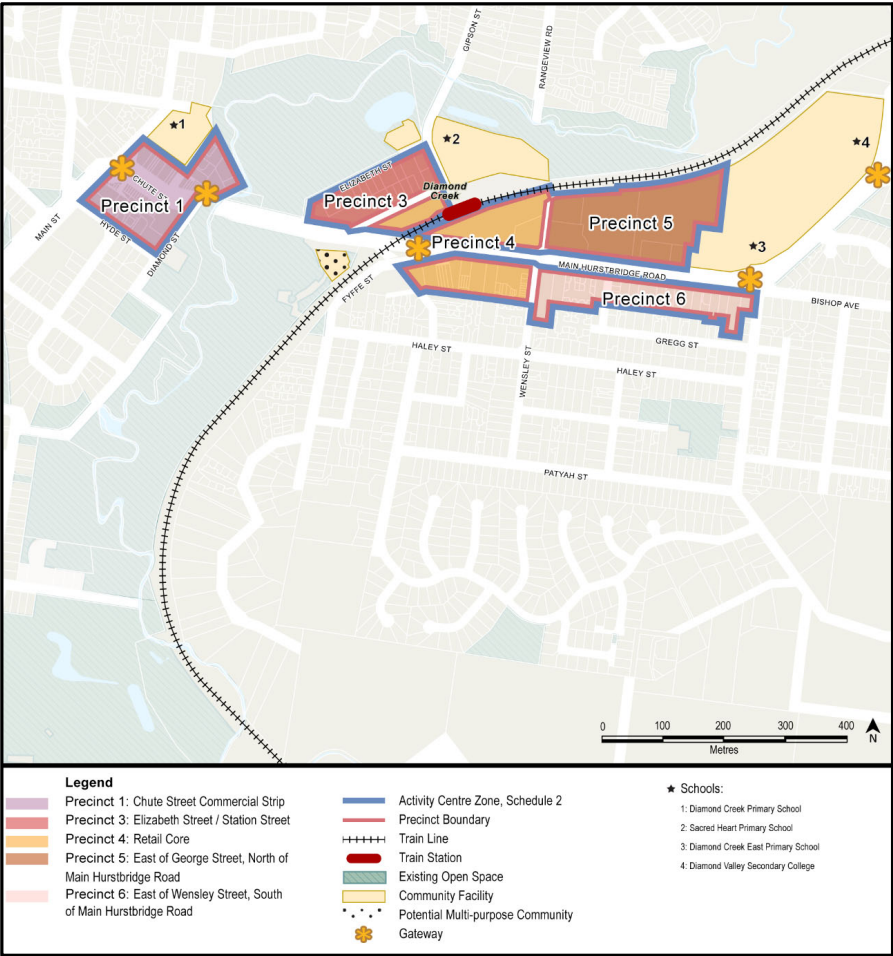


Figure 1: Diamond Creek Major Activity Centre within the ACZ2

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**Where you may inspect this amendment**

The amendment can be inspected free of charge at the Nillumbik Shire Council's public engagement website at <https://participate.nillumbik.vic.gov.au/eltham-and-diamond-creek-activity-centres>

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

Nillumbik Shire Council offices

Civic Drive

Greensborough 3088

The amendment can also be inspected free of charge at the Department of Transport and Planning website at [www.planning.vic.gov.au/planning-schemes/amendments/amendments-on-exhibition](http://www.planning.vic.gov.au/planning-schemes/amendments/amendments-on-exhibition) or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

**Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by Friday 19 July 2024. A submission can be made via the Council website by clicking the 'Make a Submission' button at the following link: <https://participate.nillumbik.vic.gov.au/eltham-and-diamond-creek-activity-centres>

A submission may be sent to:

Leigh Northwood  
Manager, Strategic Planning and Environment  
Nillumbik Shire Council  
Civic Drive (PO Box 476)  
Greensborough 3088

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

**Panel hearing dates**

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

- directions hearing: Monday ~~27 October 2025~~ ~~2 June 2025~~
- panel hearing: Monday ~~24 November 2025~~ ~~30 June 2025~~

**Details of the amendment**

**Who is the planning authority?**

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

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

**Land affected by the amendment**

The amendment applies to all land within the Diamond Creek MAC (ACZ2), as defined by the *Diamond Creek Major Activity Centre Structure Plan* (Kinetica, September 2020). The affected land is shown in Figure 2.

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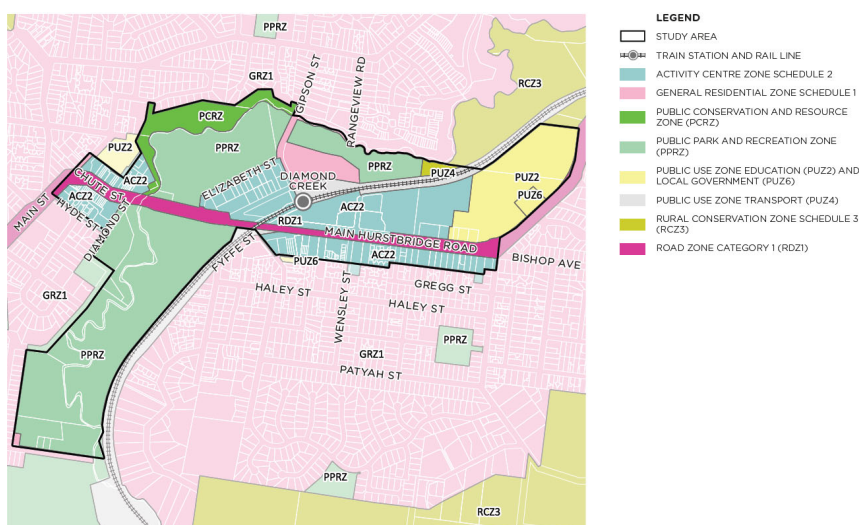


Figure 2: Map of land affected by Amendment C144nill (Source: Diamond Creek Major Activity Centre Structure Plan (Kinetica, September 2020))

### What the amendment does

The amendment proposes to implement the findings of the 'Diamond Creek Major Activity Centre Structure Plan (Kinetica, September 2020)' by strengthening the strategic framework of the Diamond Creek MAC at Clause 11.03 (Activity Centres in Nillumbik) of the Planning Policy Framework and amending Schedule 2 to Clause 37.08 (Activity Centre Zone) and Schedule 6 to Clause 42.03 (Significant Landscape Overlay) that currently apply to the Diamond Creek MAC.

Specifically, the amendment proposes to:

#### Zoning Maps

1. Amend Planning Scheme Map No.9 and 10ZN to rezone 28 and 28a Station Street Diamond Creek from ACZ2 to TRZ1, in line with the rail corridor zoning (VicTrack land).

#### Planning Scheme Ordinance

2. Amend Clause 11.03-1L-01 (Activity centres in Nillumbik) to reflect the *Diamond Creek Major Activity Centre Structure Plan* (Kinetica, September 2020).
3. Amend Schedule 2 to Clause 37.08 (Activity Centre Zone) to implement the recommendations of the *Diamond Creek Major Activity Centre Structure Plan* (Kinetica, September 2020).
4. Amend Schedule 6 to Clause 42.03 (Significant Landscape Overlay) to require a permit for buildings and works, and update references to the *Diamond Creek Major Activity Centre Structure Plan* (Kinetica, September 2020).
5. Amend the Schedule to Clause 72.08 (Background Documents) to:
  - a. Replace the *Diamond Creek Major Activity Centre Structure Plan and Leisure Facilities Plan* (Nillumbik Shire Council, 2006) with the *Diamond Creek Major Activity Centre Structure Plan* (Kinetica, September 2020).
  - b. Delete the *Diamond Creek Town Centre Design Guidelines Parts A and B Design Guidelines* (Hansen Partnership, 2014).

### Strategic assessment of the amendment

#### Why is the amendment required?

The Nillumbik Planning Scheme currently implements the *Diamond Creek Major Activity Centre Structure Plan and Leisure Facilities Plan* (Hansen Partnership, 2006). Since then, the context for the Diamond Creek

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MAC has changed, necessitating a review to meet the current and future needs of Diamond Creek. The area experienced modest population growth between 2016 and 2021 (+792 people) and is seeing an ageing population with an increase in residents aged over 55. Housing needs are also changing, with smaller households becoming more prevalent and a greater demand for diverse housing stock. Additionally, there is a lack of office space and local employment opportunities to suit the high number of professional workers living in the area.

According to the Nillumbik Activity Centres Land Use & Economic Analysis (2019), which informed the adopted structure plan, the capacity for Diamond Creek MAC to accommodate additional light industry is limited. However, while greater housing densification is necessary, prioritising economic activity is essential to minimise escape expenditure outside the Shire, particularly for emerging industries.

In 2020, Nillumbik Shire Council adopted the new *Diamond Creek Major Activity Centre Structure Plan* (Kinetica, September 2020), which will guide future planning and development of the Diamond Creek MAC. This amendment is required to implement the new Diamond Creek MAC Structure Plan through the Nillumbik Planning Scheme to meet the community's future needs for the next 10 years and beyond. It will support the need to focus planning efforts on sustainability and ensure environmentally, socially, and economically sound changes.

In July 2024, Ethos Urban provided advice to Nillumbik Shire Council regarding the State Government's Housing Targets and the Plan for Victoria. This advice analysed the Shire's residential sector, housing capacity, market drivers, and trends. It also assessed whether the targets could be achieved, considering the significant land and environmental constraints within the Shire. For the reasons outlined in Ethos' advice, the State housing targets for 2051 remain achievable if Council proceeds with these amendments. When a new structure plan is prepared in the future, housing targets can be incorporated into strategic planning, working towards a 2051 target in a more considered manner and a more certain landscape. The advice along with Council's submission to the Plan for Victoria can be found in the attachments.

The intended outcomes are achieved by the proposed amendment in the following ways:

**Rezoning the rail corridor**

In response to a submission received from VicTrack (public authority), 28 and 28a is proposed to be rezoned from ACZ2 to TRZ1. This aligns with the zoning and controls of the remainder of the rail corridor and enables VicTrack to undertake necessary works as per the purpose and controls appropriate to that land (TRZ1). Maintaining this land under the ACZ appears to be a previous zoning error and has little to no strategic merit.

**Updating Schedule 2 to Clause 37.08 (Activity Centre Zone; ACZ2)**

The updated ACZ2 implements the outcomes sought in the Diamond Creek Structure Plan by modifying the Table of Uses to support the land use settings identified in the Diamond Creek Structure Plan (Kinetica, September 2020) and by removing unnecessary listings that were carried over as a result of previous planning scheme translations.

Additionally, exemptions from notice or review from the ACZ2 have been removed to ensure the public are afforded every opportunity to provide their views on development concerning the Diamond Creek MAC. This change is in accordance with Clause 37-08-8 (Exemption from notice and review) and is consistent with Council's adopted policy of supporting and facilitating active engagement with the community, as articulated by Nillumbik Shire Council's Community Engagement Policy (Nillumbik Shire Council, February 2021).

The ACZ2 also makes administrative changes to ensure it is consistent with *Planning Practice Note 60: Height and setback controls for activity centres* and the *Ministerial Direction - The form and content of planning schemes* – under section 7(5) of the *Planning and Environment Act 1987*. Maps have been introduced to the ACZ2 to articulate building heights and appropriate setbacks. Building heights themselves have **not** been changed.

It should be noted that there are minimal changes to the built form and development requirements within the ACZ2. In fact, protecting and enhancing existing character has been enriched by updating the precinct objectives, guidelines and requirements to reflect the Diamond Creek Structure Plan (Kinetica, September 2020) and ultimately maintain Diamond Creek's character. Some of these built form changes include:

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- Removing an existing mandatory requirement in the ACZ2 for a top storey to be in the roof.
- Modifying the ACZ2 to require front setbacks to be measured from the property boundary, rather than the kerb.

***Updating Schedule 6 to Clause 43.03 (Significant Landscape Overlay; SLO6)***

The proposal to modify SLO6 strengthens the strategic basis for controls through the Diamond Creek Structure Plan (2020) which articulates the strategic importance that vegetation contributes to the preferred and unique character of the Diamond Creek MAC and in mitigating against the heat island effect associated with climate change. Currently, the SLO6 only requires a planning permit for the removal of certain vegetation and for buildings and works within 5 metres of a substantial tree. This is problematic because:

- By not requiring a planning permit for all buildings and works, the SLO6 does not adequately allow proper assessment against Statements of Nature and Key Elements of Landscape, which have a broad relevance to buildings and works. These statements include:
  - Buildings will be sited and designed to integrate with the landscape settings and maintain views across the Diamond Creek valley.
  - New development shall complement and reflect the historic qualities of the township and its landscape settings through the use of natural materials and colours.
  - Buildings will be modest in scale to ensure the dominance of the tree canopy over built form, and avoid excessive bulk and create interest through articulation, roof forms, fenestration, parapets and other design elements.
  - The use and retention of indigenous vegetation, particularly canopy trees, to reflect and reinforce the vegetation dominated character of the area.
  - Use of exotic species in selected locations as an expression of the European heritage of the area.
- By not requiring a planning permit for all buildings and works, the SLO6 does not adequately allow proper assessment against the overlay's Landscape Character Objectives, particularly:
  - To ensure that new development contributes to the achievement of the preferred character through additional landscaping, particularly canopy trees.
- By not requiring a planning permit for all buildings and works, the SLO6 does not adequately allow proper assessment against all of the overlay's Decision Guidelines, particularly:
  - Whether the proposed location or design of any buildings or works will impair the appearance or health of the vegetation.
  - The extent to which front setbacks are landscaped to reinforce the appearance of vegetation dominating private allotments when viewed from the street.

The amendment proposes to address these shortcomings by modifying the SLO6 to apply a planning permit for buildings and works.

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

The amendment will implement the objectives of planning in Victoria as outlined in Section 4(1) of the *Planning and Environment Act 1987* as follows:

*(a) Provide for the fair, orderly, economic and sustainable use, and development of land.*

The amendment is proposed to result in the fair, orderly, economic and sustainable use and development of land by implementing a well-planned, holistic strategy that addresses the needs of the existing and future community of Diamond Creek.

*(b) Provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*

The amendment proposes to identify and protect local environmental features by updating SLO6 that seeks to recognise, protect and enhance the contribution provided by canopy trees, particularly native trees. It also ensures that the health of existing canopy trees is not unnecessarily jeopardised by buildings and works.

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- (c)      *Secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*

The amendment proposes to update the strategic directions for Diamond Creek to ensure the Diamond Creek MAC is highly accessible to residents and provide for a breadth of local services, retail, diverse employment opportunities and community facilities. The centre's significant areas of open space will be held in high regard for their environmental, visual and recreational attributes and for their special contribution to Diamond Creek's unique setting. The centre will be inclusive, safe and highly accessible for all with a particular focus on supporting safe and easy use of sustainable forms of travel, such as walking, cycling and public transport.

- (d)      *Conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

The proposed amendment is consistent with this objective by ensuring buildings will be designed to be sympathetic to the local vegetated landscape and there will be a continuation of Diamond Creek's ethos of experimentation with light, space, materiality and form.

- (f)      *To facilitate development in accordance with the objectives.*

The amendment proposes to achieve this objective by updating planning scheme provisions to guide development for the benefit of Diamond Creek MAC, consistent with state, regional and local planning policy.

- (fa)     *To facilitate the provision of affordable housing in Victoria.*

The amendment proposes to achieve this objective by encouraging a mix of dwelling types within the activity centre and close to public transport, services and infrastructure. This will enable various housing typologies to emerge at various price points and contribute to greater affordability within the MAC.

- (g)      *To balance the present and future interests of all Victorians.*

The proposed provisions in the Planning Policy Framework and the various zone and overlay schedules will be drafted to ensure development occurs in a logical manner consistent with the objectives set out in paragraphs (a) to (e).

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

The activity centre planning policy aims to provide outcomes which address and respond to a range of current environmental, social and economic effects. Specifically, this will be achieved through:

***Environmental***

- Reduce car dependency and use by consolidating housing, employment, public transport and shops and services in close walking distance of each other.
- Reduce pressure to extend the Urban Growth Boundary (UGB) by strategically consolidating within the boundary.
- The proposal to modify the SLO6 to require a planning permit for buildings and works supports environmental and social effects, noting the significant importance the Diamond Creek Structure Plan places on vegetation as contributing to the preferred character of the centre and in mitigating against the heat island effect associated with climate change.
- Removing exemptions will properly respond to certain sensitivities of the Diamond Creek MAC especially for significant interfaces with residential land at the southern boundaries.

***Social***

- Plan for an ageing population by consolidating housing diversity in close walking distance to shops and public transport.
- Improve community cohesion, interaction and pride by supporting a preferred local character for the DC MAC.
- Removing the exemptions will:
  - Properly appreciate the potential significance of planning permit applications in the Diamond Creek MAC to the public and provide a commensurate opportunity for the public to be advised of applications and to have their views considered in the planning assessment.

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- Address a current situation that causes confusion and dissatisfaction in the community at being denied the right to notice and review regarding significant development in the major activity centre.
- Improve the outcomes of the planning process by requiring the planning assessment to properly elicit and consider public views.
- Provide these benefits whilst still retaining provisions within the *Planning and Environment Act 1987* which ensure the assessment of applications is fair and suitably prompt for all parties.

**Economic**

- Strengthen the local economy by consolidating commercial activity and providing more local employment.
- The Diamond Creek MAC's eastern extent is in close proximity to the Nillumbik Green Wedge and in one section, it is only separated from the Green Wedge by the railway line. The Diamond Creek MAC plays a key role in servicing parts of the green wedge.
- The centre serves as a township, located on the rural-urban periphery of Melbourne, which adds to the particular bearing that significant proposals for development and use can have on the community and the character of the centre.
- Concentrating and strengthening commercial, retail, dining and entertainment in the Diamond Creek MAC to minimise escape expenditure and ultimately strengthen the night time economy.

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

The amendment is not expected to have any implications regarding bushfire risk. No land affected by the amendment is within the Bushfire Management Overlay. Minimal portions of precincts 1, 3 and 5 are located in a Bushfire Prone Area. The bushfire risk in this area is considered minimal due to it being a built up urban landscape, which minimises the risk of fire spreading from the broader landscape. Additionally, there are no significant changes proposed that increase the risk to human life. Bushfire risk will be partly managed by removing exemptions from notice or review for planning applications which provides a pathway for notifying relevant fire authorities of an application. The views of the relevant fire authority will be sought through exhibition of the amendment.

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

In addition to being consistent with the Ministerial Direction - The Form and Context of Planning Schemes – under section 7(5) of the *Planning and Environment Act 1987*, the proposed amendment complies with:

**Ministerial Direction No. 9 – Metropolitan Strategy**

The proposed amendment is consistent with Ministerial Direction No. 9 which requires amendments to have regard to *Plan Melbourne 2017-2050*. The proposed amendment is consistent with the following outcomes in Plan Melbourne:

**Outcome 1: Melbourne is a productive city that attracts investment, supports innovation and creates jobs.**

- The amendment seeks to provide job and development opportunities close to where people live in the Diamond Creek MAC.

**Outcome 2: Melbourne provides housing choice in locations close to jobs and services.**

- The amendment seeks to enable diverse housing to establish in the Diamond Creek MAC.

**Outcome 4: Melbourne is a distinctive and liveable city with quality environments.**

- The amendment seeks to contribute to planning for a peri-urban area and contributes to great public places across Melbourne.

**Outcome 5: Inclusive, vibrant and health neighbourhoods.**

- The amendment strives to create local communities that support healthy lifestyles within the

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Diamond Creek MAC.

Outcome 6: Melbourne is a sustainable and resilient city.

- The amendment seeks to make Melbourne greener by protecting and enhancing the natural environment.

*Plan Melbourne 2017-2050* supports the role of activity centres in the planning and development of Melbourne as major activity centres will ensure employment growth occurs outside of the central city. The amendment will support continued planning for the development of the Diamond Creek MAC in accordance with *Plan Melbourne 2017-2050*.

**Ministerial Direction No. 11: Strategic Assessment of Amendments**

The proposed amendment complies with Ministerial Direction No. 11 under section 12 of the *Planning and Environment Act 1987*. The proposed amendment is consistent with this direction as it seeks to ensure a comprehensive strategic evaluation of Amendment C144nill and the outcomes it produces. The explanatory report provides a comprehensive strategic evaluation of the proposed amendment and the outcomes it seeks to produce.

**Ministerial direction No. 19: Amendments that may result in impacts on the environment, amenity and human health**

The proposed amendment is consistent with Ministerial Direction No. 19 which requires planning authorities to seek the views of the Environment Protection Authority (EPA) in preparation of planning scheme amendments that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste. Nillumbik Shire Council has sought the views of the EPA in preparing this amendment and will continue to work with the EPA during the public exhibition process.

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

The amendment proposes to make planning scheme changes which will improve and update planning for the Diamond Creek MAC. As such, the amendments will support the following relevant state provisions within the Planning Policy Framework (PPF):

Clause 11.01-1S (Settlement)

The proposed amendment is consistent with the objectives of this clause as it seeks to provide settlement opportunities within the Diamond Creek MAC.

Clause 11.02-2S (Structure planning)

The proposed amendment is consistent with the objectives of this clause as it seeks to facilitate the orderly development of urban areas for residential, commercial, retail, industrial, recreational, institutional and community uses.

Clause 11.03-1S (Activity Centres)

The proposed amendment is consistent with the objectives of this clause as it seeks to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

Clause 11.03-1L-01 (Activity Centres in Nillumbik)

The proposed amendment is consistent with the objectives of this clause as it seeks to concentrate major retail activities in the Diamond Creek MAC and encourage development that facilitates opportunities for meeting and community interaction in the Diamond Creek MAC.

Clause 15.02-1S (Energy and resource efficiency)

The proposed amendment is consistent with the objectives of this clause as it seeks to strengthen policy that seeks to retain vegetation and reduce the urban heat island effect through greening.

Clause 16.01-1S (Housing supply)

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The proposed amendment is consistent with the objectives of this clause as it seeks to support increased housing supply and diversity in an area that is well located in relation to jobs, services and public transport.

Clause 17.01-1S (Diversified economy) and Clause 17.02-1S (Business)

The proposed amendment is consistent with the objectives under Clause 17.01-1S (Diversified Economy) and Clause 17.02-1S (Business) as it seeks to provide for a range of opportunities for commercial – including retail, entertainment, office and other commercial facilities - and business growth and provide a framework for the location and management of growth.

Clause 18.01-1S (Land use and transport planning) and Clause 18.02-2S (Public Transport)

The proposed amendment is consistent with the objectives of Clause 18.01-1S (Land use and transport planning) and Clause 18.02-2S (Public Transport) as it seeks to encourage and facilitate growth, including increased residential density and development within the Diamond Creek MAC which is well serviced and in close proximity to public transport.

**How does the amendment support or implement the Municipal Planning Strategy?**

The proposed amendment supports and is consistent with relevant directions of the Municipal Planning Strategy (MPS). Specifically, it will assist in achieving objectives of the following clauses:

Clause 02.02 (Vision)

The proposed amendment is consistent with all elements of the Vision, such as to develop a prosperous local economy consistent with the Shire's Green Wedge values.

Clause 02.03 (Strategic direction)

The proposed amendment seeks to support statements of strategic direction, such as:

- The Diamond Creek MAC is a shopping, service and community centre for Diamond Creek and adjoining areas. It contains a range of retail, commercial, community and leisure activities and facilities that are serviced by the Hurstbridge railway, limited bus services and a road network dominated by Main Hurstbridge Road, which forms the 'spine' of the centre.
- It is envisioned that the Eltham and Diamond Creek Major Activity Centres will continue to be the focus of community life, providing a wide range of shopping and professional services and places to meet and recreate. They will also have an increased role in providing for a diversity of housing and in particular, medium density housing.
- The locations considered most suited to medium density development are those that are close to infrastructure, including public transport scheduled stops, commercial areas, public open space and other community facilities. The Eltham and Diamond Creek Major Activity Centres and the Hurstbridge Shopping Centre provide such facilities.
- The main employment locations, the Eltham and Diamond Creek Major Activity Centres, Hurstbridge Neighbourhood Activity Centre and the industrial land at Research, need to be maintained to continue to provide opportunities for local employment.

Council seeks to:

- Promote Eltham and Diamond Creek Major Activity Centres as the main commercial and community activity areas of the Shire, supported by Neighbourhood Activity Centres, small local convenience centres, rural townships, and rural stores.
- Facilitate an expansion in the range of commercial and community services available in the major activity centres, including those that cater for a local/regional clientele and special interest area.
- Facilitate increased diversity and amount of housing in the major activity centres that are sustainable and scaled to respect the surrounding topography.
- Support the economic and employment viability of Activity Centres, Town Centres and the industrial land at Research.
- Promote urban design outcomes in activity centres and townships that retain the historical and individual characteristics of each area while enhancing its attractiveness, distinctiveness, safety and

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accessibility.

In addition to the above, the proposed modification to the ACZ2 to remove exemptions from notice and review allows the public to provide important feedback on the extent to which a project satisfies the elements of the MPS. This is expected to provide better planning decisions in support of the MPS. Further, the removal of the exemptions is also consistent with the following Council strategies and other endorsed documents:

- It is consistent with the Community Engagement Core Values of Nillumbik Shire Council's Community Engagement Policy (February 2021), particularly the following:
  - Public participation is based on the belief that those who are affected by a decision have the right to be involved in the decision-making process.
  - Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
- It is consistent with a focus in the Community Vision – Nillumbik 2040 on providing engagement with the community on matters relevant to them. This focus is evident in a statement in the community vision that:
  - Community is at the heart of the Shire of Nillumbik. We work to keep our community engaged, connected, active and supported in a healthy, safe and sustainable environment.

In addition, the proposed modification to the SLO6 to require a planning permit for buildings and works is consistent with the following Council strategies and endorsed documents:

- It is consistent with Council's Climate Action Plan 2022-2032, particularly a clear intent to reduce urban heat-island impacts.
- It is consistent with the Community Vision – Nillumbik 2040, including aspirations that by 2040:
  - There will be a considered approach to planning and development that ensures that Nillumbik's unique environment and neighbourhood character are retained and enhanced.
  - Sustainable design practices will be applied that will create a built environment that strengthens the inclusiveness and accessibility of our neighbourhoods, activity centres, facilities and services, while respecting our natural environment.

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

The amendment will make proper use of the Victoria Planning Provisions, noting:

- It retains, updates and improves application of the Activity Centre Zone to the Diamond Creek Major Activity Centre. The Activity Centre Zone is the appropriate zone to be applied to a Major Activity Centre.
- It appropriately retains and improves use of the Significant Landscape Overlay to protect and enhance vegetation within the Diamond Creek Major Activity Centre.
- The proposed modification to the ACZ2 to remove existing exemptions from notice and review is fully consistent with scope provided to do this by Clause 37.08-8 (Exemption from notice and review).
- The proposed modification to the SLO6 to require a planning permit for buildings and works is fully consistent with the planning permit triggers made available by the Victoria Planning Provisions for a schedule to the SLO.

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

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

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

The proposed amendment is consistent with and supports all the stated transport system objectives contained within the *Transport Integration Act 2010*.

#### **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The proposed amendment will have limited impact on the Responsible Authority's resource and administrative costs, particularly as:

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- The proposed amendment makes no increase in the area of land to which the ACZ2 or SLO6 is applied within the Diamond Creek MAC.
- Particular proposed revisions to the content of the ACZ2 should assist in improving the assessment of planning permit applications triggered by the zone. For example, the proposed ACZ2:
  - Will contain clearer urban design guidelines and refer to the current structure plan, which together will provide better planning guidance to stakeholders.
  - Will remove some complicated requirements (e.g. mandatory top storey in the roof), which should make it easier for applicants to achieve relevant design objectives of the zone.
- The proposed change to the ACZ2 to remove exemptions from notice and review will provide a much fairer review process, as the existing situation creates tension, confusion and complexity due to the community being denied the right to notice and review on significant development.
- The proposed change to the SLO6 to require a planning permit for buildings and works will not increase the number of applications, as the ACZ2 already requires a planning permit for buildings and works.

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*Planning and Environment Act 1987*

**NILLUMBIK PLANNING SCHEME**

**AMENDMENT C144nill**

**INSTRUCTION SHEET**

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

The Nillumbik Planning Scheme is amended as follows:

**Planning Scheme Maps**

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

**Zoning maps**

1. Amend Planning Scheme Map No. 9 and 10ZN in the manner shown on the 1 attached map marked Nillumbik C144nill 001znMaps09\_10 Exhibition.

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

1. In **Planning Policy Framework**- insert new Clause 11.03 in the form of the attached document.
2. In **Zones** – Clause 37.08, replace Schedule 2 with a new Schedule 2 in the form of the attached document.
3. In **Overlays** – Clause 42.03, replace Schedule 6 with a new Schedule 6 in the form of the attached document.
4. In **Operational Provisions** – Clause 72.08, replace the Schedule with a new Schedule in the form of the attached document

End of document

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No.	Key issues raised	Sentiments	Officer comments and recommendations	Action Taken
S1	<b>Resident - Hillcrest Ave Eltham</b> Buildings near the library should be scaled down to avoid overwhelming it. Height limits of 3 to 5 storeys must be strictly followed, with natural materials and muted earthy colours preferred—avoiding black. Setbacks should be landscaped to retain Eltham's green character.	Support	Noted. The proposed controls reflect this.	No change required based on this submission.
S2	<b>Cultural Heritage Unit Elders - Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation</b>  The Cultural Heritage Unit Elders at the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation have reviewed the proposed amendment and highlighted the high cultural sensitivity of this location. Accordingly, it is important for developers to determine whether a mandatory Cultural Heritage Management Plan is required under the Aboriginal Heritage Act 2006. Additionally, the Elders have requested that efforts be made to avoid development near Diamond Creek due to its cultural significance and sensitivity for the Wurundjeri Woi-wurrung people.	Support	Noted.	No change required based on this submission.
S3	<b>Environment Protection Authority Victoria</b>  It is important to note that 'informal outdoor recreation' requires consideration at Clause 7 of MD1. In addition, MD1 requires the planning authority at either Clause 5 or Clause 7 to state the determination as to whether the land is or isn't potentially contaminated in the Explanatory Report.  Therefore, EPA recommends Council:	Support with conditions	Council acknowledges the EPA's advice regarding the requirements of Clauses 5 and 7 of Ministerial Direction No. 1 – Potentially Contaminated Land (MD1), including the need to consider the proposed use of land for informal outdoor recreation.  In response, Council has determined that:	i. Update the Explanatory Report, Review contamination risks and exploring further analysis, split the amendment to manage environmental risks appropriately.

	<p>a. Update the Explanatory report to address the requirements at Clauses 5 and 7 of MD1; and</p> <p>b. Ensure that when addressing Clause 7, consideration has been given to the use of land for 'informal outdoor recreation', in that Council have determined:</p> <ol style="list-style-type: none"> <li>Whether the land is or isn't potentially contaminated</li> <li>If the land is potentially contaminated – whether further assessment may be required. This should be undertaken at the time of the amendment.</li> </ol>		<p>Part of the land within the amendment area appears to have a high potential for contamination based on historical land uses.</p> <p>As such, further environmental assessment (e.g. Preliminary Site Investigations or Environmental Audits) may be required prior to the development of sensitive uses, including informal outdoor recreation.</p> <p>Council will consider how to best manage potential contamination risks including:</p> <ul style="list-style-type: none"> <li>Undertaking further analysis to better understand historical land uses and the level of potential contamination across specific sites</li> <li>Exploring appropriate planning tools to manage environmental risks</li> <li>Splitting the amendment to appropriately manage environmental risks.</li> </ul>	
S4	<p><b>Eltham Community Action Group (ECAG)</b></p> <p><u>Wording</u></p> <ol style="list-style-type: none"> <li>Gateway and 'sense of arrival into Eltham.' (page 2) Although there may not be a better way to phrase this, the 'one way' nature of the definition has been used at VCAT recently to argue against the validity of protecting views seen when exiting Eltham via The Gateway.</li> </ol>	Support with conditions	<ol style="list-style-type: none"> <li>The definition of "Gateway" will be updated to reflect the importance of the Eltham experience when both entering and exiting the township.</li> <li>The comment regarding the interpretation of the phrase "muted and earthy tones" is noted. The suggestion to refine the wording to ensure clearer guidance on appropriate colour palettes</li> </ol>	<ol style="list-style-type: none"> <li>Update the definition of the Gateway to read: "Gateway means a transition area between Metropolitan Melbourne and its rural hinterland. It provides a sense of arrival into and <b>departure from</b> Eltham, and reflects Eltham's environmental heritage and its distinctive cultural heritage."</li> </ol>

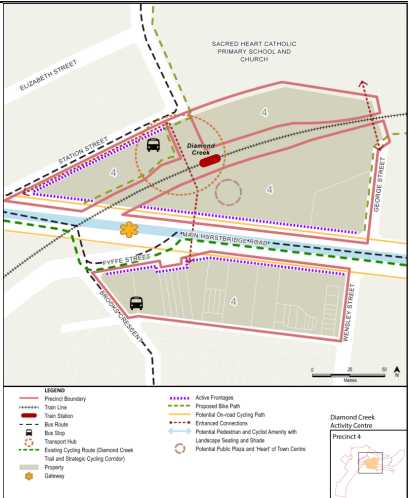


	<p>b. Under 'Eltham Character' the plan states 'Selecting colour palettes that include muted and earthy tones that blend in with the natural environment and vegetation'. 'Include' potentially means the building could be red and purple but with some muted and earthy tones. 'Muted and earthy.' Muted could be dull pink, purple, so the build could be purple plus a light brown. It needs to be worded more strongly by removing 'and' so it reads 'muted, earthy.'</p> <p>c. A Decision Guideline in Significant Landscape Overlay 1 states: Whether the design of any proposed buildings and works, including by providing a suitable landscape plan, adequately supports both the "Statement of nature and key elements of landscape" and the "Landscape character objectives to be achieved" of this Schedule. ECAG suggests 'adequately supports' is not a strong enough term.</p> <p><u>Neighbourhood Character and Landscape</u></p> <p>d. The retention and protection of Eltham Character, represented largely through canopy trees, landscaping, design and size of built form, choice of materials and colours, must be central to the Eltham Major Activity Centre Structure Plan, and therefore an essential and integral part of any development application.</p> <p>e. There should be a landscaped setback (page 14) along the laneway between Arthur and Dudley streets. This area contains significant and substantial trees that contribute to the character of the area. Although the plans approved for the Circulatory Rd proposal include retention of some trees and some landscaped area, those plans are</p>		<p>is acknowledged. The sentence will be reviewed to provide stronger direction—potentially by refining "muted and earthy tones" to "muted, earthy tones", ensuring that built form better reflects the natural character of Eltham.</p> <p>c. The suggestion to strengthen the language is noted and will be considered as part of any future review of the overlay to ensure alignment with the intent to protect Eltham's valued landscape character. The word 'adequately' will be deleted. This is consistent with the Practitioner's Guide to Victoria's Planning Scheme.</p> <p>d. The importance of retaining and protecting Eltham's character is acknowledged and supported by the amendment.</p> <p>e. The request for a landscaped setback along the laneway between Arthur and Dudley Streets is noted. Amendment C143 is focused on implementing the existing adopted Eltham Major Activity Centre Structure Plan 2020. Introducing new design controls beyond what is identified in that plan would be beyond the scope of this amendment.</p> <p>f. Noted. Council will review and update the side and rear setbacks to ensure alignment with the adopted Eltham Major Activity Centre Structure Plan 2020.</p> <p>g. The concern regarding the visual and heritage impact of potential three-storey development</p>	<p>ii. Review and revise the colour palette guidance in the ACZ1. The phrase "muted and earthy tones" will be refined to "muted, earthy tones".</p> <p>iii. Amend the relevant Decision Guideline wording in the overlay by deleting the word "adequately".</p> <p>iv. Review and update side and rear setback provisions for the Residential Precinct to ensure consistency with the Eltham Major Activity Centre Structure Plan 2020</p>
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	<p>yet to be acted upon and another application may not include that landscaping.</p> <p><u>Setbacks</u></p> <p>f. There should be minimum or suggested side and rear setbacks for the Residential Precinct.</p> <p><u>Concerns about building height</u></p> <p>g. A three storey build would overshadow and dominate the low lying form of the Eltham library and would detract from its aesthetic and heritage values.</p> <p><u>Support</u></p> <p>h. Mention of pedestrian and cycle movements is welcome.</p> <p>i. ECAG welcomes the proposed removal of the permit trigger for works within 5 metres of substantial trees in Significant Landscape Overlay, as it would restore third-party appeal rights across the EMAC. The current restriction has limited community input in recent years.</p> <p>j. ECAG supports the update to ACZ1 that removes notice and review exemptions, enabling greater public input on development in the Eltham MAC. They emphasise the need to urgently protect Eltham's character amid rapidly changing government policy.</p>		<p>near the Eltham Library is noted and taken as a comment. It is worth noting that the land within ACZ1 adjoining the Eltham Library is not proposed to be changed as part of this amendment. The amendment includes built form and design requirements aimed at minimising overlooking and overshadowing.</p> <p>h. Noted.</p> <p>i. Noted.</p> <p>j. Noted.</p>	
S5	<p><b>Country Fire Authority (CFA)</b></p> <p>The CFA has reviewed the proposed amendment and considers that It should not impact bushfire risk within the</p>	<b>Support</b>	Noted.	No change required based on this submission.

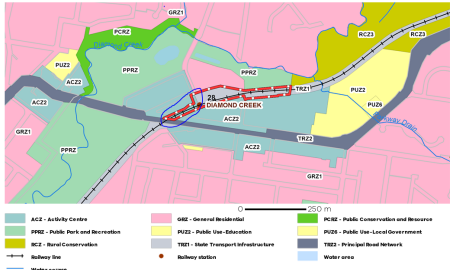
	locality, as it applies to already established areas. However, the CFA advises that with any change of use or modifications to landscaping, buildings, etc., due consideration must be given to fire risk at all levels to ensure that no issues have the potential to increase the likelihood or consequence of fire within the community.			
S6	<b>Department of Energy, Environment and Climate Change (DEECA)</b>  DEECA has considered the above application and does not oppose the amendment.	<b>Support</b>	Noted.	No change required based on this submission.
S7	<b>Heritage Victoria (DTP)</b>  Heritage Victoria will not be making a submission.	<b>No submission</b>	Noted.	No change required based on this submission.

No.	Key issues raised	Sentiments	Officer comments and recommendations	Action Taken
S1	<p><b>Land Owner : 67 Main Hurstbridge Road, Diamond Creek</b></p> <p><u>Clause 7.0 Notice and review</u></p> <p>a. The Amendment proposes removing current exemptions from notice and review requirements in the Activity Centre Zone2 (ACZ2), allowing objections and appeals that could delay projects. This change is strongly opposed, as the adopted Structure Plan already reflects community expectations. Removing the exemptions would introduce uncertainty and discourage investment. The community has had opportunities to be involved in determining the vision for the centre through the preparation of the Structure Plan. The Plan outlines clear expectations for future use and development, and any applications that are consistent with that vision and plan should continue to be exempt from public notification, as is currently the case.</p> <p><u>Public Plaza</u></p> <p>b. The reference to a "potential public plaza" in Clause 5.3-2 is supported. However, the plaza's exact location, ownership, and design will depend on a future masterplan and redevelopment investment by the landowner.</p>	Object	<p>a.</p> <p>The removal of exemptions from notice and review responds to Council's resolution in March 2022, where Councillors requested this exemption to be removed in response to community concern. The change aims to recognise the potential significance of planning applications within the Diamond Creek Major Activity Centre (MAC) and ensure the public has a fair opportunity to be notified and provide feedback. This addresses ongoing community concerns about being excluded from decisions on major developments. Council is committed to transparency with the community at all levels.</p> <p>It is consistent with the Community Engagement Core Values of Nillumbik Shire Council's Community Engagement Policy (February 2021), particularly the following:</p> <ul style="list-style-type: none"> <li>Public participation is based on the belief that those who are affected by a decision have the right to be involved in the decision-making process.</li> <li>Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.</li> </ul> <p>b. Support for the reference to a "potential public plaza" in Clause 5.3-2 is noted, and taken as a comment. It is acknowledged that the final location, design, and delivery of the plaza will be</p>	No change will be made based on this submission.

	<div><p><b>LEGEND</b></p><ul style="list-style-type: none"><li>Proposed Boundary</li><li>Train Line</li><li>Train Station</li><li>Bus Route</li><li>Bus Stop</li><li>Transport Hub</li><li>Existing Cycling Route (Diamond Creek Trail and Strategic Cycling Corridor)</li><li>Property</li><li>Greenhouse</li><li>Active Frontages</li><li>Proposed Blue Path</li><li>Enhanced Shared Cycling Path</li><li>Enhanced Connections</li><li>Potential Pedestrian and Cyclist Access to</li><li>Landscaped Seating and Shade</li><li>Potential Public Place and Heart of Town Centre</li></ul><p>Diamond Creek Activity Centre Precinct 4</p></div> <p><b>Built form</b></p> <p>c. There is a tension in the proposed ACZ2 objectives relating to built form and landscape outcomes. The precinct-wide objectives in Clause 2.0 consistently emphasise retaining a semi-rural township character, ensuring architectural styles reflect the natural landscape setting, and maintaining the visual dominance of a well-vegetated natural landscape by requiring extensive landscaping in front, side, and rear setbacks. However, Sections 4.4 and 5.3-2 include a zero ground-floor setback requirement for the site, with active frontages along the entire length of Main Road. We suggest that Council holistically review all objectives and requirements across the Schedule to ensure that the vision of a semi-rural township character activity centre is not undermined by strong urban character objectives</p>		<p>subject to a future master planning process and redevelopment by the landowner.</p> <p>c. Noted. A zero front setback along Main Road does not necessarily conflict with a semi-bush character, provided it is applied in a limited and targeted manner, and is balanced with appropriate landscape and design responses. In this instance, the zero setback applies only to selected areas, such as Main Road, where it is intended to promote walkability, active frontages, and a vibrant street interface—consistent with established activity centre planning principles. Active frontages at ground level are intended to enhance safety and create a lively street environment. Crucially, the broader ACZ2 includes precinct-specific controls that ensure lower-scale, landscaped outcomes are retained in adjoining residential and interface areas. This layered approach supports the preservation of the township’s semi-bush character at a broader scale. Even where zero setbacks are applied, built form must still respond to the local context through the use of natural materials (such as timber, stone, and muted earthy colours) and integrated landscaping (such as canopy trees and vegetation in the public realm), contributing to the ongoing reinforcement of Diamond Creek’s semi-rural identity.</p> <p>d. In this context, "underdeveloped" refers to strategically located sites within the Activity Centre Zone that have significant redevelopment potential but are currently used at a lower intensity than supported by the ACZ</p>	
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	<p>that may be more appropriate for an inner-city activity centre.</p> <p><u>Wording</u> There is various wording throughout the documents which are either not defined sufficiently or not within the scope of planning to respond to.</p> <p>Clause 2:</p> <ul style="list-style-type: none"> <li>d. To ensure the land is not underdeveloped. Which land, and what is defined as underdeveloped?</li> <li>e. To improve car park management and design in existing at-grade car parks. Is the management of private car parks within the remit of the Nillumbik Planning Scheme?</li> <li>f. To expand the range of public transport linking the centre and the role of the railway station as a multi-modal interchange. Is the range of public transport a Planning Scheme action?</li> <li>g. To ensure community and leisure facilities are accessible to everyone. Is this in the remit of the Planning Scheme? Does it mean physically accessible, financially accessible...?</li> </ul>		<p>Parent Clause. The intent is to encourage land use and built form outcomes that better align with the zone's objectives, including housing diversity, economic activity, and activation of the public realm. Specific sites and development expectations are guided by the Structure Plan and the precinct-specific requirements in the schedule.</p> <ul style="list-style-type: none"> <li>e. While the Nillumbik Planning Scheme can influence the design and layout of both public and private car parks through planning permit requirements and design guidelines, the ongoing management of private car parks (e.g. time limits, enforcement, access control) generally falls outside the scope of the planning scheme and is the responsibility of the landowner or operator. The planning scheme can, however, support improved outcomes through urban design objectives and local policy frameworks that guide future redevelopment or upgrades of existing at-grade car parks.</li> <li>f. The Planning Scheme does not control the range of public transport services; this is the responsibility of the State Government and its transport agencies. However, the Activity Centre Zone schedule 2 can support multi-modal integration through land use planning, urban design, and transport-oriented development. This includes encouraging land use patterns and infrastructure that enhance connectivity to the railway station and strengthen its role as a multi-modal transport hub.</li> </ul>	
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			g. While the Nillumbik Planning Scheme does not directly control operational aspects such as financial accessibility or service delivery, it can influence physical accessibility through land use planning, urban design, and built form requirements. This includes ensuring that community and leisure facilities are well-located, easily reached by a range of transport modes, and designed in accordance with universal access principles. Broader issues of financial or social accessibility are typically addressed through the State and Local governments' community service policies and programs, rather than through the Planning Scheme.	
S2	<p><b>Cultural Heritage Unit Elders - Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation</b></p> <p>The Cultural Heritage Unit Elders at the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation have reviewed the proposed amendment and highlighted the high cultural sensitivity of this location. Accordingly, it is important for developers to determine whether a mandatory Cultural Heritage Management Plan is required under the Aboriginal Heritage Act 2006. Additionally, the Elders have requested that efforts be made to avoid development near Diamond Creek due to its cultural significance and sensitivity for the Wurundjeri Woi-wurrung people.</p>	<b>Support</b>	Noted.	No change will be made based on this submission.

S3	<p><b>VicTrack</b></p> <p><u>Significant Land Scope Overlay</u></p> <p>a. No objection to proposed Significant Landscape Overlay</p> <p><u>Zoning</u></p> <p>b. 28A, 29 and 33 Station Street are owned by VicTrack for Transport purposes. This land is leased to Metro Trains Melbourne and used as a commuter car park associated with the train station. However, half of the commuter car park is contained in the Activity Centre Zone Schedule 2 (28A, 29 and 33 Station Street) and half is contained in the Transport Zone Schedule 1 (TRZ1). The entirety of the commuter car park and the railway corridor should be located in the TRZ1.</p> <p><u>Clause 7.0 Notice and review</u></p> <p>c. The exemption for buildings and works under the Activity Centre Zone is not worded in an appropriate manner to successfully substitute what is available to transport agencies under the Transport Zone 1. Accordingly, the removal of third party notice exemption as part of this amendment means that building works and works on the transport land that might otherwise been exempt from the need for a permit under the TRZ1, would need a planning permit and potentially need to be advertised under the Activity Centre Zone Schedule 2.</p>	Support with conditions	<p>a. Noted.</p> <p>b. Noted and agreed. Part of the rail line and the commuter carpark (VicTrack land) appears to be included within the ACZ2 rather than the TRZ1, which is consistent with the rest of the rail line and commuter car park (see image below). Council will correct these mapping anomalies to reflect the correct zoning.</p>  <p>c. The concern regarding the loss of TRZ1 exemptions is noted. Refer to Submission S4.b. Council will correct the mapping anomalies to reflect the correct zoning. In this case, Clause 7.0 will not apply to land within TRZ1.</p>	Correct mapping anomalies at 28A, 29 and 33 Station Street to reflect the appropriate zoning.
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	This adds unnecessary costs and delays to essential transport building and works that support the safe and efficient operation of the transport system. There is no added benefit to the community by having these sites in the Activity Centre Zone schedule 2 as opposed to the TRZ1 and only contributes to red tape in the planning system.			
S4	<b>Department of Energy, Environment and Climate Change (DEECA)</b>  DEECA has considered the above application and does not oppose the amendment.	<b>Support</b>	Noted.	No change will be made based on this submission.
S5	<b>Environment Protection Authority Victoria</b>  EPA will not be making a submission at this time.	<b>No submission</b>	Noted.	No change will be made based on this submission.
S6	<b>Heritage Victoria (DTP)</b>  Heritage Victoria will not be making a submission.	<b>No submission</b>	Noted.	No change will be made based on this submission.
S7	<b>Homes Victoria</b>  Homes Victoria has no comment to make at this time.	<b>Support</b>	Noted.	No change will be made based on this submission.

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## Nillumbik Planning Scheme Review 2025

FINAL – SEPTEMBER 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.



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**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 tree 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 2025 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 the performance and transparency of Council's 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. Common categories of planning application 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 2019/2020 to 2023/24, 121 appeals were lodged with VCAT and 117 decisions issued. The majority of outcomes (53%) affirmed Council's decision, while 24% were 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, 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 across Victoria 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. The target is the lowest metro Melbourne, reflecting the development constraints in the Shire.

Council must now plan how best to accommodate its 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, 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 25 recommendations to guide the strategic planning program over the next four years and shape the new Council Plan (2025–2029). These 25 recommendations are categorised by priority: 10 high, 7 medium, and 8 low. The high-priority items include:

- Complete the Nillumbik Housing Strategy
- Implement the Nillumbik Housing Strategy and Neighbourhood Character Strategy
- Finalise Amendment C149nill – Heritage Review
- Support and collaborate with Melbourne Water on the Greater Melbourne flood modelling project
- Prepare and implement the Nillumbik Planting Guidelines
- Explore options to develop and implement local Environmental Sustainable Development policy
- Finalise the Diamond Creek Community Infrastructure Master Plan
- 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 and implement the Municipal Planning Strategy

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 through strategies and planning scheme amendments, influencing State-level policy such as housing targets requires continued advocacy.

## 1.2. Summary of Recommendations

Table 1 briefly outlines and prioritises the 25 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
<b><u>Housing</u></b>		
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
<b><u>Heritage</u></b>		
3.	Finalise Amendment C149nill - Heritage Review.	High
<b><u>Integrated Water Management</u></b>		
4.	Continue to support and collaborate with Melbourne Water on the Greater Melbourne flood modelling project.	High
<b><u>Vegetation and Biodiversity</u></b>		
5.	Prepare and implement the Nillumbik Planting Guidelines.	High
<b><u>Environmental Sustainable Development (ESD)</u></b>		
6.	Explore options to develop and implement local policy for Council and the development community to support ESD.	High
<b><u>Activity Centres</u></b>		
7.	Finalise the Diamond Creek Community Infrastructure Master Plan project.	High
8.	Review and progress Amendment C143nill - Eltham Major Activity Centre Structure Plan.	High
9.	Review and progress Amendment C144nill - Diamond Creek Major Activity Centre Structure Plan.	High
10.	Commence development of a Hurstbridge Township Plan.	Med
<b><u>Planning Scheme Performance</u></b>		
11.	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
12.	Improve Planning and Compliance Services through improved data collection and record keeping.	Med
13.	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
<b><u>Development Contributions</u></b>		
14.	Review all Development Contribution Plan Overlay schedules, assess accuracy and potential to provide listed infrastructure.	Med
<b><u>Open Space</u></b>		

15.	Commence development of a new Nillumbik Open Space Strategy.	Med
<b><u>Built Form and Urban Design</u></b>		
16.	Review Design and Development Overlays, in particular Schedules 1 and 10, and update accordingly.	Med
17.	Review all Development Plan Overlay schedules.	Med
<b><u>Green Wedge</u></b>		
18.	Continue to action and respond to Melbourne Water's Christmas Hills Land Sale project, encouraging conservation and clarity for prospective owners.	Med
19.	Review Green Wedge strategic policy to encourage landscape and environmental conservation through appropriate land use and sensitive development.	Low
20.	Prepare for the next Green Wedge Management Plan.	Low
<b><u>Yarra River Corridor</u></b>		
21.	Review the 'waterways' controls with the Department of Planning and Transport's waterways Planning Practice Note.	Low
<b><u>Advocacy &amp; Research</u></b>		
22.	Advocate on behalf of Council in response to State Government, Municipal and other authority plans, strategies and policies that may affect Nillumbik Shire.	Low
23.	Research areas and topics of interest to the Nillumbik Shire Council to ensure accurate and appropriate strategic guidance and responses.	Low
<b><u>Audit and Assessment of the Planning Scheme</u></b>		
24.	Prepare an Urban Design project focusing on fences and boundary treatments across residential areas responding to the findings of the Neighbourhood Character Strategy.	Low
25.	Prepare a planning scheme amendment to correct identified errors and anomalies.	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 that guides how land is used and developed within a municipality. It outlines objectives, policies, and provisions to manage growth, development, and conservation of land. Planning schemes are crucial for ensuring development aligns with community needs and strategic plans.

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. They have three main parts:

- Maps showing how land is affected by zones and overlays;
- Ordinance setting out the written requirements of a scheme; and
- Incorporated documents that are external to the planning scheme but carry the same weight as the other parts of the planning scheme.

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 is 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 in the themes section covers key land use and planning challenges, including housing supply, activity centres, neighbourhood character, vegetation and biodiversity protection, climate adaptation, transport, heritage, social planning, bushfire and flood risks. 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 was 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 was 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:**

Certain contents of the planning scheme, including State and Regional policy can only be amended by the Victorian Government. The primary focus of this Review is to evaluate how effectively local content in the Nillumbik Planning Scheme achieves desired planning outcomes, while aligning with State and Regional policy. Council is however, in a position to advocate for changes to State and Regional policy, as supported by this Review. The Review 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 so 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 will use the most current statistics for accurate planning.

## NILLUMBIK'S COMMUNITY PROFILE

### POPULATION



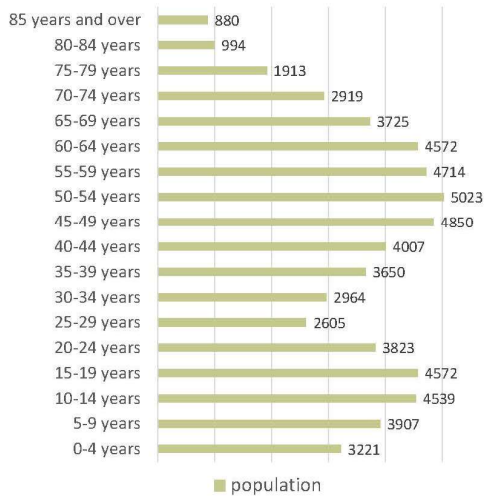
**2019** - Population estimated at **64,464**

**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

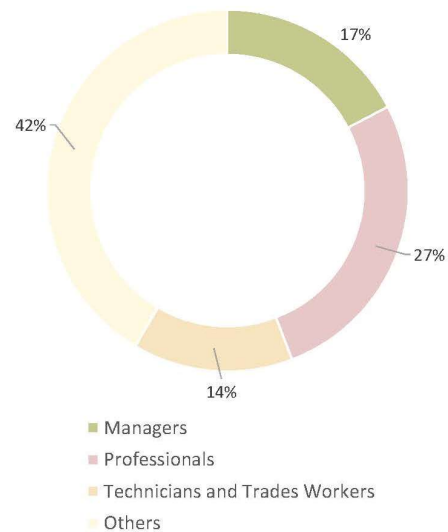
The largest changes in the age structure in this area between 2016 and 2021 were in the age groups:

- 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%**



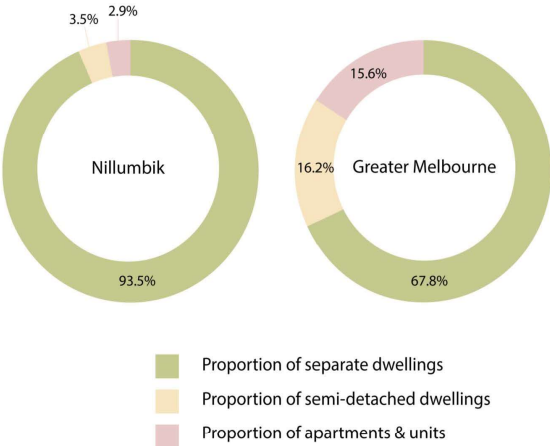
**Education and Training**  
**11.2%**

### 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



**1<sup>st</sup> - 45.1%**  
Couples with children



**2<sup>nd</sup> - 27%**  
Couples without children



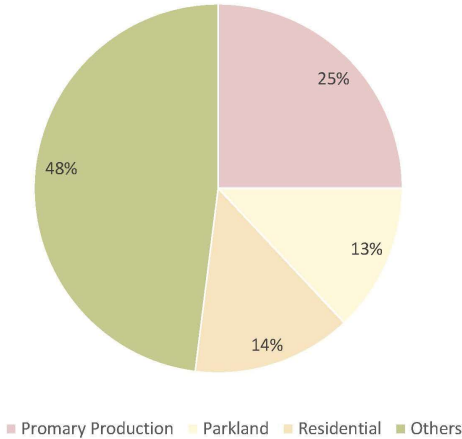
**3<sup>rd</sup> - 14.4%**  
Lone person

## 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**

According to Nillumbik's Municipal Public Health and Wellbeing Plan, 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.

### **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 the future. According to Nillumbik's Climate Action Plan, an increasing number of 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 54 per cent (mainly residential electricity consumption)
- Transport 23 per cent (mainly car use)
- Gas 20 per cent (mainly residential gas)
- Waste 2 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 shift in the number of people per household, the number of bedrooms needed 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

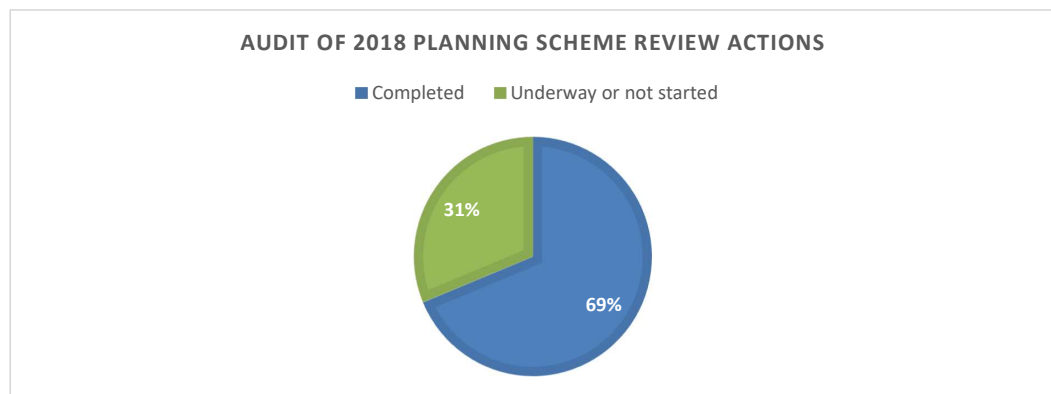
The previous planning scheme review was completed in 2019, and since then, substantial strategic work has been undertaken to implement its recommendations. At the same time, Victoria has experienced significant State-led initiatives and policy reforms, particularly in the housing space, requiring all 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 (31%) 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. For a full overview of the 2019 Planning Scheme Review, including details and explanations, see 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
<b>Green Wedge Management Plan</b>	Completed 2019
<b>Economic Development Strategy 2020-2030</b>	Completed 2020
<b>Activity Centre Structure Plans (Diamond Creek and Eltham)</b>	Completed 2020
<b>Errors &amp; Anomalies Amendment (C115nill)</b>	Completed 2020
<b>Rezone to Public Park and Recreation Zone (C117nill)</b>	Completed 2020 & 2021

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

#### 4.1.2. Strategic Work Completed

Including recommendations from the previous review, Strategic Planning has completed over 30 amendments/projects over the review period – see Table 3. Notably, Amendment C131nill updated Green Wedge and Rural Conservation zone schedules introducing permit triggers for earthworks to protect the landscape and biodiversity. And, the Eltham and Diamond Creek activity centre structure Plans were completed in 2020.

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.

Completed amendments include updates to heritage places, land rezoning, and planning scheme corrections. Table 3 lists the Amendments, Projects and completed with a full list including descriptions at Appendix 3.

*Table 3 - Completed Amendments and Projects since July 2019*

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

## 4.2. Key State Initiatives

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

These include:

- Responding to major emergencies including recovery from bushfires and the global Covid-19 pandemic.
- 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 the ResCode Review and Better Apartment Design Standards.
- Amendments to the Planning and Environment Act Regulations 2024.

Further detail on state level initiatives and associated amendments are outlined in Appendix 5, and more planning initiatives are discussed under each key theme in Section 7.

### 4.2.1. 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, the Victorian government announced 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, long-term strategy to increase housing near transport, jobs, and essential services was developed. 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 set by the State Government 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. All Council’s, including Nillumbik 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. Further details 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. The State Government has also introduced the *Climate Change Act 2017* and the *Local Government Act 2020*, which require decision makers, including Council 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.

In May 2022, Nillumbik Shire Council adopted the *Climate Action Plan 2022–2032*. This plan serves as a comprehensive framework guiding 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.

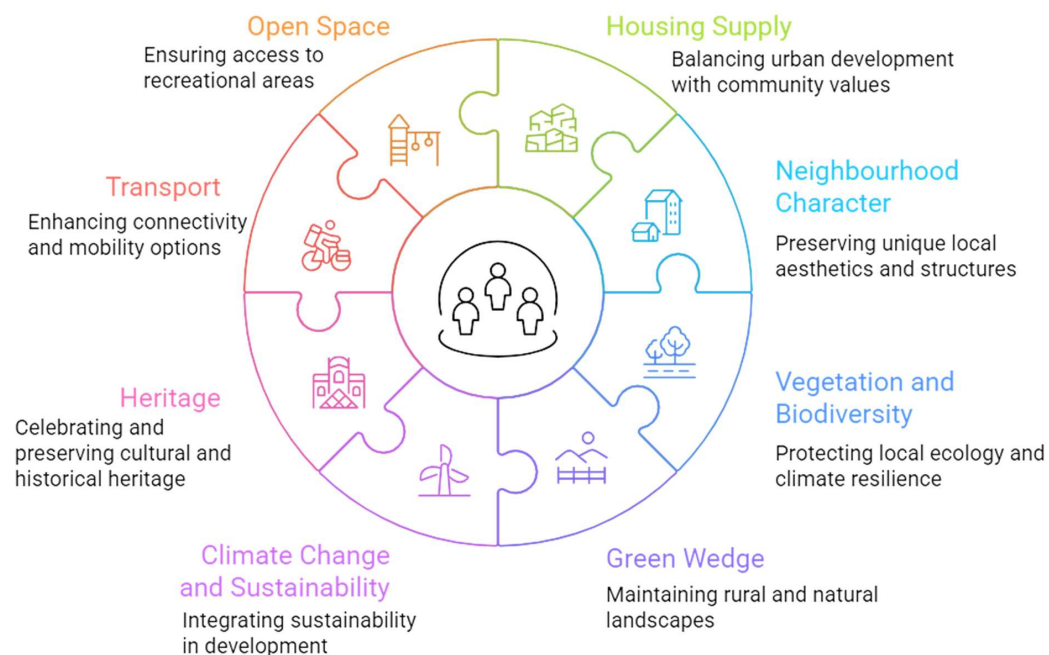


## 5. What We've Heard

Between 2019 and 2024, Nillumbik Shire Council undertook a range of community engagement activities for various projects to identify the needs of the community. Meetings with community groups, online campaigns and in person, public gatherings and interaction spaces were all used to collect community feedback. 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 the Review. Below is a summary of the findings and topics most valued by the community, with further details available in Appendix 9. These topics are identified as key themes in Section 7, where analysis of relevant state and local initiatives, discussion and recommendations are made.

## 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 was sourced from Nillumbik Shire Council and the State Government, then used to highlight past and future continuous improvement actions.

### 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 also support local businesses. The pre-application service 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 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.

Planning Services transitioned to a digital platform in early April 2020 resulting in considerable time savings. In addition to improving processing timeframes, customers lodge and amend applications through the online lodgement portal.

*Table 5 - Planning Service business transformation*

Date	Business Transformation
<b>Feb 2020</b>	Senior Business and Planning Advisory service established, with a new dedicated role commencing.
<b>Apr 2020</b>	All planning applications and pre-application meetings moved to online lodgement. The planning service transitioned from being 100% paper-based to fully digital.
<b>Jun 2021</b>	QR codes introduced on all public notice letters and site signs, enabling residents to scan and access Council's webpage and advertised plans directly.
<b>Jul 2021</b>	Planning online lodgement portal updated to make it easier for customers to navigate to the correct application type.
<b>Nov 2021</b>	Better Business Approval requests went live online, allowing business customers to apply digitally for meetings such as business pre-application sessions.
<b>Jun 2023</b>	Planning customers began receiving automated email updates at each stage of their application's progress.
<b>Jun 2024</b>	Review and enhancement of all Planning web pages completed, improving content, accessibility, and visual communication through new infographics and information videos. Project funded by a State Government digital planning grant awarded in late 2023.

#### **6.1.2. Planning Compliance**

Over the last four financial years Council has investigated an average of 280 cases per year. The most prevalent cases related to unauthorised buildings and/or works and unauthorised vegetation removal/pruning. Cases of unauthorised buildings and/or works have predominantly been in relation to breaches to the Significant Landscape Overlay, Schedules 2 and 3. Clause 52.17 Native Vegetation and the Environmental Significance Overlay, Schedule 1 were also common controls relating to compliance cases.

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 strategies are implemented effectively.

## 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) database. 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 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.

Over the financial years 2020/21 and 2021/22, 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 – See Tables 6 and 7.

*Table 6 - Number of applications received*

Permits	2019/20	2020/21	2021/22	2022/23	2023/24
<b>Application Received</b>	607	784	782	594	592
<b>Amended permit application</b>	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
<b>Processed</b>	609	750	831	544	617
<b>Application lapsed/ withdrawn/Not required</b>	105 (17%)	120 (16%)	124 (15%)	84 (15%)	82 (13%)
<b>Notice of decision issued</b>	66 (11%)	60 (8%)	47 (6%)	45 (8%)	63 (10%)
<b>Permit issued</b>	427 (70%)	544 (73%)	626 (75%)	384 (71%)	450 (73%)
<b>Refusal Issued</b>	11 (2%)	26 (3%)	34 (4%)	31 (6%)	32 (5%)

Data source: Planning permit activity reporting

### 6.2.2. Service Performance

From 2019/20 to 2023/24, Nillumbik's median permit processing times were generally higher than other outer urban and metro councils. While Nillumbik showed some improvement in 2023/24, it still processed fewer permits within the statutory timeframe compared to others in most years. This suggests ongoing challenges affecting permit processing efficiency.

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

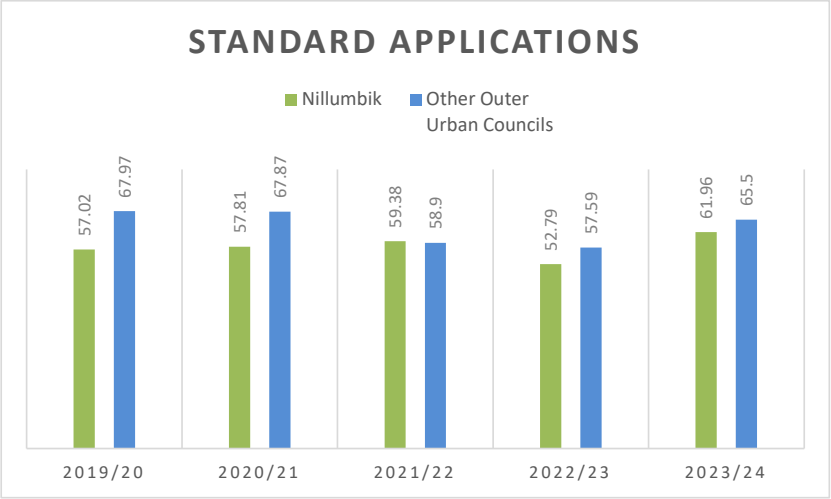
Permits (Including Refusals)		2019/20	2020/21	2021/22	2022/23	2023/24
Median processing days (all applications)	Nillumbik	101	92	100	103	91
	Other Outer Urban Councils <sup>1</sup>	71	67	81	98	86
	Melbourne Metro	77	77	87	95	84
Within statutory timeframe (%)	Nillumbik	57.02	57.81	59.38	52.79	61.96
	Other Outer Urban Councils	67.97	67.87	58.9	57.59	65.5
	Melbourne Metro	67.48	68.23	62.25	63.55	68.23

Data source: Planning permit activity reporting

<sup>1</sup> Brimbank, Frankston, Greater Dandenong, Knox, Maroondah, Mornington Peninsula and Yarra Ranges

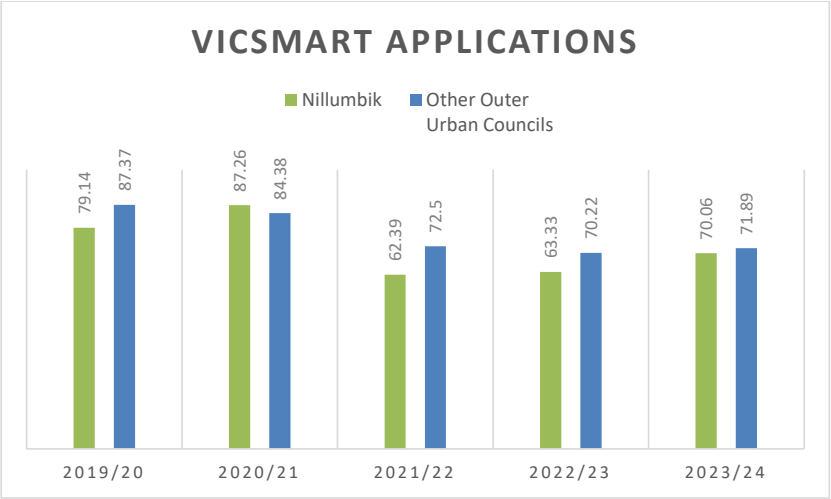
For Standard Applications, a slight improvement was recorded from 57.02% in 2019/20 to 61.96% in 2023/24. For VicSmart Applications, Nillumbik saw a decline from 79.14% in 2019/20 to 70.71% in 2023/24, closely matching other councils from 87.37% to 71.89%. The gap between Nillumbik and other councils 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	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 review period. Most permit decisions were concentrated in the suburbs of Eltham and Diamond Creek. Eltham (including Eltham North) consistently recorded the highest permit decisions, peaking at 494 in 2020/21 and totalling 2,345 (36%) over the review period, 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%
<b>TOTAL APPLICATIONS</b>	<b>1254</b>	<b>1437</b>	<b>1459</b>	<b>1174</b>	<b>1279</b>	<b>6603</b>	<b>100%</b>

Data source: Internal data

#### 6.2.5. Summary of Planning Scheme Performance

Permit activity in 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, interest rates and cost-of-living pressures have further influenced housing affordability. A rising cost of living can 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, reduction in new builds, and resulting pressure on housing affordability, 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 not being recorded by Council.



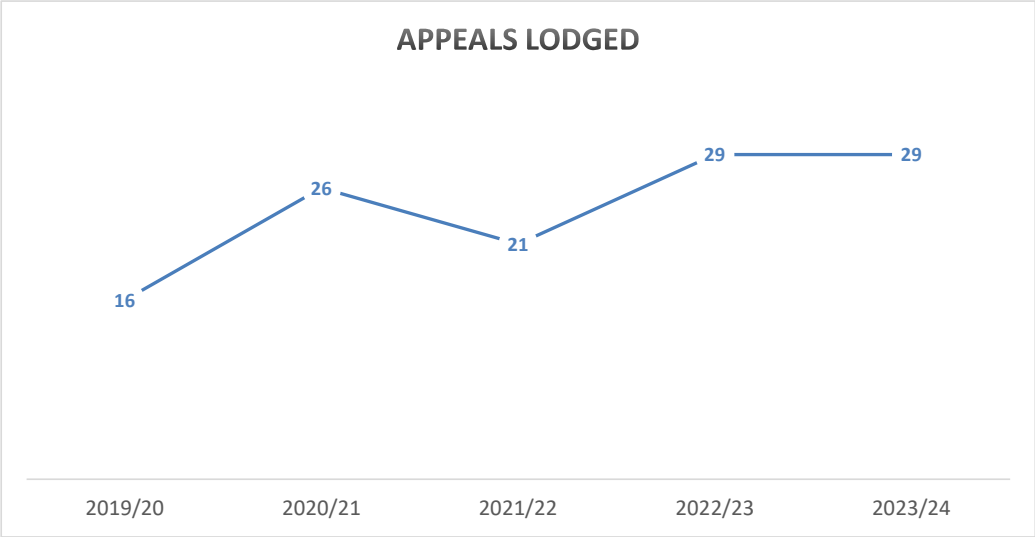
These data sources include permit triggers, bedroom counts for dwelling approvals and the amount of canopy tree loss/gain. Recording this data would enable further analysis and provide greater insight into how our shire is shaping.

6.3. VCAT & Planning Panels Victoria (PPV) Decisions

6.3.1. VCAT Appeals Between 2019 and 2024

There have been 121 application submitted to the Victorian Civil and Administrative Tribunal (VCAT) since the last review of the Nillumbik Planning Scheme (July 2019 to June 2024). Figure 5 shows the number of VCAT decisions across the review period, 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

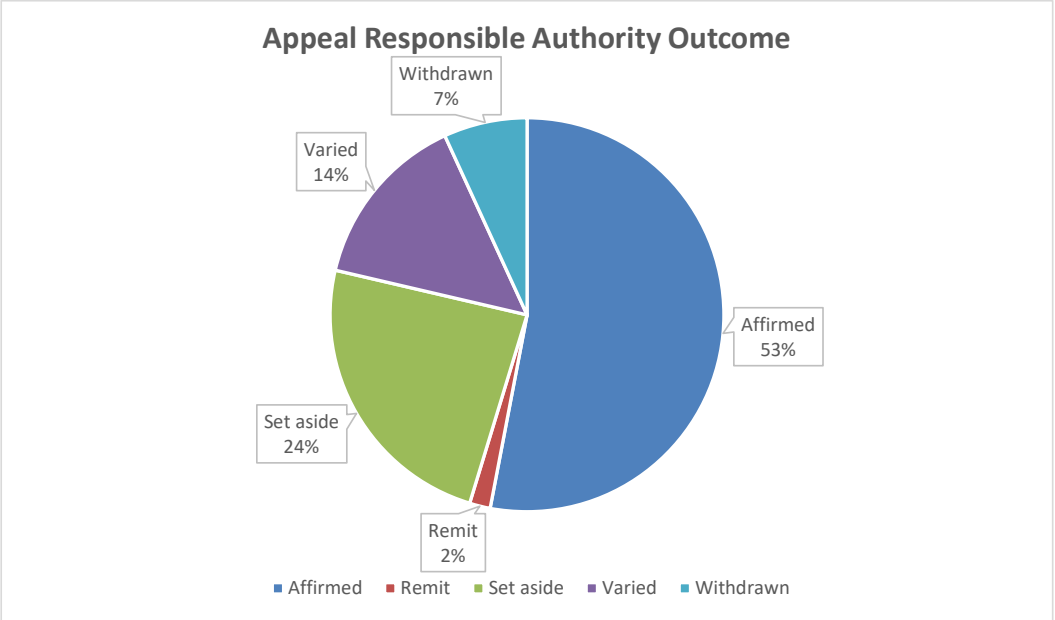
	2019/ 20	2020/ 21	2021/ 22	2022/ 23	2023/ 24	2019/20 -2023/24
Permits Processed	609	750	831	544	617	3351
VCAT	16	26	21	29	29	121
VCAT cases / Permits processed	2.63%	3.47%	2.53%	5.33%	4.70%	3.61%

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 detailed in Appendix 10. The absence of details and decisions for the remaining cases are attributable to withdrawals or resolutions achieved prior to hearings.

Figure 6 - Appeal RA outcome between 2019 and 2024



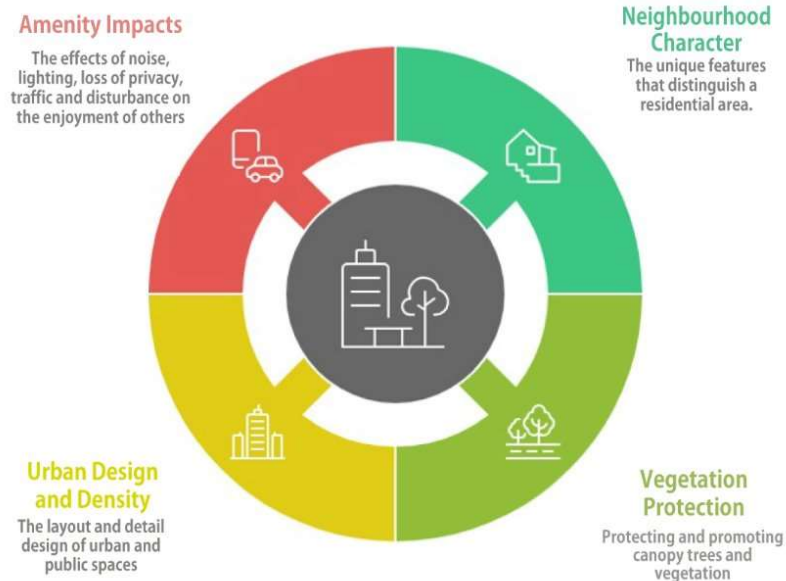
Data source: Planning permit activity reporting

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 shows that the majority of appeals (53%) resulted in Council’s decision being upheld. Although 24% of the appeal decisions were set aside, this does not always indicate disagreement with Council’s views. Many of these cases involved amendments to the original proposals and plans, typically made prior to the VCAT hearing and resulting in a more favourable proposal. 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 (PPV) 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, PPV 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
<b>Nillumbik C149 – Heritage Review</b>	19/12/2024	Heritage	Panel recommended that amendment C149mill be adopted as exhibited subject to changes related to Council's own findings but also included consistency and error fixes.
<b>Nillumbik C142 - 50 Oatland Road, Plenty</b>	27/07/2022	Heritage	Panel recommended that amendment C142nill be abandoned.
<b>Nillumbik C131 – Earthworks in</b>	20/10/2021	Green Wedge, Earthworks	Panel recommended that amendment C131nill be adopted as exhibited.

the Green Wedge			
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 in June 2023. Council is currently preparing an amendment to the Nillumbik Planning Scheme to implement the adopted MPS however, 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 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. Internal workshops have identified particular schedules, issues and topics that require attention. Schedules will be updated on a basis of importance and in line with State Government reforms and demand.

#### **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 commonly triggered controls and included schedules to the Activity Centre Zone, Design and Development, Environmental Significance and the Significant Landscape Overlays.

Outcomes 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 will be incorporated into the implementation of the Neighbourhood Character Strategy.

#### **6.5.4. Identified Errors & Anomalies**

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

#### **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.

Low Priority

**7. Key Themes**

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

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



## **7.1. Housing**

### **7.1.1. State Initiatives**

As mentioned in Section 4.2.3, the Victorian Government has announced draft Housing Targets for each Local Government Area. These targets are part of 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 their decision to reduce the housing targets by 45%, resulting in a revised target of 6,500 homes, released in February 2025. This adjustment better aligns with the shire's capacity and commitment to preserve its unique 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 guide residential growth over the next 15 years, including where and what types of homes are needed. It will identify areas suitable for housing expansion and those better suited to minimal change, balancing growth with sustainability and neighbourhood character. The project was paused pending the release of Victorian State housing targets, which are now finalised. Council will rework the strategy to meet these targets and, subject to endorsement, release an updated draft for community consultation. Once adopted, the strategy will inform changes to the Nillumbik Planning Scheme to implement the Housing and Neighbourhood Strategies.

### **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 overdevelopment concerns.

VCAT decisions are shaped by planning policies, site-specific constraints, and the public benefits of each 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 zone requirements, acceptable bulk, or landscaping requirements. However, VCAT may overturn council refusals if it deems that the proposal has merit, and specific issues can be addressed by conditions.

The ongoing development and implementation of the Housing and Neighbourhood Character Strategies are crucial for tackling such 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 (HS) 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**

The state government's Plan for Victoria aims to improve housing affordability and choice by using updated planning controls to build more homes in key areas like activity centres and priority precincts. Their Activity Centre Program targets 60 locations across Victoria—but none are in Nillumbik.

### **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 and are currently being considered by Council. Recent state government announcements and existing planning policy suggest that future updates to these structure plans are necessary.

### **7.2.3. Discussion**

The Shire of Nillumbik's major activity centres in Eltham and Diamond Creek 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 Nillumbik's 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 is essential to integrate the Housing and Neighbourhood Character Strategies and Activity Centre Structure Plans into the planning scheme. This will provide appropriate objectives and detailed requirements for setbacks, landscaping, and active frontages.

#### VCAT analysis

VCAT cases in Nillumbik illustrate the difficulty of designing higher-density developments without compromising neighbourhood character, amenities, and infrastructure. 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. Traffic and parking management are also essential to mitigate congestion in our activity centres. To provide clearer guidance and reduce future VCAT cases, Council is clarifying policies for activity centres and incorporating Major Activity Centre Structure Plans into the planning scheme.

Research and Hurstbridge are identified as 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

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'. In March 2025 these changes were approved and apply to residential developments of two or more dwellings and low-rise apartments up to three stories.

#### 7.3.2. Local Initiatives

The Neighbourhood Character Strategy (NCS), adopted by Council in 2023, has been updated to reflect the current and desired character of neighbourhoods, offering definitive guidance for integrating new developments into residential areas. 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 Nillumbik'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.

#### 7.3.3. Discussion

Engagement for the NCS was undertaken 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 integration of the Housing Strategy and NCS into the planning scheme and would make amendments to Residential Zone Schedules and Significant Landscape Overlays. It would define clear priorities for specific areas, ensuring that growth is managed while preserving neighbourhood character and heritage.

#### VCAT analysis

Concerns 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 Housing and Neighbourhood Character Strategies into the planning scheme to provide clear and concise direction and 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.

Development Plan Overlays (DPOs)

While reviewing the planning scheme, it was found that the effectiveness of planning instruments such as Development Plan Overlays (DPOs), Development Contributions Plan Overlays (DCPOs), and Design and Development Overlays (DDOs) is compromised due to their outdated nature. Many 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 overlays.

Design and Development Overlays (DDOs)

While the 2020 Eltham and Diamond Creek Major Activity Centre Structure Plans and the 2023 Neighbourhood Character Strategy offer valuable guidance on built form and urban design, they have not yet been fully integrated into the planning scheme. These documents introduce more detailed expectations for elements such as setbacks, landscaping, and active frontages. However, many of the existing Design and Development Overlay (DDO) schedules remain outdated and inconsistent with current standards, reducing their effectiveness and clarity. As a result, while adopted strategies provide useful direction, further work is required to update the overlay schedules to ensure they deliver clear, consistent, and contemporary planning controls.

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 misalignment of design with local character, especially under the Significant Landscape Overlay (SLO) or Environmental Significance Overlay (ESO). Transparent fences are a common neighbourhood character element that also supports movement of fauna. However, safety and privacy concerns can lead to requests for solid fences, particularly near busy roads or close neighbours. Balancing these personal concerns with 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 concerns. Given these complexities and VCAT decisions undermining the strength of existing controls, there is a 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.

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, supporting 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.

Melbourne Water owns land in Christmas Hills that was originally set aside for the now-abandoned Watsons Creek Storage Reservoir project. As it is no longer needed for this purpose, Melbourne Water must dispose of it in line with the Victorian Government Landholding Policy (2017) and other relevant guidelines. Before it can be sold, the land must be zoned appropriately under the Nillumbik Planning Scheme. Nillumbik Shire Council will work closely with Melbourne Water to ensure planning controls and expectations for the land are clear to the community, and that any future use or development protects the priorities and values of the Green Wedge.

### 7.5.2. Local Initiatives

#### Green Wedge Management Plan

Nillumbik's Green Wedge Management Plan (GWMP), adopted in 2019, focuses on managing Green Wedge areas outside the Urban Growth Boundary by integrating new and existing Council Projects and 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

Amendment C131nill to the Nillumbik Planning Scheme was introduced to better regulate large-scale earthworks in the Green Wedge and Rural Conservation Zones. It requires a planning permit for the receipt, importation, stockpiling, or placement of more than 100 cubic metres of fill. This amendment responded to growing concerns about the negative impacts of fill activities on the Green Wedge's character and planning objectives. Gazetted on 13 May 2022, it is one of only two planning schemes in Victoria to include such a requirement, providing Council with a stronger basis to assess and manage environmental and amenity risks associated with future fill activities.

#### 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. The MPS is currently being updated and future policy changes will be investigated as part of a future refresh of the Green Wedge Management Plan.

#### **7.5.3. Discussion**

Development of small lots in the Green Wedge are often controversial, not aligning with planning policy that promotes agriculture and conservation, and often resulting in VCAT cases. Community objections to these types of application frequently highlight issues of overdevelopment, environmental harm, and traffic concerns. The prevalence of small lots in Nillumbik's Green Wedge and community sentiment suggest a need for a review of associated strategic policy.

The release of Melbourne Water land in Christmas Hills will provide opportunities for the community, however these lots will need to be planned carefully to ensure that land use and development outcomes align with current policies and the capability of the land. To ensure certainty for the community and prospective purchasers Nillumbik Council will continue to liaise with Melbourne Water and advocate for a balanced and appropriate outcome.

Planning for Melbourne's Green Wedges and Agricultural Land Action Plan, released in 2024, 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. Green Wedge Management Plans also need to be updated every 10 years; the next update is expected in 2029.

#### **7.5.4. Recommendations**

##### **Green Wedge**

- |  |                        |
|--|------------------------|
| • <b>Continue to action and respond to Melbourne Water's Christmas Hills Land Sale project, encouraging conservation and clarity for prospective owners.</b> | <b>Medium Priority</b> |
| • <b>Review Green Wedge strategic policy to encourage landscape and environmental conservation through appropriate land use and sensitive development.</b>   | <b>Low Priority</b>    |
| • <b>Prepare for the next Green Wedge Management Plan.</b>   | <b>Low Priority</b>    |



## 7.6. Vegetation and Biodiversity

### 7.6.1. State Initiatives

In 2017, the state government launched The Victorian 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, Council adopted the Nillumbik Biodiversity Strategy 2024-2034 and the Nillumbik Urban Tree Canopy Strategy 2024-2040 to align with state policies and improve environmental outcomes in the shire. These strategies aim to enhance local biodiversity and urban canopy coverage, promoting sustainable development and ecological health. Supporting these strategies through the creation of Tree Planting Guidelines and associated planning scheme amendments will continue to promote the protection of vegetation and biodiversity in Nillumbik.

### 7.6.3. Discussion

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. There is also significant interest in enhancing ecological connectivity and updating local environmental policies with the latest data and conservation practices with the aim to integrate biodiversity considerations into the planning scheme and align new projects with broader environmental sustainability goals. Nillumbik's Biodiversity and Urban Tree Canopy Strategies are already addressing many of issues raised by our community, however, integration of these strategies may require updates to the Planning Scheme. Any implementation actions from these strategies will be actioned as required.

#### VCAT analysis

Objections 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 objections often relate to planning objectives aiming to preserve environmental and landscape values, support sustainable land management, and mitigate ecological impacts. In the case of *Georgakopoulos v Nillumbik SC* [2023], the tribunal notes that none of the referenced cases 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 to define and specify heights for 'small,' 'medium,' and 'large' canopy trees within the planning scheme.

Cases concerning approved landscaping and illegal vegetation removal are growing, highlighting the necessity for stringent monitoring and enforcement to preserve ecological values and neighbourhood character. Along with continued compliance and increased penalties, there is a need for further guidance and education on the benefits of tree canopy, including how to protect and foster our unique Nillumbik landscapes.

7.6.4. Recommendations

Vegetation and Biodiversity

<ul style="list-style-type: none"><li>• Prepare and implement the Nillumbik Planting Guidelines</li></ul>	High Priority
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## 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 2020, it released *Environmentally Sustainable Development of Buildings and Subdivision: A Roadmap for Victoria's Planning System*, setting a strategic foundation, followed by *Victoria's Climate Change Strategy* in 2021, outlining ambitious emission 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 details how the government intends to respond to climate risks. More recently, significant updates were made to ResCode's standards with the aim to strengthen ESD requirements.

### 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 previous initiatives, 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 environmentally sustainable development (ESD) are becoming increasingly central to planning decisions, in line with policies aimed at mitigating climate impacts, reducing energy consumption, and promoting sustainable growth. Community feedback highlights growing pressure to embed ESD principles across all levels of planning, including sustainable transport and building practices. Nillumbik's Climate Action Plan is addressing many of these concerns, through implementation actions. Any proposed changes to the Planning Scheme will be actioned as required. Despite strong state-level initiatives, there remains a gap in how ESD is addressed within housing policies. At the same time, challenges such as funding constraints, the implementation of new technologies, and the need to balance development with environmental conservation require focused attention from Council to ensure ESD is effectively integrated and aligned with both local and state priorities.

### 7.7.4. Recommendations

#### Environmental Sustainable Development

- Explore options to develop and implement local policy for Council and the development community to support ESD.

High Priority

## 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. 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 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 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 conflicts with local neighbourhood 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

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

<ul style="list-style-type: none"><li>• Review the 'waterways' controls with the Department of Planning and Transport's waterways Planning Practice Note.</li></ul>	Medium Priority
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## 7.10. Integrated Water Management and Flood Risk

### 7.10.1. Local Initiatives

Council, in partnership with Melbourne Water, is conducting flood modelling across the Shire, expected to be completed in 2027. A planning scheme amendment will then be prepared to update flood mapping and zoning, with implementation likely in the next review period.

### 7.10.2. Discussion

Nillumbik in the Yarra Catchment includes diverse sub-catchments with varying water quality, best in forested areas and poorest in urban areas. Development, certain land uses, and increased impermeable surfaces exacerbate stormwater runoff and pollution, affecting environmental health, cultural heritage and increases flood risks. To manage water and associated risks, 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] proposed a 21-dwelling cohousing development in Eltham, with challenging 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 and availability of empirical evidence and expert opinions in its decision.

### 7.10.3. 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 but also providing better access to Nillumbik. The increased accessibility will likely encourage people to visit and live in Nillumbik resulting in more vehicle movements. Roads and intersections such as the Greensborough Bypass / Diamond Creek Road Roundabout will need to be upgraded.

### **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 our older community 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 should provide 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. Council's transport teams are

working to develop local strategies to mitigate these issues to ensure better planning outcomes and alignment with State policies.

## 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.

### 7.12.2. Local Initiatives

In 2020, Council adopted Amendment C177nill to rezone land in Diamond Creek, Eltham, Eltham North, Greensborough, Research, and Hurstbridge, currently used as recreational public open space, to the Public Park and Recreation Zone (PPRZ). This rezoning ensures continued use aligns with recreational and social functions. 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 is a need for an updated Open Space Strategy that aligns with state policies and community expectations, addressing the demand for accessible green spaces, enhancing biodiversity, and supporting 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.

### 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 2016. 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 supporting owners of heritage places to balance the protection of heritage elements while ensuring heritage places are liveable and responsive to lifestyles 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 was approved and gazetted on Friday 1<sup>st</sup> August 2025. The amendment, including the Heritage Review's and update to the Thematic Environmental History are expected to reduce the number of resources and work required to meet Council's obligations under the Planning and Environment, and Heritage Acts, and provide information for the next Heritage Review. One important outcome of the Heritage Review was identifying the need for future reviews to consider post-war heritage places.

#### VCAT analysis

The Tribunal's decisions on heritage-related cases reinforce the importance of preserving the Shire's historical character. In *Smale v Nillumbik SC*, the Tribunal upheld Council's refusal of a subdivision due to concerns over heritage preservation, potential impacts on significant trees, and the broader local character. Planning Pannels Victoria (PPV) has generally supported proposed heritage controls but has

also agreed that substantial evidence is required to meet heritage criterions. The Planning Panel for Amendment C142nill highlighted a lack of evidence for heritage criterion being met and therefore recommended that amendment C142nill be abandoned.

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

7.13.4. Recommendations

Heritage

<ul style="list-style-type: none"><li>• Finalise Amendment C149nill - Heritage Review.</li></ul>	High Priority
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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 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, aims to strengthen the economy over the next decade through advocacy, collaboration, partnerships, and innovation. The strategy identifies key economic drivers, including managing local expenditure leakage, addressing low population and dwelling growth, 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**

VCAT's major concerns with commercial applications in Nillumbik are amenity impacts including noise, car parking, and traffic. For commercial developments, there is a clear need for thorough planning, active community engagement, stringent impact assessments, and proactive enforcement of 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**

The 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. A requirement of this legislation is for 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 Municipal Public Health and Wellbeing Plan 2025-2029 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. Gambling policy being the most applicable social planning areas that would benefit from local policy changes.

### **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, housing diversity, local food systems, and address the impacts gambling establishments. Implementation of the Health and Wellbeing Plan will be supported through any required planning scheme amendments, as required.

## 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 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, 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 conducted research to inform both this Review and other key plans, such as housing, heritage, and activity centre strategies. The Review highlighted areas needing more attention, including aged care, affordable housing, accessibility, alcohol and drug policy, and Urban Growth Boundary buffers. Continued work in these areas, aligned with state policies and best practices, will guide future planning and benefit the community long-term.

### 7.17.3. Recommendations

#### Advocacy & Research

- |  |              |
|--|--------------|
| <ul style="list-style-type: none"><li>• Advocate on behalf of Council in response to State Government, Municipal and other authority plans, strategies and policies that may affect Nillumbik Shire.</li></ul> | Low Priority |
| <ul style="list-style-type: none"><li>• Research areas and topics of interest to the Nillumbik Shire Council to ensure accurate and appropriate strategic guidance and responses.</li></ul>                    | Low Priority |

## 8. Findings and Recommendations

Based on the analysis provided in this review, Table 13 provides a full list of recommendations with associated actions, priorities, legislative requirements 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
<b>Housing</b>						
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.
<b>Heritage</b>						
3	Finalise Amendment C149nill - Heritage Review.	High	No	\$500	Admin (Gazettal)	Respond, in accordance with the Minister for Planning's decision.
<b>Integrated Water Management</b>						

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.
<b><u>Vegetation and Biodiversity</u></b>						
5	Prepare and implement the Nillumbik Planting Guidelines.	High	No	\$40k	Administration costs associated 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.
<b><u>Environmental Sustainable Development</u></b>						
6	Explore options to develop and implement local policy for Council and the development community to support ESD.	High	No	\$80k	Preparation costs and costs associated with amendment.	Prepare ESD guidelines specific to Nillumbik for Council building. Explore guideline options for the development community. Review the PPF and update in line with the Nillumbik ESD Guidelines. Prepare a planning scheme amendment to implement the recommendations of the Nillumbik ESD Guidelines.
<b><u>Activity Centres</u></b>						
7	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.



8	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 (including parking audits) 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.
9	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 (including parking audits) 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.
10	Commence development of a Hurstbridge Township Plan.	Med	No	\$150k	Consultant review, research, engagement, draft and final version of Plan	Review current controls and development patterns.
<b>Planning Scheme Performance</b>						
11	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	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.

	Structure Plans, and implement into the planning scheme via a Planning Scheme Amendment.						
12	Improve Planning and Compliance Services through improved data collection and record keeping.	Med	No	N/A	Officer only	time	<p>Work with Planning Services and the Compliance team to identify key data points that will provide valuable information for further reviews.</p> <p>Implement process improvements to ensure identified data points are recorded efficiently.</p> <p>One year review of data point collection and summary of progress.</p>
13	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 only	time	<p>Review current controls that may be affected by ResCode deemed to comply standards.</p> <p>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.</p>
<b>Development Contributions</b>							
14	Review all Development Contribution Plan Overlay schedules, assess accuracy and potential to provide listed infrastructure.	Med	No	N/A	Officer only	time	<p>Multi-team project to review and streamline the DCP process.</p> <p>Review and propose updates to controls and infrastructure lists.</p> <p>Prepare a planning scheme amendment to implement the recommended changes, if required.</p>
<b>Open Space</b>							

15	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.
<b>Built Form and Urban Design</b>						
16	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.
17	Review all Development Plan Overlay schedules.	Med	No	N/A	Officer 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.
<b>Green Wedge</b>						
18	Continue to action and respond to Melbourne Water's Christmas Hills Land Sale project, encouraging conservation and clarity for prospective owners.	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, encouraging conservation and clarity for prospective owners.
19	Review Green Wedge strategic policy to encourage landscape and environmental conservation through	Low	No	N/A	Officer 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.

	appropriate land use and sensitive development.					
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.
<b>Yarra River Corridor</b>						
21	Review the 'waterways' controls with the Department of Planning and Transport's waterways Planning Practice Note.	Low	No	N/A	Officer only	time 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.
<b>Advocacy &amp; Research</b>						
22	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 only	time 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.
23	Research areas and topics of interest to the Nillumbik Shire Council to ensure accurate and	Low	No	N/A	Officer only	time 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'.

	appropriate strategic guidance and responses.					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.
<b>Audit and Assessment of the Planning Scheme</b>						
24	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.
25	Prepare a planning scheme amendment to correct identified errors and anomalies.	Low	Yes	\$15k	Administration costs associated with amendment.	Collate and review all identified errors and anomalies Prepare a Section 20A planning scheme amendment.

## **Bibliography**

- Census of Population and Housing 2016 and 2021, Australian Bureau of Statistics, and .id (informed decisions)
- Diamond Creek Major Activity Centre Structure Plan, Kinetica, 2020
- Draft Housing Target Advice, Ethos Urban, 2024
- Eltham Major Activity Centre Structure Plan, Kinetica, 2020
- Homes Victoria Rental Report, Victoria State Government, 2024
- Nillumbik Bushfire Mitigation Strategy, Nillumbik Shire Council, 2019
- Nillumbik Green Wedge Management Plan 2010-2025, Nillumbik Shire Council, 2010
- Planning permit activity reporting, Nillumbik Shire Council and Victoria State Government, 2024
- Planning permit, internal data, Nillumbik Shire Council, 2024
- Victorian Civil And Administrative Tribunal, Austlii
- Victorian Women's Health Atlas, AIHW specialist homelessness services collection



**Nillumbik Shire Council**

Civic Drive (PO Box 476) Greensborough Victoria 3088  
9433 3111 | [nillumbik@nillumbik.vic.gov.au](mailto:nillumbik@nillumbik.vic.gov.au)

     
[nillumbik.vic.gov.au](http://nillumbik.vic.gov.au)

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No.	Recommendations	Priority	Legislative	Cost	\$ Breakdown	Actions
<b>Housing</b>						
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.
<b>Heritage</b>						
3.	Finalise Amendment C149nill Heritage Review.	High	No	\$500	Admin (Gazettal)	Respond, in accordance with the Minister for Planning's decision.
<b>Integrated Water Management</b>						
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.
<b>Vegetation and Biodiversity</b>						

No.	Recommendations	Priority	Legislative	Cost	\$ Breakdown	Actions
5.	Prepare and implement the Nillumbik Planting Guidelines.	High	No	\$40k	Administration costs associated 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.
<b>Environmental Sustainable Development</b>						
6.	Explore options to develop and implement local policy for Council and the development community to support ESD.	High	No	\$80k	Preparation costs and costs associated with amendment.	Prepare ESD guidelines specific to Nillumbik for Council building. Explore guideline options for the development community. Review the PPF and update in line with the Nillumbik ESD Guidelines. Prepare a planning scheme amendment to implement the recommendations of the Nillumbik ESD Guidelines.
<b>Activity Centres</b>						
7.	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.
8.	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 (including parking audits) in 2028/29 in line with Victoria's Housing Statement.

No.	Recommendations	Priority	Legislative	Cost	\$ Breakdown	Actions
						Create Urban Design Guidelines in line with Housing and Neighbourhood Character Strategies, Urban Tree Canopy Strategy and ESD priorities.
9.	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 (including parking audits) 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.
10.	Commence development of a Hurstbridge Township Plan.	Med	No	\$150k	Consultant review, research, engagement, draft and final version of Plan	Review current controls and development patterns.
<b>Planning Scheme Performance</b>						
11.	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.
12.	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.

No.	Recommendations	Priority	Legislative	Cost	\$ Breakdown	Actions
						Implement process improvements to ensure identified data points are recorded efficiently. One year review of data point collection and summary of progress.
13.	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.
<b>Development Contributions</b>						
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.
<b>Open Space</b>						
15.	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.
<b>Built Form and Urban Design</b>						
16.	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.

No.	Recommendations	Priority	Legislative	Cost	\$ Breakdown	Actions
17.	Review all Development Plan Overlay schedules.	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.
<b>Green Wedge</b>						
18.	Continue to action and respond to Melbourne Water's Christmas Hills Land Sale project, encouraging conservation and clarity for prospective owners.	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, encouraging conservation and clarity for prospective owners.
19.	Review Green Wedge strategic policy to encourage landscape and environmental conservation through appropriate land use and sensitive development.	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.
<b>Yarra River Corridor</b>						
21.	Review the 'waterways' controls with the Department of Planning and Transport's waterways Planning Practice Note.	Low	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.
<b>Advocacy &amp; Research</b>						

No.	Recommendations	Priority	Legislative	Cost	\$ Breakdown	Actions
22.	Advocate on behalf of Council in response to State Government, Municipal and other authority plans, strategies and policies that may affect Nillumbik Shire.	Low	No	N/A	Officer time only	<p>Advocate for stronger native vegetation removal and planning compliance penalties, particularly for illegal removal, damage or destruction of Canopy Trees, as directed by the Urban Tree Canopy Strategy.</p> <p>Promote Heritage Victoria's updated Heritage Information Pack.</p> <p>Request that the State Government provide advice on the legacy zoning of Low Density Residential Zone land in Yarrambat and Plenty.</p> <p>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.</p>
23.	Research areas and topics of interest to the Nillumbik Shire Council to ensure accurate and appropriate strategic guidance and responses.	Low	No	N/A	Officer time only	<p>Research opportunities to support residential aged care and retirement living solutions.</p> <p>Research the need for a local Planning Policy for affordable housing.</p> <p>Research Universal Access &amp; Disability Discrimination Act and implement local policy in line with best practice.</p> <p>Research fire-resistant native flora species to include in 'Live Local, Plant Local'.</p> <p>Investigate potential penalties and mandatory offsets for illegal tree and vegetation removal.</p> <p>Research the need for Alcohol, Drug and Gambling local policy in line with the Nillumbik Health and Wellbeing Plan.</p> <p>Review planning policy and controls concerning buffer areas either side of the Urban Growth Boundary (UGB) and provide recommendations to protect the integrity of the UGB and minimise land use conflict.</p>
<b>Audit and Assessment of the Planning Scheme</b>						
24.	Prepare an Urban Design project focusing on fences and boundary	Low	No	\$20k	Consultant costs	Review current controls and permit triggers for fences and boundary treatments.

No.	Recommendations	Priority	Legislative	Cost	\$ Breakdown	Actions
	treatments across residential areas responding to the findings of the Neighbourhood Character Strategy.					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.
25.	Prepare a planning scheme amendment to correct identified errors and anomalies.	Low	Yes	\$15k	Administration costs associated with amendment.	Collate and review all identified errors and anomalies Prepare a Section 20A planning scheme amendment.

No.	Recommendations	Priority
<b><u>Housing</u></b>		
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
<b><u>Heritage</u></b>		
3.	Finalise Amendment C149nill - Heritage Review.	High
<b><u>Integrated Water Management</u></b>		
4.	Continue to support and collaborate with Melbourne Water on the Greater Melbourne flood modelling project.	High
<b><u>Vegetation and Biodiversity</u></b>		
5.	Prepare and implement the Nillumbik Planting Guidelines.	High
<b><u>Environmental Sustainable Development (ESD)</u></b>		
6.	Explore options to develop and implement local policy for Council and the development community to support ESD.	High
<b><u>Activity Centres</u></b>		
7.	Finalise the Diamond Creek Community Infrastructure Master Plan project.	High
8.	Review and progress Amendment C143nill - Eltham Major Activity Centre Structure Plan.	High
9.	Review and progress Amendment C144nill - Diamond Creek Major Activity Centre Structure Plan.	High
10.	Commence development of a Hurstbridge Township Plan.	Med
<b><u>Planning Scheme Performance</u></b>		
11.	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
12.	Improve Planning and Compliance Services through improved data collection and record keeping.	Med
13.	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
<b><u>Development Contributions</u></b>		
14.	Review all Development Contribution Plan Overlay schedules, assess accuracy and potential to provide listed infrastructure.	Med
<b><u>Open Space</u></b>		
15.	Commence development of a new Nillumbik Open Space Strategy.	Med
<b><u>Built Form and Urban Design</u></b>		
16.	Review Design and Development Overlays, in particular Schedules 1 and 10, and update accordingly.	Med



17.	Review all Development Plan Overlay schedules.	Med
<b><u>Green Wedge</u></b>		
18.	Continue to action and respond to Melbourne Water's Christmas Hills Land Sale project, encouraging conservation and clarity for prospective owners.	Med
19.	Review Green Wedge strategic policy to encourage landscape and environmental conservation through appropriate land use and sensitive development.	Low
20.	Prepare for the next Green Wedge Management Plan.	Low
<b><u>Yarra River Corridor</u></b>		
21.	Review the 'waterways' controls with the Department of Planning and Transport's waterways Planning Practice Note.	Low
<b><u>Advocacy &amp; Research</u></b>		
22.	Advocate on behalf of Council in response to State Government, Municipal and other authority plans, strategies and policies that may affect Nillumbik Shire.	Low
23.	Research areas and topics of interest to the Nillumbik Shire Council to ensure accurate and appropriate strategic guidance and responses.	Low
<b><u>Audit and Assessment of the Planning Scheme</u></b>		
24.	Prepare an Urban Design project focusing on fences and boundary treatments across residential areas responding to the findings of the Neighbourhood Character Strategy.	Low
25.	Prepare a planning scheme amendment to correct identified errors and anomalies.	Low

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No.	Key issues raised	Officer comments and recommendations	Action Taken
S1	<p><b>Community Group – Warrandyte Community Assoc.</b></p> <p>Policy and projects focusing on the Green Wedge need to prioritise the conservation and agricultural use of land. Unnecessary subdivision of the Green Wedge should be opposed and Melbourne Water’s Christmas Hills land divestment should align with strategic policy that focuses on conservation of land over rural living.</p> <p>Stronger recommendations and controls are required for Biodiversity and Vegetation protection. Increased enforcement and monitoring is required for the removal of vegetation.</p> <p>Reference to ‘Buffer Zones’ should be removed as they could be used to undermine the integrity of the Green Wedge.</p> <p>Fence Guidelines require more detail and understanding.</p> <p>The PSR 2025 is an opportunity to address Climate Change adaptation responses including ecosystem restoration, trialling drought resistant indigenous vegetation and expanding sustainable water resources for wildlife.</p>	<p>Agricultural land in the Green Wedge is integral to supporting Melbourne’s food supply and also the jobs and tourism associated with this agriculture. Nillumbik supports agricultural land through its Green Wedge Management Plan and economic development policies, however the majority of Green Wedge policy is governed at the State level. Working with the MAV (Municipal Association of Victoria), Nillumbik is advocating to the State Government for new and updated policies that encourage and support agriculture in the Green Wedge.</p> <p>Nillumbik Shire Council continues to work with Melbourne Water to develop outcomes that balance conservation gains, community values and land use change sensitivity.</p> <p>Nillumbik’s Biodiversity and Urban Tree Canopy strategies are noted as the primary guiding documents regarding the protection of biodiversity and vegetation conservation. Council Officers acknowledge that changes to the planning scheme are likely to be required to support these strategies and that the PSR 2025 actively and adequately supports these two strategies.</p> <p>The UGB (Urban Growth Boundary) is governed by the State Government and Nillumbik Shire Council strongly supports the preservation of the UGB. Due to housing pressures in the Shire and a lack of policies and controls that promote a transition from urban to rural land, hard edges have formed that can cause land use conflict and adverse impacts to flora and fauna. The PSR 2025 along with the draft Nillumbik Housing Strategy has identified these issues and recommends further work be undertaken to address hard edges and land use conflict along the UGB.</p>	<p>PSR 2025 updated in accordance with officer recommendations.</p> <p>Updated Recommendations 18 &amp; 19 to provide better clarity on projects related to the Christmas Hills land divestment and development in the Green Wedge.</p> <p>Noted that particular concerns relate to established strategies, including the Nillumbik Biodiversity and Urban Tree Canopy strategies. Addressing these concerns will be better achieved through these strategies.</p>

		<p>Fences are often controversial and problematic in Nillumbik with difficulty balancing the need for privacy, neighbourhood character and impacts to flora and fauna. Particularly with Nillumbik's unique lifestyle and environment, Council are conscious that further research and community engagement will be required to produce robust and balanced fence guidelines.</p> <p>Nillumbik Shire Council has officially declared a climate emergency, committing to integrate proactive mitigation and adaptation efforts through its Climate Action Plan (CAP), with an aim for net-zero Council operation emissions by 2030 and community-wide emissions by 2035. The PSR 2025 aims to embed policies and tackle climate change through implementing the MPS (Recommendation 11) and undertaking research and advocacy around state-wide ESD guidelines and policies.</p>	
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# Road Management Plan 2021



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### **Acknowledgement of Country**

Nillumbik Shire Council acknowledges the Wurundjeri Woi Wurrung people who are the Traditional Custodians of this Land. We would also like to pay respect to the Elders both past and present and extend that respect to other First Nations people present.

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

# 1 Executive Summary

The Shire of Nillumbik is located less than 25 kilometres north-east of Melbourne, covers an area of 432 square kilometres and has a population of approximately 65,094 people.

Within the Shire, Nillumbik Shire Council (Council) is responsible for an extensive network of physical assets including approximately 460 kilometres of sealed roads, 310 kilometres of unsealed roads and 343 kilometres of sealed pathways.

Council has a statutory duty under the Road Management Act 2004 to act 'reasonably' by inspecting and maintaining assets to protect the travelling public.

This Road Management Plan (Plan) has been developed to establish a management system for Council to inspect, maintain and repair public roads and related assets for which it is responsible.

The main purpose of this Plan is to:

- a) comply with relevant legislative requirements
- b) consider the needs and expectations of the road and footpath user
- c) balance the economic, social, safety and environmental expectations of the community
- d) consider the affordability, available resources and management of risks when determining levels of service
- e) outline and list the documents that support the Plan

The Plan is intended to be a dynamic document and, as such, there is a need for regular review, refinement and improvement. This will ensure that the Plan is in accordance with responsible asset management, changing technology, climatic conditions and, in particular, Council and community requirements and expectations.

The key elements of this Plan are:

- the Register of Public Roads for which Council is responsible
- the systems that Council uses to manage hazards and defects on its public road network
- schedules of maintenance standards used by Council for inspection, intervention and response.

The maintenance systems and processes established by this Plan form the basis of Council's legal defence against claims in negligence arising from defective components of the road and footpath network.



## 2 About this Road Management Plan

### 2.1 Legislative basis for the Road Management Plan

This Road Management Plan (Plan) has been prepared in accordance with the following Acts:

- Local Government Act 1989 and Local Government Act 2020
- Road Management Act 2004
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015
- Operational Responsibility for Public Roads Code of Practice (published in the Victoria Government Gazette No S 174 on Tuesday, 30 May 2017);
- Road Management Plan Code of Practice (published in the Victoria Government Gazette No S 201 on Thursday, 16 September 2004);
- Management of Infrastructure in Road Reserves Code of Practice (published in the Victoria Government Gazette No S 117 on Thursday, 28 April 2016); and
- Worksite Safety Traffic Management Code of Practice (published in the Victoria Government Gazette No S 351 on Tuesday, 31 August 2010)

Nillumbik Shire Council (Council) is the 'Co-ordinating Road Authority' for municipal roads within its boundaries and is responsible for their care and management.

The Plan has been reviewed with regard to the following Council plans, policies, strategies and adoptions:

- The Council Plan
- Road Asset Management Plan
- Tree Management Policy and Tree Management Guidelines
- Nillumbik Trail Strategy
- Adopted Operational and CAPEX (Capital Expenditure) Budget
- Risk Management Policy and Framework
- Local Laws
- Minor maintenance agreements between Department of Transport and Council

The abovementioned plans, policies, strategies and adoptions are subject to review and renaming and for the purposes of this Plan, any succeeding version supersedes the referenced version.

To the extent any plan, budget, strategy, agreement or study of Council (as may be amended by Council from time to time) is necessary or required for Council to meet or fulfil the requirements of the Plan or to properly discharge its duties and responsibilities under the Road Management Act 2004, the relevant document is deemed to be incorporated by reference into, and to form a part of, the Plan.

### 2.2 Purpose of the Road Management Plan

The purpose of this Plan is to establish a management system for Council to inspect, maintain and repair its public roads. It achieves this by:

- a) complying with relevant legislative requirements
- b) considering the needs and expectations of the road and footpath user

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- c) balances the economic, social, safety and environmental expectations of the community
- d) considers the affordability, available resources and management of risks when determining levels of service
- e) outlines and lists the documents that support this Plan.

It also sets the relevant standard in relation to discharging of its statutory duties in the performance of those road management functions.

The key elements of this Plan are:

- the Register of Public Roads for which Council is responsible
- the asset management systems and processes that Council uses to manage hazards and defects on its public road network
- the levels of service that detail maintenance practises in managing Councils public road network.

To complement the Plan, a Road Asset Management Plan has been developed to outline the key elements involved in managing roads, footpaths and relevant associated infrastructure. It combines management, financial, engineering and technical practices to ensure that the level of service required by user groups is provided at the lowest long-term cost to the community within the limits of any economic constraints that may be imposed by Council.

To clarify the relationship between this Plan and the Road Asset Management Plan the following description and **Image 1**.

All of the repair activities performed as part of this Plan are classified as preventative maintenance. These activities are undertaken to prevent an asset's condition from an accelerated deterioration, including the rectification of hazards, allowing the asset user to enjoy safe operation and allowing the asset to deteriorate at a slower rate and therefore, ultimately increasing its useful life.

Some preventative maintenance and all essential maintenance require a more significant capital investment to restore the asset's performance (to as near as new) prior to the asset condition dropping below the target condition. These activities are defined within Council's Road Asset Management Plan, taking a more strategic approach to managing the network of assets to a defined target condition.

Therefore, the interventions specified in this Plan support hazard management and prolonging the life of the asset whereas the interventions within the Road Asset Management Plan not only prolong the life of the asset but also restore it to near new condition, and are timed strategically to achieve the defined target condition.

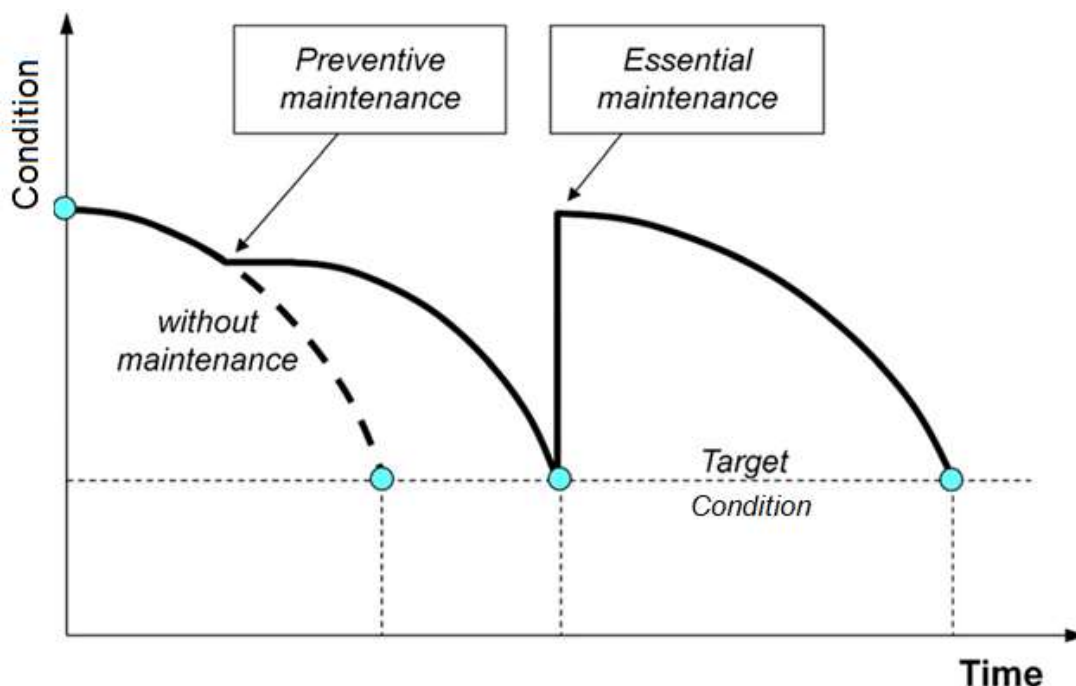


Image 1: Relationship between RMP and Road Asset Management Plan

## 2.3 Key stakeholder

The key stakeholders who are users of the road network and/or are affected by it include:

- residents, businesses, tourists and visitors to the area
- pedestrians, including those with disabilities and the elderly with restricted mobility
- users of mobility scooters, wheel chairs, prams and other mobility devices
- vehicles (as defined by the Road Safety Act 1986) such as trucks, buses, commercial vehicles, cars, motor cycles, bicycles and an animal that is being ridden or is drawing a vehicle
- emergency authorities (Police, Fire, Ambulance, SES)
- utility agencies that use the road reserve for their infrastructure (water, sewerage, gas, electricity, telecommunications)
- Council as the responsible road authority
- state and federal government that periodically provides support funding to assist with management of the public road network.

## 2.4 What is a "Road"?

A **"Road"** by definition in the Local Government Act 1989 includes a street, right of way, cul de sac, by-pass, bridge or ford, pathway, bicycle path, nature strip, culvert, kerbing or other land or works forming part of the road.

**"Public Road"** is a freeway, arterial road, a road declared under the Local Government Act, Melbourne City Link or a road set aside on a plan of subdivision.

**"Arterial Roads"** are Highways & Declared Main Roads which are managed by the State Government through Department of Transport.

**“Municipal Roads”** are roads for which the municipal council is the responsible Road Authority. The Road Management Act imposes specific duties on a council with respect to the inspection, repair and maintenance of its municipal public roads which are those that are reasonably required for general public use.

**“Other Roads”** include roads in State forests and reserves, and roads on private property. The municipal council is not responsible for the care and maintenance of these.

## 2.5 Meaning of terms

Unless inconsistent with the context or subject matter, terms used in this Plan have the same meaning as the specific definitions included in the Road Management Act 2004. For the purposes of the Plan the following additional terms shall be defined as:

**Compulsory** means the defect will be rectified in accordance with the response times recorded within the Road Management Plan.

**Defect** means an identified group of like features, together with their location, the condition of which is outside the Intervention Level.

**Hazard** means an issue which has a high likelihood to create danger or serious inconvenience to users of the road or footpath network.

**Highway** means a road or road-related area as defined by the Road Safety Act 1986.

**Intervention Level** means the level at which works on an asset is required to be undertaken. May be expressed in terms of a threshold condition of the asset, frequency for performing work or response time.

**Response Times in days** refer to business days (unless stated otherwise) and excludes weekends and public holidays. The days comprising any period of days computed in accordance with this clause must be deemed to be consecutive if interrupted only by days which are not taken into account under this clause.

**Roadside** are those residual areas between the edge of the road or back of the kerb and the adjacent property boundary not occupied by footpath.

**Road Reserve** is the area vested in the relevant coordinating road authority for the purpose of housing community assets, such as roads and footpaths. This area is typically the reserve between two opposing property boundaries.

**Service Level Agreement** refers to the maintenance performance criteria used to achieve the adopted levels of service in accordance with this Plan.

## 2.6 Duty of road user

All road users have a duty of care under the Road Management Act 2004, with particular obligations prescribed in the Road Safety Act 1986, which states:

*"(1) A person who drives a motor vehicle on a highway must drive in a safe manner having regard to all the relevant factors.*

*(2) A road user other than a person driving a motor vehicle must use a highway in a safe manner having regard to all the relevant factors.*

*(2A) For the purposes of subsections (1) and (2) and without limiting their generality, the relevant factors include the following—*

- (a) the physical characteristics of the road;*
- (b) the prevailing weather conditions;*
- (c) the level of visibility;*
- (d) the condition of any vehicle the person is driving or riding on the highway;*
- (e) the prevailing traffic conditions;*
- (f) the relevant road laws and advisory signs;*
- (g) the physical and mental condition of the driver or road user.*

*(3) A road user must—*

*(a) take reasonable care to avoid any conduct that may endanger the safety or welfare of other road users;*

*(b) take reasonable care to avoid any conduct that may damage the road*

*(c) take reasonable care to avoid conduct that may harm the environment of the road reserve.*

## 2.7 Availability of the Road Management Plan and Nillumbik's Register of Public Roads

The Plan and Nillumbik's Register of Public Roads are available for inspection, in hard copy format, at the Nillumbik Civic Centre, Civic Drive, Greensborough, during office hours: 8.30am to 5pm Monday-Friday inclusive.

An electronic version of this Plan is available on Council's website:

[www.nillumbik.vic.gov.au](http://www.nillumbik.vic.gov.au).

Nillumbik's Register of Public Roads will also be made available on the Council website.

## 2.8 Policy Context and Budgetary Consideration

Notwithstanding anything else provided for in this Plan and for the avoidance of any doubt, this Plan is, and remains, a stand-alone and all-encompassing policy document of the Council (for the inspection, repair and maintenance of public roads, pathways and road infrastructure (and road-related infrastructure) within the municipality of the Nillumbik Shire) without recourse to any other policy, practice or procedure of the Council in relation to the performance of the Council's road management functions.

To the extent any other policy, practice or procedure of the Council requires (or purports to require) any act, matter or thing to be done by or on behalf of the Council in relation to the performance of the Council's public road, pathway and road infrastructure management functions by reference to a requirement or a standard which is in conflict, or inconsistent, with the requirements or standards specified by or in this Plan (other requirements or standards), the requirements and standards specified by or in this Plan prevail over the other requirements or standards, and the other requirements or standards are of no force or effect.

This Plan is otherwise (in relation to the construction, inspection, maintenance and repair of those public roads within the municipal district of the Nillumbik Shire for which the Council is the road authority (including in relation to suitable prioritisations for the maintenance and repair of road infrastructure on public roads)) a policy document of the Council and is based substantially on financial, economic, political, social or environmental considerations.

The Council formally records that the funding which it has provided to implement this Plan and its road management responsibilities under the Act has been substantially influenced by decisions of the Council which relate to (and Council has expressly taken into account) budgetary allocations and the constraints which those decisions have entailed in terms of the allocation of scarce and competing Council resources.

## **2.9 Flexibility in Relation to the Performance of the Road Management Functions**

In order to give greater and improved operational and administrative flexibility to the timing of inspections for and the repair and maintenance of those public roads, pathways and road infrastructure (including road-related infrastructure) covered by this Plan, and notwithstanding best endeavours on the part of the Council's operational and administrative staff, it is expressly provided that, in the event of any failure by or on behalf of the Council to do any act, matter or thing associated with the inspection, repair or maintenance of any road, pathway or road infrastructure (or to perform any other road management function covered by this Plan) in accordance with the time-limits, standards and requirements specified by and in this Plan (the 'intervention failure'), the intervention failure is capable of, and is hereby deemed to have been, cured by a relevant subsequent act of the Council in connection with the proper inspection, repair or maintenance of the particular road, pathway or road infrastructure which is subject to the intervention failure, so long as and on the condition that -

- a report in writing has been provided to the relevant delegated or authorised officer of the Council informing that person of the intervention failure and confirming that the relevant inspection, repair or maintenance requirement has been satisfactorily performed; and
- the relevant delegated or authorised officer is satisfied that, notwithstanding the intervention failure, no further action on the part of or by the Council is reasonably required to remove a particular hazard or to repair a particular defect or deterioration in the road or to give any warning of a hazard, defect or deterioration in the road.

## **3 Roads and ancillary areas subject to the Road Management Plan**

### **3.1 Coordinating Road Authority**

Council, under the Road Management Act 2004, is the 'Coordinating Road Authority' for municipal roads within the Shire of Nillumbik as set out in the Register of Public Roads.

Department of Transport is the Coordinating Road Authority for Arterial Roads within the municipality. A copy of Department of Transport's Road Management Plan can be found on the Department of Transport website.

Section 205 of the Local Government Act 1989 requires Council to have responsibility for the care and management of local roads within its boundaries subject to the Road Management Act 2004.

### **3.2 Register of Public Roads**

Section 19 of the Road Management Act 2004 requires Council to establish and maintain a Register of Public Roads.

This Register of Public Roads is part of the Nillumbik Asset Register. The Asset Register records information such as the type, configuration and quantity of road assets for which Council is responsible, together with a history of assets.

The following assets within the public road network identified in Council's Asset Register are subject to this Plan:

- road surface and supporting pavement
- road shoulders
- footpaths
- shared use paths within the road reserve and open spaces
- traffic calming devices such as roundabouts and traffic islands
- line marking
- traffic control signage
- bridges and major culverts
- kerb and channel
- 'ancillary areas' such as car parks and service roads.

The Register of Public Roads establishes a road hierarchy and the relevant road categories are used to differentiate service levels and maintenance standards.

The details of the agreements between Council and other road authorities, made pursuant to Section 15 of the Road Management Act 2004, are included in the Register of Public Roads (referred to in section 3.10 of the Road Management Plan).

The Register of Public Roads and information on road infrastructure are generated from Council's asset records. This information will be updated as assets are created, amended, discontinued or disposed of.

### 3.3 Road Hierarchy

The Register of Public Roads establishes a road hierarchy and the relevant road categories are used to differentiate service levels and maintenance standards. The hierarchy adopted for the Shire of Nillumbik is summarised below in Table 1:

Road Type	Description
Link Roads - Sealed	Urban and Rural
Collector Roads - Sealed	Urban and Rural
Collector Roads - Unsealed	Urban and Rural
Access Roads - Sealed	Urban and Rural
Access Roads - Unsealed	Urban and Rural

**Table 1 - Nillumbik's Road Hierarchy**

Further detail about the road hierarchy is outlined in Appendix A.

### 3.4 Footpath Hierarchy

Council has developed a footpath hierarchy as set out in Table 2 below:

Category	Function
High	Defined as areas of very high pedestrian use for example around major shopping precincts, maternal and child health centres, schools, hospitals, secondary shopping precincts, public transport interchanges. It also includes all shared pathways. A shared path is a footpath designated by signs jointly used by pedestrians and cyclists and may include a separate footpath. As defined in the Road Safety Road Rules 2009.
Medium	Defined as areas of moderate pedestrian usage for example in local streets that form part of a key pedestrian route and provide access to areas of high pedestrian activity.
Low	Defined as areas of low pedestrian usage e.g. local residential streets, courts, dead end streets, and isolated areas where the majority of pedestrians are residents of the immediate area.

**Table 2 - Nillumbik's Footpath Hierarchy**



### **3.5 Codes of Practice**

The Road Management Act 2004 includes provision for the making of Codes of Practice to provide practical guidance for road authorities, service providers and infrastructure managers in the performance of their functions and duties under the Road Management Act 2004. The following Ministerial Codes of Practice may be viewed on the Department of Transport website:

- Operational Responsibility for Public Roads: This Code provides guidance in determining the physical limits of operational responsibility between road authorities for the different parts or elements within the road reserve of public roads.
- Clearways on Declared Arterial Roads: This Code provides guidance to Department of Transport in the establishment of proper management and consultation processes, particularly with Council, with regard to the implementation of clearways on Declared Arterial Roads.
- Managing Utility and Road Infrastructure in Road Reserves: This Code provides guidance for road authorities and utilities in planning and managing their infrastructure in road reserves.

### **3.6 Car parks**

Car parks included in this Plan are those that are identified in Nillumbik's Public Road Register.

All other Council maintained car parks are managed in accordance with Nillumbik's Road Asset Management Plan.

### **3.7 Bridges and major culverts**

Bridges and major culverts, which form part of a public road within the meaning of the Road Management Act 2004, are included within this Plan. All other bridges and major culverts are managed under Nillumbik's Road Asset Management Plan.

### **3.8 Trees and vegetation in road reserve**

Section 107 of the Road Management Act clarifies that trees and vegetation within the road reserve are not a consideration of the Road Management Act with respect to Council's duty to maintaining, inspecting or repairing trees and vegetation.

Council does however manage trees and vegetation within the road reserve in accordance with the levels of service for inspection, intervention and response, including trees overhanging the road, found in Nillumbik's Tree Management Policy and Tree Management Guidelines.

### 3.9 Boundary roads

The boundary roads within Nillumbik are listed below:

**City of Banyule:**

- Fitzsimons Lane, from Main Road to Yarra River
- Main Road, from Fitzsimons Lane to Bolton Street
- Bolton Street, from Main Road to Bridge Street
- Sherbourne Road, from Bolton Street to Karingal Drive
- Karingal Drive, from Sherbourne Road to Weidlich Road
- Weidlich Road, from Karingal Drive to Progress Road
- Progress Road, from Weidlich Road to Ryans Road
- Ryans Road, from Progress Road to Wind Mill Rise.

**City of Whittlesea:**

- Yan Yean Road, from Doctors Gully Road to Arthurs Creek Road
- Ridge Road, from Arthurs Creek Road to Deep Creek Road

**Shire of Yarra Ranges:**

- Skyline Road

Detailed information on the maintenance agreements between Council and other road authorities regarding the above boundary roads are included in Nillumbik's Road Asset Management Plan.

### 3.10 Assets not covered by this Plan

Not all areas or all assets within the road reserve are the responsibility of Council and therefore do not require intervention by Council for the purposes of this Plan.

Section 107 of the Road Management Act 2004 states that a road authority does not have a statutory duty or a common law duty to perform road management functions in respect of a public highway which is not a public road or to maintain, inspect or repair the roadside of any public highway (whether or not a public road).

Road related assets that are not included for inspection and repair under this Plan are:

- Declared Arterial Roads. These are the responsibility of Department of Transport (excluding some ancillary areas and assets where Council is the Coordinating Road Authority).
- Shared boundary roads that are agreed to be the responsibility of the adjoining municipality.
- Bridges/major culverts/overpasses that are the responsibility of other road authorities including Melbourne Water, Department of Transport and VicTrack.

- Service Authority infrastructure including:
  - water supply pipes and fittings;
  - drainage pipes, sewerage pipes and manholes;
  - telecommunications cables, pits and structures;
  - electricity distribution wires, poles and structures; and
  - gas supply pipes and fittings.
- Assets and land owned, managed and maintained by other authorities including temporary reinstatements to the road and pathways and other road reserve assets, and/or permanent reinstatements prior to Council certification; and Crown and Service Authority land/easements.
- Non-Council street infrastructure including:
  - Department of Transport signage and signal hardware (except for those identified as Council's responsibility and shown on the Public Roads Register);
  - Bus shelters owned and managed by other authorities;
  - Privately owned and managed signs including direction and advertising signs; and
  - Public street lighting (with the exception of some decorative street lighting)
- Car parks (constructed or unconstructed) generally used for car parking purpose that are not in the list of car parks on the Register of Public Roads.
- Nillumbik's stormwater drainage system is considered under Nillumbik's Drainage Asset Management Plan
- Roads constructed by others or without Council approval, unformed access tracks for the purposes of local access or un-constructed right of ways that are not listed on the Register of Public Roads
- Road reserves which are unconstructed and do not have any road of the type referred to in Section 107 of the Road Management Act 2004
- All paths (formed and unformed) outside the road reserve which are not defined as recreational trails within the Nillumbik Trail Strategy
- Nature strips and infill areas within urban areas (the residual areas between the edge of the road or back of the kerb and the property boundary) not occupied by the pathway. It is acceptable practice that residents maintain these areas (generally grassed nature strips) as an extension of their garden.
- Street trees and landscaped garden beds located on the road reserve that are maintained by Council.

The following are privately owned and managed assets:

- Vehicle crossovers and driveways. Council is responsible for the component of footpath which runs continuously through the crossover.
- Culvert pipes which form part of the vehicle crossover. This includes keeping the culvert opening free of debris.
- A pathway providing access from private property to a public road.
- Single property stormwater drains constructed within the road reserve from the property boundary to a discharge outlet in the kerb, open drain or an underground drain.

## 4 Exceptional circumstances

Council will make every effort to meet its commitments under this Plan. However, there may be situations or circumstances that affect Council's business activities to the extent that it cannot deliver on the levels of the service. These include but are not limited to: natural disasters such as fires, floods or storms, or a prolonged labour or resource shortage due to a need to commit or redeploy Council staff and/or equipment elsewhere.

In the event that the Chief Executive Officer (CEO) of Council has considered the impact of such an event on the limited financial and other resources of Council and the Council's other competing priorities and budgetary constraints (whether or not in conjunction with the Council) and has determined that any standards or requirements in the Plan cannot be adequately met, then pursuant to and reliant on the principals set out in Section 83 of the Wrongs Act 1958, the CEO will write to the Council officer in charge of this Plan and inform them which levels of service are to be varied or suspended.

Continual assessment of the event(s) will be undertaken to determine when the levels of service in this Plan will be reinstated. All decisions are to be made in consultation with the CEO.

Council will communicate to residents the variation or suspension of the levels of service in this Plan with reference to how the work will be prioritised, the anticipated period for which it will apply and when normal duties resume.

## 5 Levels of service

The levels of service specified within this Plan indicate how Council will inspect, maintain and repair the road network from the time of its publication.

Refer to Appendices B, C and D which detail the levels of service subject to this Plan.

These levels of service have been determined by balancing the economic, social, safety and environmental expectations of the community with consideration of the funding and resource allocation available to Council and the management of risks associated with roads and footpaths.

### 5.1 Inspections

Inspection processes are required for competent management of the road network assets. Council has implemented five categories of inspection, titled; hazard, defect, condition, night and incident for the purposes of managing risks associated with the road and footpath network. The purpose and reporting requirements for each inspection type is detailed in Appendix E.

Hazard inspections are undertaken following the report of a hazard from a customer. These inspections are to be undertaken within 4 to 48 hours of receipt of the request, dependant on the nature of the hazard. Refer to Appendix D.

Defect, Condition and Night inspections are proactive in nature and are undertaken on a scheduled basis. The inspection schedule for Defect, Condition and Night inspections can be viewed in Appendices B and C.

Where bulk inspections have been undertaken in place of the normal scheduled inspection program and typical defect response times cannot be achieved, a detailed rectification program will be developed to address the defects identified. The program will reflect available resources, funding, associated hierarchy and risk and be developed immediately following the bulk inspections. Approval to implement the program will be sought through Council's Executive Management Team.

### 5.2 Intervention levels and response timeframes

The levels of service relating to defects and hazards subject to this Plan are summarised in Appendix D. These levels of service comprise the following:

- a) the task or work expected to be undertaken
- b) the intervention limits applied for defects and hazards
- c) the response time applied to rectify the defect or hazard.

This Plan acknowledges the importance of understanding and monitoring the linkage between workload indicator and intervention action. A substantial increase in area of pavement to be maintained can materially impact upon intervention action (and citizen satisfaction and duty of care requirements) if not accompanied by a comparable increase in budget allocation or productivity improvement.

The standards of maintenance detailed in this Plan are considered reasonable in the context of the provisions of the Road Management Act 2004.

### **5.3 Community consultation**

As part of the implementation and review process of the Plan, Council undertakes community consultation in accordance with Section 54(5) of the Road Management Act 2004.

Further to this, research into the needs of the community includes consideration of:

- community and/or user satisfaction survey
- state and federal policy / data
- community and industry trends.

### **5.4 Risk assessment**

The levels of service, as outlined in this Plan, have been determined in accordance with the principles of Australian Standard AS/NZS 31000 – Risk Management.

### **5.5 Standards for construction, expansion, upgrading, renewal and refurbishment**

The standards for construction of new road assets and for the expansion, upgrading, renewal and refurbishment of existing road assets will be in accordance with Council's Road Asset Management Plan, with consideration of industry and local standards, Council's specifications and standard drawings.

## **6 Financial resources**

### **6.1 Budget provisions**

The commitments and obligations specified in this Plan are matched to the financial resources available to deliver those commitments and obligations as set out in the Council Plan and Council Budget. To achieve and sustain acceptable standards of service for the local road asset, Council is required to commit annual funding adequate to provide for regular and responsive maintenance and for timely renewal or replacement of the asset.

The financial resources allocated for works on local roads and pathways are considered reasonable having regard to the overall service delivery priorities of Council.

### **6.2 Other sources**

Roadworks can be funded from sources other than those provided directly by Council. These can include Special Rate Schemes and Special Charge Schemes, Developer Contribution Schemes and direct funding by developers for provision of the original asset and upgrading of road infrastructure affected by development.

The following grants and funding programs also provide opportunity for Council to undertake road-related projects:

- Victorian Grants Commission
- Black Spots program
- Roads to Recovery program
- Local Roads and Community Infrastructure Fund
- Urban Congestion Fund

## **7 Management systems**

### **7.1 Establishing works priorities**

Council will establish works priorities in accordance with its programmed and reactive maintenance schedules taking into account its duty to inspect, maintain and repair public roads and footpaths.

### **7.2 Responsibilities for Road Management Plan Implementation**

The Chief Executive Officer has responsibility for assigning the roles and responsibilities of the appropriate Council officers for the purposes of implementing the requirements of the Road Management Act 2004 and this Plan.

Duties to be undertaken by Council officers shall include but are not limited to those set out in Schedule 7 of the Road Management Act 2004. The CEO shall ensure that key personnel responsible for implementing the provisions of this Plan have the appropriate training and experience and are provided with adequate resources to undertake their roles and responsibilities in an effective manner. The roles and responsibilities shall be in line with Council's organisational structure.

### **7.3 Reactive and programmed works**

Council operates a Service Request System to log and track requests from any member of the public that is reporting a defect, hazard or other matters requiring repair or maintenance. Service requests have predetermined response times and community service delivery targets.

The processes and systems provide for the recording of:

- the defect, hazard or issue requiring attention
- the location of the reported issue
- name and address of person reporting the defect, hazard or issue
- the anticipated completion date of the works
- the date the service request was completed.

Programmed inspections are recorded electronically using mobile devices. Work orders are issued for any works received either through the Service Request System or the Asset Management System for repair and tracking. A flowchart of each system is included in Appendix F.

These systems and procedures are subject to regular review and updated as part of Council's commitment to the continuous improvement process.

### **7.4 Safety at worksites**

All construction and maintenance work on Council assets will be undertaken in accordance with the relevant occupational, health and safety legislation, codes of practice and Council's procedures.

### **7.5    Duty to inform service provider or infrastructure manager**

If, in the course of meeting its obligations under this Plan, Council becomes aware of an issue with non-road infrastructure for which a service provider or infrastructure manager is responsible, Council will convey that information to the relevant service provider or infrastructure manager within three business days of Council becoming aware of the aforementioned situation. Issues may include non-road infrastructure that:

- is not in the location shown in the relevant records
- appears to be in an unsafe condition
- appears to be in need of repair or maintenance.

### **7.6    Notice of incidents**

As soon as practicable, but in no case longer than 14 calendar days of receiving notice of an incident under Section 115 of the Road Management Act 2004, Council will cause an incident inspection to be carried out by a suitably qualified person and a condition report to be prepared. Any condition report prepared should include:

- a statement of the condition of the road or infrastructure
- photographs, where appropriate, showing the condition of the incident site
- reference to the relevant sections of this Plan
- reference to any relevant Council policy or policy decision
- reference to the latest inspections, (hazard, defect, sight or condition) or other reports relating to the incident site
- a summary of inspections, maintenance and repairs to that part of the road or infrastructure conducted within the previous annual.



## **8 Asset Management Strategy**

This Plan forms an integral part of Council's Asset Management Strategy and recognises the complex linkage between the effective management of road assets and the standard of maintenance specified in this Plan. Council is progressively updating its Asset Management System through a continuous improvement program.

### **8.1 Transport and infrastructure management**

Council develops a four-year Council Plan, which includes the strategic direction and objectives and strategies for achieving these objectives over the life of the document. The Annual Plan also includes the vision and goals to be met by the organisation and is reviewed annually. The Plan aims to meet the objectives set within the Council Plan. The Council Plan objectives are also incorporated into Council's strategic asset management documents.

### **8.2 Road Asset Management Plan**

A Road Asset Management Plan has been developed by Council in accordance with the requirements of the International Infrastructure Management Manual (IIMM) 2011 and with regard to Austroads Integrated Asset Management Guidelines for Road Networks (AP-R202) 2002. The Road Asset Management Plan supports and complements this Plan.

### **8.3 Management of road asset**

If the effective management of a road asset is not achievable, the level of maintenance effort and/or standard of maintenance may need to be varied, for example:

- the maintenance levels may need to increase if the intervention levels or standard of maintenance, as specified in this Plan, are to be retained as the underlying condition of the road regresses
- due to budgetary constraints, the intervention levels and/or standards of maintenance may need to be varied to match the deteriorating condition of the road, in which case this Plan will need to be amended accordingly.

Similarly, changes in level of service may impact upon the maintenance levels required and/or standard of maintenance.

Where changes are proposed to this Plan it must be undertaken in accordance with the Road Management Act 2004 and its Regulations.

## **9 Performance management and review**

### **9.1 Performance monitoring**

Performance monitoring is undertaken on a regular basis generally as follows:

- Monthly meetings of the relevant departments to review day-to-day operations. Managers oversee implementation of the various maintenance programs
- Fortnightly meetings of the Capex (capital expenditure) Working Group which manages implementation of the Capital Works Program
- Weekly meetings between responsible staff to review the various maintenance programs, including handling of correspondence, programming of works, occupational health and safety (OHS) and other matters
- Daily meetings with works crews to track the progress of the works program and to discuss resourcing, OHS and other matters.
- Council's Annual Report to report on performance against the stated levels of service within this Plan.

Performance monitoring is based on key performance indicators which align to the levels of service outlined in this Plan.

### **9.2 Audits**

Council supervisors undertake auditing of completed works, both maintenance and capital, to ensure that the works are being delivered to the specified standards. Council also undertakes condition audits for the purposes of reviewing asset condition and meeting statutory obligations.

Noncompliance reports are available within Council's Asset Management System and are used to monitor the delivery of service levels adopted by Council for its road and footpath network assets.

### **9.3 Road Management Plan review**

The Plan is intended to be a dynamic document and, as such, there is a need for regular review, refinement and improvement. This will ensure that the Plan is in accordance with responsible asset management, changing technology, climatic conditions and, in particular, Council and community requirements and expectations.

It is proposed that following each Condition inspection cycle, the Plan will be reviewed and amended (if required) to reflect any significant changes in the condition of the road and footpath network. Any revised Plan would be subject to the consultation and approval processes as detailed in the Road Management Act 2004.

Any review of the Plan will, in addition to that set out above, have regard to:

- asset performance following delivery of the maintenance program
- the level of achievement of asset management strategies against the expected benefits to road users, stakeholders and the community
- the consideration of any external factors that is likely to influence the contents of this Plan.

## 10 Supporting documents

The documents in Section 10.1, whilst they do complement, do not form part of the Plan. All supporting documents may change from time to time to reflect changes in Council policy, legislative changes, and operational changes or as a result of audit findings.

### 10.1 Technical references

- Risk Management Standard, AS/NZS ISO 31000
- International Infrastructure Management Manual (IIMM)
- CMP Road Reserve Risk Management Statement of Principles
- Ministerial Code of Practice – Road Management Plans, September
- Code of Practice for Management of Infrastructure in Road Reserves

### 10.2 Appended documents

**Appendix A:** Road Hierarchy

**Appendix B and C:** Nillumbik Programmed Inspection Frequencies

**Appendix D:** Defect and Hazard Intervention Levels

**Appendix E:** Asset Inspection Details

**Appendix F:** Service Request and Asset Management System

## Appendix A: Road Hierarchy

Road Category	Road Function
Urban Link	<ul style="list-style-type: none"> <li>Supplements the Arterial Road network in providing for through traffic movement</li> <li>Cater for through traffic and heavy vehicles</li> <li>Target minimum speed limit of 60 km/h.</li> </ul>
Rural Link	<ul style="list-style-type: none"> <li>Supplement the Arterial Road network in providing for through traffic movement.</li> <li>Linkage between areas of significance that may not be served by the Arterial Road network.</li> <li>Cater for through traffic and heavy vehicles.</li> <li>Target speed limit 80 km/h</li> </ul>
Urban Collector	<ul style="list-style-type: none"> <li>Important local roads whose function is to distribute traffic between Arterial Roads and / or Link Roads.</li> <li>May carry limited through traffic generally from the surrounding area (less than 4,000 vehicle per day desirable)</li> <li>Speed limit generally 50 km/h</li> <li>Potential bus route.</li> </ul>
Rural Collector	<ul style="list-style-type: none"> <li>Important local roads whose function is to distribute traffic between Arterial Roads and / or Link Roads</li> <li>May serve as links between lightly populated localities that are not serviced by arterial roads.</li> <li>May carry limited through traffic, generally from the surrounding area.</li> <li>Target speed limit 70 to 80 km/h.</li> </ul>
Urban Access Street	<ul style="list-style-type: none"> <li>Provides direct access for abutting land owners or occupiers</li> <li>Dissuade high speed</li> <li>Dissuade through traffic</li> <li>Dissuade heavy vehicles (but must be able to access in the case of deliveries or emergency).</li> <li>Target speed limit 50 km/h.</li> </ul>
Rural Access Road	<ul style="list-style-type: none"> <li>Provides direct access for abutting land owners or occupiers.</li> <li>Intended for predominantly local traffic.</li> <li>Target speed limit 50 to 70 km/h</li> </ul>
Laneway/Right of Way - treated as an Access Road for the purposes of this Road Management Plan	<ul style="list-style-type: none"> <li>Provides direct access for abutting land owners or occupiers.</li> <li>Intended solely for access to abutting properties.</li> <li>Low speed environment.</li> </ul>
Private Road	<ul style="list-style-type: none"> <li>Provides access for abutting land owners or occupiers.</li> <li>May be on private land or road reserve.</li> <li>Not constructed or maintained by Council.</li> </ul>
Unconstructed	<ul style="list-style-type: none"> <li>Unused road reserve.</li> </ul>
Car park - treated as an Access Road for the purposes of this Road Management Plan	<ul style="list-style-type: none"> <li>carparks that are listed in the list of carparks on the Register of Public Roads</li> <li>Carpark constructed within road reserve.</li> <li>May be associated with local area shops, etc.</li> </ul>

## Appendix B Road Programmed Inspection Frequency

### Sealed Roads

	Condition Audit Link Road, Collector Road and Access Road	Defect Inspection Link Road	Defect Inspection Collector Road and Access Road
Pavement	5 years	6 Monthly	Annual
Shoulder	5 years	6 months	Annual
School Crossings	N/A	School Days	School Days
Linemarking and Delineators	N/A	6 months	Annual
Guard fence	N/A	6 months	Annual
Road Signage	N/A	6 months	Annual
Traffic Treatments	N/A	6 months	Annual
Night Inspections	N/A	2 years	2 years

### Unsealed Roads

	Condition Audit Collector Road and Access Road	Defect Inspection Collector Road and Access Road
Pavement	N/A	Annual
Shoulder	N/A	Annual
Delineators	N/A	Annual
Guard fence	N/A	Annual
Road Related Signage	N/A	Annual
Night Inspections	N/A	2 years

## Appendix C Footpath Programmed Inspection Frequency

	Condition Audit Sealed footpaths	Defect Inspection Sealed footpaths	Defect Inspection unsealed footpaths and trails*
High	5 years	6 months	Reactive
Medium	5 years	2 years	Reactive
Low	5 years	2 years	Reactive

\*Note: Where unsealed paths located in the road reserve form part of a recognised trail as defined in the Nillumbik Trail Strategy (NTS), these will be inspected and maintained in accordance with the level of service defined in the NTS.

## Appendix D Defect Intervention Levels, Hazards and Response Times

### Road pothole

This activity covers the reinstatement of bituminous or granular sealed surface for roads and footpaths.

Road Category	Defect Intervention Level	Response Time
Link roads	Depth greater than 50mm and/or diameter 300mm or equivalent lateral dimension.	Rectify within 5 days
Collector roads	Depth greater than 50mm and/or diameter 300mm or equivalent lateral dimension.	Rectify within 7 days
Access roads	Depth greater than 50mm and/or diameter 300mm or equivalent lateral dimension.	Rectify within 14 days

## Grading unsealed roads

This activity includes the grading and reshaping of unsealed road formations, whether the surfacing comprises imported granular material or the natural subgrade. The activity also includes filling pot holes.

Road Category	Defect Intervention Level	Response Time
All	<p>Programmed grading works undertaken following an inspection where it is identified that defects exceed the intervention as identified below.</p> <p>Corrugations, roughness or multiple potholes exceeding 75mm deep measured with a 1.2 metre straight edge AND over</p> <ul style="list-style-type: none"> <li>· 20% of any length of road greater than 100m OR</li> <li>· 50% of any length of road up to 100m.</li> </ul> <p>Road crossfall is less than or equal to 1 percent over</p> <ul style="list-style-type: none"> <li>· 20% of any length of road greater than 100m OR</li> <li>· 50% of any length of road up to 100m.</li> </ul>	annual
Collector	<p>Corrugations, roughness or multiple potholes exceeding 75mm deep measured with a 1.2 metre straight edge AND over</p> <p>20% of any length of road greater than 100m OR</p> <p>50% of any length of road up to 100m.</p> <p>Road crossfall is less than or equal to 1 percent over</p> <p>20% of any length of road greater than 100m OR</p> <p>50% of any length of road up to 100m.</p>	Affected areas to be rectified within two weeks.
Access	<p>Corrugations, roughness or multiple potholes exceeding 75mm deep measured with a 1.2 metre straight edge AND over</p> <p>20% of any length of road greater than 100m OR</p> <p>50% of any length of road up to 100m.</p> <p>Road cross fall is less than or equal to 1 percent over</p> <p>20% of any length of road greater than 100m OR</p> <p>50% of any length of road up to 100m.</p>	Affected areas to be rectified within six weeks.



## Shoulder edge break repair

This activity covers the repair of broken edges of seal or asphalt surfaced pavements. The repair aims to restore the line and level of the original surfacing. Edge repair may involve restoration utilising gravel and asphalt or cold mix, or bituminous seal with fine aggregate. Edge break distress is not encountered in roads where the surfacing extends to a kerb and channel. Edge break repair refers to activities on both sealed roads with unsealed shoulders and sealed roads with sealed shoulders.

Road Category	Defect Intervention Level	Response Time
Link roads	When edge break exceeds 75mm laterally over at least a 1m length from the nominal seal line.	2 weeks
Collector roads	When edge break exceeds 75mm laterally over at least a 1m length from the nominal seal line.	4 weeks
Access roads	When edge break exceeds 75mm laterally over at least a 1m length from the nominal seal line.	8 weeks

## Grading unsealed shoulders

This activity covers the grading of unsealed shoulders. The activity includes rolling after grading and the inclusion of water if this is deemed necessary. This activity also includes spot filling, grading and reshaping to correct drop off from edge of seal, roughness, scouring or potholing and holding of water.

Road Category	Defect Intervention Level	Response Time
Link roads	Edge of seal drop off greater than 50mm for more than 10 per cent per kilometre length.	Affected areas to be rectified within 4 weeks
Collector and Access roads	Edge of seal drop off greater than 50mm for more than 10 per cent per kilometre length.	Affected areas to be rectified within 6 weeks

## Footpath

This activity covers the intervention levels and response all concrete, sealed and paved footpaths and shared pathways.

Footpath Category	Vertical Displacement Defect Intervention	Deformation Defect Intervention	Pot Hole Defect intervention	Response Time
High	Between 10 and 20 millimetres	Between 40 and 75mm over 1 metre	Greater than 300mm diameter and greater than 40mm deep	6 months
High	Between 20 and 40 millimetres	Between 75 and 100mm over 1 metre	Greater than 300mm diameter and greater than 75mm deep	1 month

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High	Greater than 40 millimetres.	Greater than 100mm over 1 metre	Greater than 300mm diameter and greater than 100mm deep	3 weeks
Medium	Between 20 and 40 millimetres.	Between 75 and 100mm over 1 metre	Greater than 300mm diameter and greater than 75mm deep	annual
Medium	Greater than 40 millimetres.	Greater than 100mm over 1 metre	Greater than 300mm diameter and greater than 100mm deep	3 months
Low	Between 20 and 40 millimetres.	Between 75 and 100mm over 1 metre	Greater than 300mm diameter and greater than 75mm deep	annual
Low	Greater than 40 millimetres.	Greater than 100mm over 1 metre	Greater than 300mm diameter and greater than 100mm deep	6 months

### Unsealed Paths and Recreational Trails

This activity covers the intervention levels and response of unsealed pathways and recreational trails located within the road reserve. All intervention levels and response times are detailed within the Nillumbik Trails Strategy.

### Kerb and Channel

This activity covers the inspection and maintenance of all concrete kerb and channel located adjacent to the carriageway.

Road Category	Defect Intervention Level	Response Time
Link	Kerb and channel Vertical or Horizontal displacement greater than 50mm	1 month
Collector	Kerb and channel Vertical or Horizontal displacement greater than 50mm	3 months
Access	Kerb and channel Vertical or Horizontal displacement greater than 50mm	6 months

### Traffic island maintenance

This activity covers the inspection and maintenance of all concrete kerbed islands located on the carriageway and including those with hard or paved infill areas.

Road Category	Defect Intervention Level	Response Time
Link roads	Vertical or Horizontal displacement greater than 30mm over 1200mm length misalignment in island kerbing or paving.	2 weeks
Collector roads	Vertical or Horizontal displacement greater than 30mm over 1200mm length misalignment in island kerbing or paving.	1 month
Access roads	Vertical or Horizontal displacement greater than 50mm in island kerbing or paving.	2 months

## Signage and linemarking – general

Where a sign or line mark is identified as missing but there is insufficient existing information to determine the location, type or whether it is still required, the defect will be referred to Infrastructure Development for investigation and advice.

Road Category	Response Time
All	1 month, after which the associated standard defect response times apply.

## Linemarking maintenance

This activity includes the maintenance of all types of linemarking. At intersections or junctions with roads not maintained by Council, linemarking on these other roads shall not be maintained.

Road Category	Defect Intervention Level	Response Time
Link roads	Greater than 30 per cent of line marking per segment missing or defective relative to original installation and design standards.	Annual Program
Collector roads	Greater than 40 per cent of line marking per segment missing or defective relative to original installation and design standards.	Annual Program
Access roads	Greater than 50 per cent of line marking per segment missing or defective relative to original installation and design standards.	Annual Program

## Delineator maintenance

This activity includes the maintenance of all types of delineators. These include guideposts, rumble bars, raised pavement markers (reflective and non-reflective), flaps and guard fence delineators and width markers on bridges and culvert. At intersections or junctions with roads not maintained by Council, guideposts on these other roads shall not be maintained. This also includes the replacement of damaged and missing delineators, their cleaning and painting where necessary.

This activity does not include the replacement of raised pavement markers (RRPMs) after resurfacing.

Road Category	Defect Intervention Level	Response Time
Link roads	Greater than 30 per cent of delineator installations per segment missing or defective relative to original installation and design standards.	1 month
Collector roads	Greater than 40 per cent of delineator installations per segment missing or defective relative to original installation and design standards.	2 months
Access roads	Greater than 50 per cent of delineator installations per segment missing or defective relative to original installation and design standards.	3 months

## Regulatory signs

This activity covers the inspection and maintenance regulatory signage including but not limited to; stop; give way and speed.

Road Category	Defect Intervention Level	Response Time
Intersection Control	Greater than 50 per cent sign illegible at 150m under low beam or in daylight or sight distance criteria not met	2 weeks
Link roads	Greater than 50 per cent sign legend illegible at 150m under low beam or in daylight or sight distance criteria not met	1 months
Collector roads	Greater than 50 per cent sign legend illegible at 150m under low beam or in daylight or sight distance criteria not met	2 months
Access roads	Greater than 50 per cent sign legend illegible at 150m under low beam or in daylight or sight distance criteria not met	3 months

## Warning signs

This activity covers the inspection and maintenance of warning signs including but not limited to; bends; speed hump, advisory speed and concealed driveways.

Road Category	Defect Intervention Level	Response Time
Link roads	Greater than 50 per cent sign legend illegible at 150m under low beam or in daylight or sight distance criteria not met	1 months
Collector roads	Greater than 50 per cent sign legend illegible at 150m under low beam or in daylight or sight distance criteria not met	2 months
Access roads	Greater than 50 per cent sign legend illegible at 150m under low beam or in daylight or sight distance criteria not met	3 months

## Guide signs

This activity covers the inspection and maintenance of direction and information signs including street name, town signs, advanced direction and directional signs as well as reassurance signs and other specialised and tourist signs.

Road Category	Defect Intervention Level	Response Time
Link and collector roads	Greater than 50 per cent sign legend illegible at 150m under low beam or in daylight or sight distance criteria not met	2 months
Access roads	Greater than 50 per cent sign legend illegible at 150m under low beam or in daylight or sight distance criteria not met	3 months

## Guard fence maintenance

This activity includes the inspection and maintenance of W-beam guard fence. The work will include the inspection, reporting, scheduling and supervising all guard fence repairs. Periodic inspection is required to check alignment and anchorage and stability of posts and that all bolts, nuts, shackles and cables are in place and functional. Work shall include the removal and replacement of sections.

Road Category	Defect Intervention Level	Response Time
Link and Collector roads	Guard fence with a panel or component affected so as to jeopardise performance	2 months
Access roads	Guard fence with a panel or component affected so as to jeopardise performance	3 months

## Hazards

This activity includes the inspection and response to hazards reported from members of the public or Council employees. It includes works to make the area safe and then arrange follow up works (where required) to complete the job.

Hazard Description	Hazard Intervention Level	Response Time
Missing stormwater pit lids in the road reserve	Pit lid is dislodged or missing. Pit lid id damaged, having no pedestrian bearing capacity.	4 hours
Road Obstruction	A tree or part of a tree or any other obstruction resulting in a complete or partial lane or road blockage.	4 hours
Footpath Obstruction	A tree or part of a tree or any other obstruction resulting in a complete or partial blockage of the footpath forcing the pedestrian onto the road or an area unsafe for pedestrian movements.	24 hours
Oil Spills	Oil spills on the road pavement	4 hours
Other	An issue which is likely to create danger or serious inconvenience to users of the road or footpath network.	48 hours

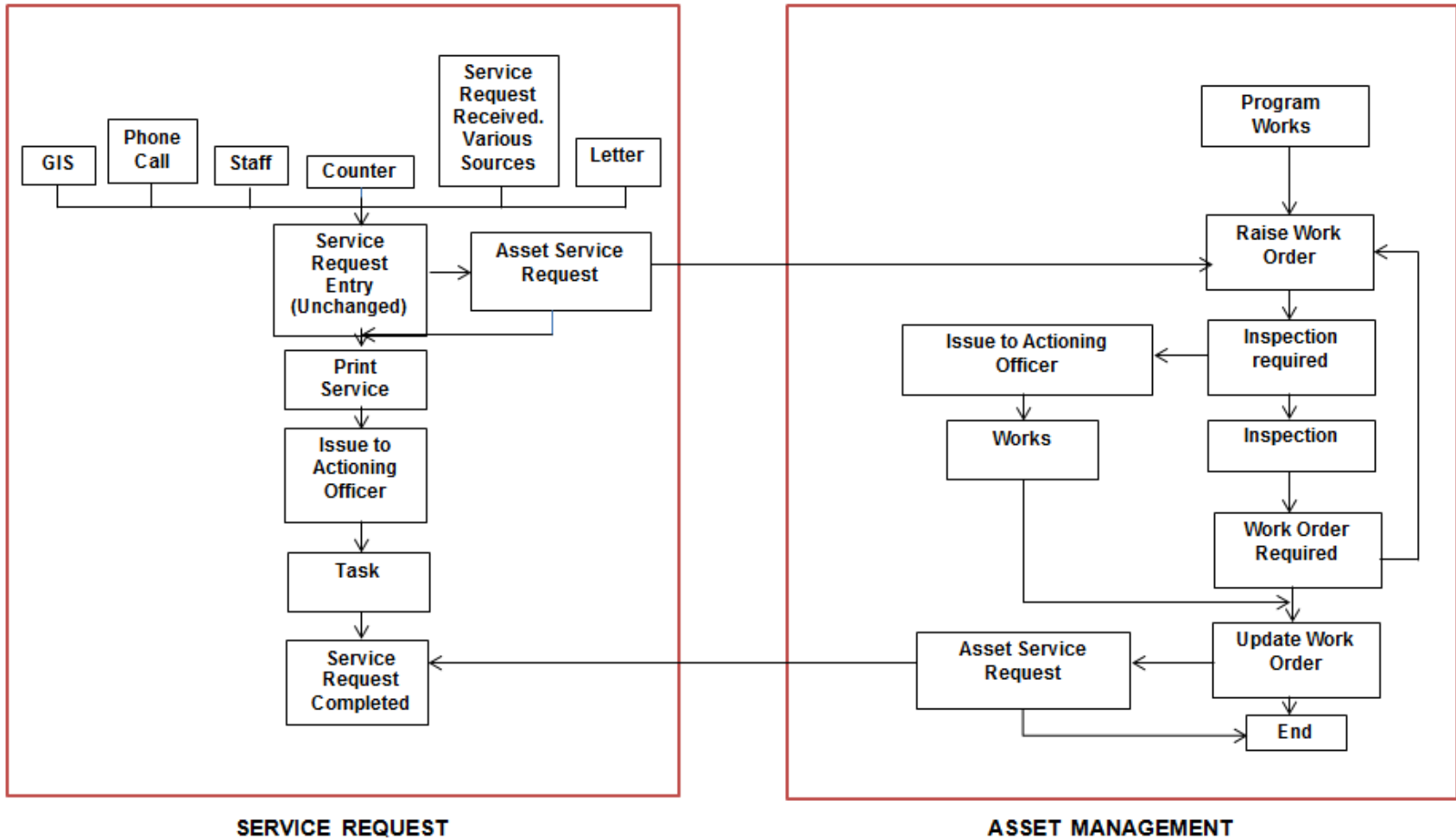
## Appendix E Inspection Types

Inspection Type	Purpose	Who must perform inspection	Reporting Requirements
<b>Hazard</b>	<p>Hazard inspections are undertaken following a notification from a customer. Customers include community members as well as Council employees while undertaking their normal duties.</p> <p>Hazard inspections are designed to inspect the reported issue for its likelihood to create danger or serious inconvenience to users of the network or the wider community</p>	Officer of the Council with some knowledge of road maintenance techniques who may then call in a higher level of expertise if necessary.	<p><b>Recording to identify specific hazard, time first reported, time inspected and by whom, subsequent action and time of completion.</b></p> <p><b>Recorded in Councils customer relationship management tool.</b></p>
<b>Defect</b>	<p>Inspection undertaken in accordance with a formal inspection schedule to determine if the road asset complies with the levels of service as specified in this document;</p> <p>A record of each street/road is to be completed detailing the name of the inspector, the inspection date, time and street/road name and a description of any defects found that are at the specified intervention levels defined in the Maintenance Service Agreement;</p> <p>In addition, a notation must to be recorded of any street/road inspected where no defect was apparent under the specific rigour of the inspection.</p>	Appropriately qualified personnel with knowledge of road maintenance techniques.	<b>A record of the inspection and who undertook the inspection is placed on council's asset database for reference purposes (this may include insurance or litigation requirements).</b>

Inspection Type	Purpose	Who must perform inspection	Reporting Requirements
<b>Condition</b>	<p>An inspection specifically to identify deficiencies in the structural integrity of the various components of the road infrastructure assets which if untreated, are likely to adversely affect network values. The deficiencies may well impact short-term serviceability as well as the ability of the component to continue perform for the duration of its intended life span;</p> <p>The condition inspection process must also meet the requirements for accounting regulations and asset management;</p> <p>Regular or periodic assessment, measurement and interpretation of the resulting condition data is required so as to determine the need for any preventive or remedial action then development of relevant programs of rehabilitation or renewal works.</p>	Qualified engineer or Experienced Technical Officer with extensive knowledge and experience in road construction and maintenance practices.	<b>Specific data to be recorded is determined by requirements of the Asset Management System used to assess asset component needs.</b>
<b>Night</b>	An inspection undertaken outside of daylight hours to identify whether the reflectivity of signs and delineation including line marking meets Australian Standards. The inspection includes all urban and rural roads.	Appropriately qualified personnel with knowledge of maintenance techniques.	<b>Specific data to be recorded is determined by requirements of the Asset Management System.</b>
<b>Incident</b>	<b>An inspection carried out to comply with the requirements the Road Management Act 2004 [Division 5 – Claims Procedure, Clause 116]; This inspection enables an incident condition report to be prepared for use in legal proceedings and the gathering of information for the analysis of the causes of accidents and the planning and implementation of road management and road safety measures.</b>	<b>Qualified engineer or Experienced Technical Officer with extensive knowledge and experience in road construction and maintenance practices.</b>	<b>Formal Incident Report required, as described.</b>



# Appendix F Service Requests Management System





# Road Management Plan 2025



## Guideline Governance

Responsible Service / Department:	Operations Centre / Roads, Drains Cleansing
Adoption authorised:	Council
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## Review history 2013 to 2025

Name	Content Manager File Reference	Date	Description of Edits
<i>to be updated</i>	-	-	-

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### Acknowledgement of Country

Nillumbik Shire Council acknowledges the Wurundjeri people who are the Traditional Custodians of this Land. We would also like to pay respect to the Elders both past and present and extend that respect to other Indigenous Australians present.

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

## Definitions

Arterial Road	Refers to freeways, highways and declared main roads, which are managed by the Victorian Government, through Head of Transport for Victoria (as the co-ordinating road authority).
Co-ordinating road authority	The organisation which has the responsibility to co-ordinate works. Generally, if the road is a freeway or arterial road, this will be Head of Transport for Victoria. Generally, if the road is a municipal road, this will be Council.
Council	Refers to the Nillumbik Shire Council
Demarcation agreement	A formal agreement between Council and another organisation that defines areas of responsibility.
Motor vehicle	Refers to a vehicle that is propelled by an in-built motor and is intended to be used on a roadway. This does not include a motorised wheelchair or mobility scooter which is incapable of travelling at a speed greater than 10 km/h and is solely used for the conveyance of an injured or disabled person.
Municipal road(s)	Road for which the municipal council is the co-ordinating road authority. The Road Management Act 2004 imposes specific duties on the municipal council with respect to the inspection, repair and maintenance of these roads and associated road-related infrastructure.
Non-road infrastructure	Refers to infrastructure in, on, under or over a road, which is not road infrastructure. This includes (but is not limited to) such items as gas pipes, water and sewerage pipes, cables, electricity poles and cables, tram wires, rail infrastructure, bus shelters, public telephones, mailboxes, roadside furniture and fences erected by utilities, or providers of public transport.
Other roads	Include roads in state forests and reserves, and roads on private property. Municipal councils are not responsible for the inspection, repair or maintenance of these roads.
Pathway	Refers to a footpath, bicycle path, shared path or other area that is constructed or developed by Council for members of the public (not motor vehicles) to use. Pathways may be further categorised as: <ul style="list-style-type: none"> <li>• Footpaths – pathways designated solely for use by foot traffic (and limited mobility devices such as wheelchair users)</li> <li>• Bicycle pathways – pathways designated solely for use by cyclists, scooters and the like but excluding foot traffic, and</li> <li>• Shared pathways – pathways designated for use by riders of bicycles, the riders of electric scooters and pedestrians.</li> </ul>
Public Road	As defined by the Road Management Act 2004 and includes a freeway, an arterial road, a municipal road declared under section 14(1) of the Act and a road in respect of which Council has made a decision that it is reasonably required for general public use and is included on the Register of Public Roads.
Plan	Refers to this Road Management Plan.
Road	Has the same meaning as in the Road Management Act 2004, being inclusive of any public highway, any ancillary area and any land declared to be a road under section 11 of that Act or forming part of a public highway or ancillary area.
Road infrastructure	Refers to infrastructure which forms part of a roadway, pathway or shoulder, which includes structures and materials.

Road-related infrastructure	Refers to infrastructure installed or constructed by the relevant road authority to either facilitate the operation or use of the roadway or pathway, or support or protect the roadway or pathway.
Road Reserve	Refers to the area of land that is within the boundaries of a road.
Roadside	Refers to any land that is within the boundaries of the road (other than shoulders) which is not a roadway or pathway. This includes land on which any vehicle crossing or pathway, which connects from a roadway or pathway on a road to other land, has been constructed. Example: any nature strip, forest, bushland, grassland or landscaped area within the road reserve would be considered roadside.
Roadway	Refers to the area of a public road that is open to, or used by, the public, and has been developed by a road authority for the driving or riding of motor vehicles. This does not include a driveway providing access to a public road, or other road, from adjoining land.
Shoulder	Refers to the cleared area, whether constructed or not, that adjoins a roadway to provide clearance between the roadway and roadside. This does not refer to any area that is not in the road reserve.



## **Introduction**

The Shire of Nillumbik is located less than 25 kilometres north-east of Melbourne, covers an area of 432 square kilometres and has a population of approximately 65,094 people. Within the Shire, Nillumbik Shire Council (Council) is responsible for an extensive network of physical assets including approximately 476 kilometres of sealed roads, 302 kilometres of unsealed roads and 343 kilometres of sealed pathways.

### **1.1 What is the purpose of this Plan**

Section 50 of the Road Management Act 2004 sets the following objectives for a municipal road management plan:

- 1) To establish a system for our road management functions, which is based on policy, operational objectives and available resources.
- 2) To set a performance standard for our road management functions.

Although it is termed a 'plan' in the legislation, it is functionally an operational protocol document – describing the systems and rules we use to make decisions and meet obligations within our available resources. The plan forms part of a larger Asset Management Framework related to maintenance and operations.

For the avoidance of doubt, this Plan is a road management plan for the purposes of s.39 of the Road Management Act 2004.

### **1.2 Legislation guiding this Plan**

In addition to the Road Management Act 2004, the plan also considers the following Acts, regulations and codes of practice:

- Local Government Act 2020
- Ministerial Codes of Practice
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015
- Road Safety Act 1986
- Wrongs Act 1958.

### **1.3 What is covered in this Plan?**

The Plan is divided into six sections:

1. Introduction.
2. Rights and Responsibilities – covers legislation and local laws relevant to road management.
3. Road Management Systems - how we classify roads, streets and footpaths – known as our asset hierarchy – and the plans and processes we use to maintain roads and road-related infrastructure.

4. Register of Public Roads – what's in it, how to access it and the process for making changes.
5. Technical References.
6. Attachments:
  - a. Attachment 1, Road Hierarchy – Urban Roads
  - b. Attachment 2, Road Hierarchy – Rural Roads
  - c. Attachment 3, Pathway Hierarchy
  - d. Attachment 4, Inspection Requirements
  - e. Attachment 5, Inspection Frequencies
  - f. Attachment 6, Defect Intervention Levels and Repair Timeframes

#### **1.4 Updating the Plan**

This Plan must be updated within a set period following a Council election. Outside of this cycle, changes may be required from time to time.

The following process will be used to manage these changes:

- If material changes are made to standards and specifications, a report will be presented to Council, along with a brief explanation as to why such changes are necessary. The review process must follow the steps as set out in the Road Management (General) Regulations 2016 Part 3 – Road Management Plans.
- When changes do not alter these technical aspects of road management, changes will be approved by the Chief Operating Officer.

These changes will be made in accordance with the processes prescribed by the Road Management Act 2004. To assist with version control, these changes will be numbered as follows:

- Versions presented to Council will be renumbered by whole numbers – for example, from Version 1.00 to 2.00.
- Those approved by the Director will be renumbered by decimals – for example, from Version 1.00 to 1.01.

#### **1.5 Exceptional Circumstances**

Council will make every effort to meet its commitments under this Plan.

However, there may be situations or circumstances that affect Council's business activities to the extent that it cannot deliver on the service levels of the RMP. These include but are not limited to: natural disasters, such as fires, floods, or storms, or a prolonged labour or resource shortage, due to a need to commit or redeploy Council staff and/or equipment elsewhere or due to the effects of pandemic and or government intervention.

### **1.5.1 Suspension of the Plan**

In the event that the Chief Executive Officer (CEO) of Council has considered the impact of such an event on the limited financial resources of Council and its other conflicting priorities, and determined that the Plan cannot be met, then pursuant to Section 83 of the Wrongs Act 1958, the CEO will write to Council's Officer in charge of the Plan and inform them that some, or all, of the timeframes and responses in Council's Plan are to be suspended.

### **1.5.2 Reinstatement of the Plan**

Once the scope of the event/s have been determined, and the resources committed to the event response have been identified, then there will be an ongoing consultation between Council's CEO and Council's Officer responsible for the Plan, to determine which parts of Council's Plan are to be reactivated and when.

### **1.5.3 Communication and documentation around Plan suspension**

Council will provide information/statements to residents about the suspension or reduction of the services under its Plan, including:

- How the work that will be done has been prioritised; and
- The period for which it is likely to be affected.

This information will be provided by the Council on its website where its Plan is located and other channels as appropriate such as press releases or social media.

Where Council has suspended, in part or whole, its Plan, associated documents (e.g. communications, meeting minutes, schedules, etc.) will be recorded and stored.

### **1.5.4 Inspections and repairs during suspension of Plan**

The suspension of the Plan will not necessarily mean that all inspections and repairs halt. However, it may mean that only certain categories of inspections and repairs are undertaken. These will be based on a risk assessment and resources available to the Council, taking into account the resources needed to address the impact of the trigger event. For example, some reactive inspections may take place and repair (temporary or permanent) of roads/footpaths which pose a high risk may be undertaken, depending on the resources available to the council and the accessibility of each asset.

## **1.6 Responsibility for the Plan**

Overall responsibility for administering and implementing the Plan rests with the Manager Operations Centre.

## Rights and Responsibilities

### 2.1 Public Roads

Public roads are defined in the Road Management Act 2004 as including:

- a freeway
- an arterial road
- a road declared under section 204(1) of the Local Government Act 1989
- a municipal road declared under section 14(1) of the Road Management Act 2004
- a road in respect of which Council has made a decision that it is reasonably required for general public use and is included on the Register of Public Roads.

### 2.2 Key stakeholders

The key stakeholders impacted by this Plan include:

- the general community (for recreation, sport, leisure and business)
- residents and businesses adjoining the road network
- pedestrians
- vehicle users with motorised vehicles, such as trucks, buses, commercial vehicles, cars and motorcycles
- users of smaller, lightweight vehicles, such as pedal-powered bicycles, motorised buggies, wheelchairs, prams and so on
- tourists and visitors to the area
- emergency agencies (Victoria Police, Country Fire Authority, Ambulance Victoria, State Emergency Services)
- the military (in times of conflict and emergency)
- traffic and transportation managers
- managers of the road network asset
- construction and maintenance personnel, who build and maintain asset components
- utility agencies using the road reserve for infrastructure (water, sewerage, gas, electricity, telecommunications)
- state and federal governments, who periodically provide funding for roads.

### 2.3 Coordinating & Responsible Road Authority

Section 35 of the Road Management Act 2004 provides that a road authority has power to do all things necessary or convenient to be done for or in connection with the performance of its functions under the Act.

Section 36 of the Road Management Act 2004 outlines which road authority is the coordinating road authority. According to subsection (c), the coordinating road authority:

*If the road is a municipal road, the municipal council of the municipal district in which the road or part of the road is situated.*

However, there are instances where several authorities are responsible for components of the road within the road reserve. Section 37 of the Road Management Act 2004 identifies who is the responsible road authority in particular circumstances.

## **2.4 General Functions of a Road Authority**

The general functions of a road authority are described within Section 34 of the Road Management Act 2004.

## **2.5 Rights of the Road User**

The rights of public road users, which are legally enforceable, are set out in Sections 8 to 10 of the Road Management Act 2004.

## **2.6 Obligations of Road Users**

### **2.6.1 General Usage**

The common law requires that a road user must take reasonable care for their own safety (see *Ghantous v Hawkesbury City Council*)

The *Road Safety Act 1986* sets out obligations on road users, including section 17A which requires that a person who drives a motor vehicle on, or uses, a highway must drive in a safe manner have regard for all relevant factors, including without limiting their generality, the following:

- (a) physical characteristics of the road
- (b) prevailing weather conditions
- (c) level of visibility
- (d) the condition of any vehicle the person is driving or riding on the highway
- (e) prevailing traffic conditions
- (f) the relevant road laws and advisory signs
- (g) the physical and mental condition of the driver or road user.

Section 17A of the *Road Safety Act 1986* also requires that a road user must take reasonable care:

- (a) to avoid any conduct that may endanger the safety or welfare of other road users
- (b) to avoid any conduct that may damage road infrastructure and non-road infrastructure on the road reserve
- (c) to avoid conduct that may harm the environment of the road reserve

### 2.6.2 Incident Claims

If a person proposes to make a claim in relation to a public road or infrastructure for which Council is the responsible road authority, that person should contact Council and Council will initiate respective investigation and insurance reporting processes.

In accordance with Section 110 of the Road Management Act 2004, Council is not legally liable for property damages where the value of the damage is equal to or less than the threshold amount.

In cases where the claim relates to assets Council does not own or is not responsible for on the road reserve, the person who proposes to make a claim must refer the claim to the other authority or person responsible for those assets.

### 2.6.3 Permits for work within a road reserve

In cases where an individual or organisation proposes to carry out works within the road reserve that may impede public access, or interfere with road infrastructure, they must apply for a 'works within road reserve' permit. There are some exemptions, as noted in the Road Management (Works and Infrastructure) Regulations 2015.

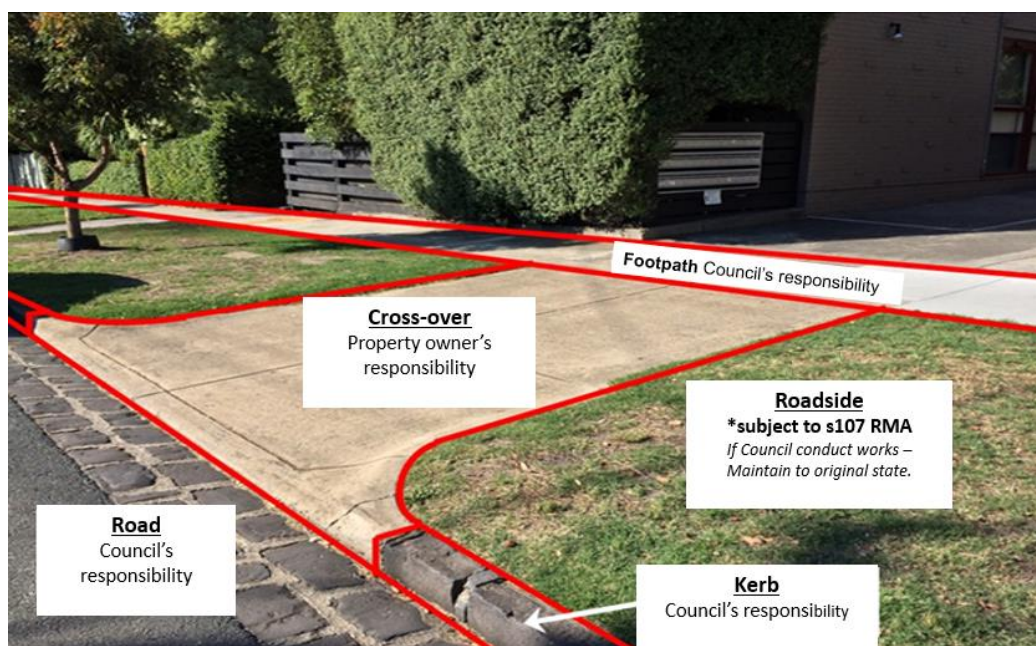
Local laws also require property owners to apply for a vehicle crossing permit if they plan to build a driveway.

In both cases, a fee applies to cover the costs of the administration and inspection of the work.

### 2.6.4 Obligation of others

There are several assets within the road reserve that Council does not have an obligation to inspect and/or maintain. These include:

- **Non-road infrastructure** – This includes (but is not limited to) such items as gas pipes, water and sewerage pipes, cables, electricity poles and cables, tram wires, rail infrastructure, bus shelters, public telephones, mailboxes, roadside furniture and fences erected by utilities, or providers of public transport.
- **Vehicle driveways** – the vehicle crossing (including Cross-over), located between the carriageway and the property boundary, must be maintained by the adjoining property owner. However, Council is responsible for the portion of the driveway where the constructed pathway is reasonably required by the public in accordance with the following diagram:



- **Single property stormwater drains** – for drains constructed within the reserve that carry water from a single property to an outlet in the kerb, or other drain.
- **Utilities** – including, but not limited to; telecommunication, power, water, gas and rail authority assets.
- **Roadside** – as per Section 107 of the Road Management Act, Council has no “*statutory duty or a common law duty to perform road management functions in respect of a public highway which is not a public road or to maintain, inspect or repair the roadside*”, described as “*any land that is within the boundaries of the road (other than shoulders) which is not a roadway or pathway*”. This includes landscaped tree plots within the footpath/pathway where the surface of the tree plot is not constructed with the intention of providing a trafficable pedestrian surface.

Where Council becomes aware of a hazard created by the defective condition of assets / infrastructure owned by another party, Council may at its absolute discretion:

- If located within assets / infrastructure for which Council is responsible (e.g. footpaths, road surfaces, etc.), or otherwise presents an immediate and significant risk to members of the public, undertake temporary measures to reduce the risk to members of the public until such time as the respective owner can implement permanent repairs (subject to Council’s available resources).
- Report in writing (e.g. email or letter) the presence of the hazard to the responsible party and request that repairs be implemented within a reasonable timeframe.
- Where repairs are not completed by the responsible party within the respective timeframe, Council may complete necessary repairs and invoice the responsible party for the costs.

However, where another party has a duty in relation to the asset / infrastructure, and Council has a discretionary power to take remedial action in relation to that matter, only that other party with the duty is liable in a subsequent proceeding, in accordance with s.104 of the Road Management Act 2004.

## Road Management Systems

### 3.1 Background and Process

Road asset management involves managing both physical assets, and uses and operation that have the potential to impact their condition. It applies to all road assets, including:

- the road – pavement and surface, as well as footpaths, kerb and channel
- structures – bridges, culverts and traffic management devices
- road infrastructure – traffic signals and on-road electrical assets.

The aim of our road management system is to deliver a safe and efficient road network and meet community needs to the best of our ability, within available resources.

To create a road asset management system that would best meet our needs when inspecting, maintaining and repairing public roads, we used the following nationally-recognised asset management frameworks:

- International Infrastructure Management Manual (IIMM) 2015, IPWEA
- IPWEA National Asset Management Systems (NAMS+)
- Other references, as listed in Technical References.

The system is designed to set the direction for our asset management activities. It is also linked to the annual business planning cycle.

### 3.2 Asset Hierarchies – Municipal Road Network

All roads and footpaths within the municipal road network are classified according to a hierarchy that takes into account how they are used, who uses them and how often.

The hierarchy classification is used to determine the levels of service required, prioritise works programs and determine defect intervention responses.

The three levels in the hierarchy are:

#### 1. Urban road & street network

Urban roads are roads that exist predominantly within an urban or residential setting. This is further divided into the following categories:

- Category 4: Link Road
- Category 3: Collector Road
- Category 2: Access Road
- Category 1: Right of Way

See Attachment 1 for more information.

#### 2. Rural road network

Rural roads are roads that exist predominantly within a rural setting.

This is further divided into the following categories:

- Category 4: Link Road
- Category 3: Collector Road – sealed and gravel



- Category 2: Access Road– sealed and gravel
  - Category 1: Fire Track and Right of Way
- See Attachment 2 for more information.

### 3. Pathway network

This is further divided into 2 categories, each of which is divided into 3 categories, as follows:

Footpaths

- Category 3: High use
- Category 2: Medium use
- Category 1: Low use

Shared and Bicycle Pathways

- Category 3: High use
- Category 2: Medium use
- Category 1: Low use

See Attachment 3 for further information.

### 3.3 Our Road Network

More information about Council's road network is shown in the tables below.

Table 3.1 – Road length by hierarchy – date last updated: 22/04/2025

Hierarchy	Length (km)	% of Network
Category 4: Link Road - Urban	1.186	0.15
Category 4: Link Road – Rural	3.893	0.50
Category 3: Collector Road – Urban	56.713	7.29
Category 3: Collector Road – Rural	112.728	14.49
Category 2: Access Road – Urban	264.643	34.01
Category 2: Access Road – Rural	334.823	43.03
Category 1: Right of Way – Urban	1.562	0.20
Category 1: Fire Access Track / Right of Way – Rural	2.523	0.32
<b>Total</b>	<b>778.071</b>	<b>100.00</b>

Table 3.2 – Road Length by Surface Type – date last updated: 22/04/2025

Surface Type	Length (km)	% of Network
Sealed	476.46	61.24
Unsealed	301.611	38.76
<b>Total</b>	<b>778.071</b>	<b>100</b>

### 3.4 Maintenance Management System

#### 3.4.1 Maintenance Management

Council has responsibilities to all road users and the community to maintain public roads to a reasonably safe and suitable standard, within our available funds and resources. By developing long-term maintenance programs for our assets, we are better able to plan how we do this.

The following maintenance requirements shape our annual program and budget:

##### **Routine maintenance standards**

Standards vary across the network depending on the asset type and relevant risk factors, such as traffic volumes and composition, operating speeds, the susceptibility of assets to deterioration and the cost effectiveness of repairs. Competing priorities for funding are also relevant.

Defect intervention levels have been established using the *VicRoads Standard Specification Section 750* and adapting it to local conditions.

The standards will be reviewed periodically to make sure they are adequate (see section 1.4).

##### **Repair and maintenance works**

Works must be completed within a specified time, depending on the severity and location of the defect. Response times are determined using local knowledge and experience and past performance as a guide.

Response times are monitored and will be periodically reviewed (see section 1.4).

##### **Temporary mitigation measures**

These are temporary works designed to reduce the risk of an incident, until such time as repair or maintenance works can be completed.

Response times and safety measures – for example warning signs, flashing lights, and safety barriers – are determined by reference to the risk to safety, road type and traffic volume.

##### **Emergency works**

Works that result from emergency incidents and must be undertaken immediately, for the safety of road users and the public.

Emergency works might include traffic incident management, responses to fires, floods, storms and spillages, and any assistance required under the Victorian State Emergency Response Plan and Municipal Emergency Management Plan.

#### 3.4.2 Asset Management Plans

Our asset management plans guide the development of long-term asset renewal programs, helping us to plan and finance asset renewal and replacement.

### 3.4.3 Maintenance Surveys and inspections

A four-tier regime is used to inspect our road network assets. It covers safety issues, incidents, defects and condition inspections.

#### 1. Reactive inspections (Request for Service or RFS)

These inspections are conducted in response to requests from the community. The inspection is carried out by a Council employee and assessed according to the Hazard intervention levels, contained within Attachment 6.

#### 2. Proactive Inspections

Regular timetabled inspections that are scheduled depending on traffic flow, the types of defects likely to impact the asset and the perceived risks of these defects.

#### 3. Condition Inspections

These inspections identify structural integrity issues which, if untreated, are likely to adversely affect the network overall. These issues may impact short-term serviceability, as well as the ability of the asset to perform for the duration of its intended life span.

These inspections are carried out in accordance with the Council's asset management plans. They are undertaken by a Council contractor on a five yearly schedule.

### 3.4.4 Maintenance responsiveness and performance targets

The following information is recorded when we receive a Request for Service (RFS) from the community:

- Date the request was received
- Details of the request, including the location and nature of the reported hazard/defect (including any specific measurements if provided), name of the person making the request, copies of any photographs provided, etc.
- The personnel / department to which the request has been assigned for action
- Date by which the request must be actioned (based on the target response times specified in Attachment 6)
- Date when the request was actioned and/or completed (this typically involves someone carrying out an RFS inspection, as described in section 3.4.3, followed by any necessary repair works conducted).

By recording this information, we can monitor compliance against target response times – that is, the time it takes from receiving a request to carrying out an inspection and ultimately completing necessary works.

Customer requests will be inspected and assessed in accordance with timeframes specified in Attachment 5. Following are some possible outcomes from a reactive inspection:

- If a defect identified exceeds a *Description / Intervention level* specified in Attachment 6, a work order would be created with a date for completion of works in line with respective specified repair timeframes.
- If repairs are significant – for example, rehabilitation works are required – temporary mitigation measures may be undertaken to reduce the risk posed by the hazard/defect until the proper works can be undertaken (and subject to available resources).
- If the defect is assessed as below the *Description / Intervention Level* specified in Attachment 6, it would be noted (including why), but no remedial action will be conducted.

In all cases, the action taken would be noted against the original request.

Target response times and intervention times are based on 'normal' conditions. The same level of service would not apply in cases where the Plan has been suspended, under Section 1.5.

### 3.5 Asset Levels of Service

Five elements are taken into account when determining appropriate levels of service for the road network. These are:

- Community expectations;
- Technical standards;
- Organisational capacity;
- Performance measures and targets;
- Safety of road and footpath users.

## Register of Public Roads

Council maintains a register of public roads – called the Register of Public Roads – with the details of all public roads and ancillary areas for which we are responsible.

The Register of Public Roads is available on Council's website: [www.nillumbik.vic.gov.au](http://www.nillumbik.vic.gov.au)

A hard copy of this plan and Nillumbik's Register of Public Roads are available for inspection, in hard copy format, at the Nillumbik Civic Centre, Civic Drive, Greensborough, during office hours: 9am to 5pm Monday-Friday, upon request.

### 4.1 Maintenance Demarcation (Boundary) Agreements

Where there are boundary agreements between us and other road authorities or private organisations, the schedule of roads affected, and agreements are listed in the Municipal Road Register.

We have agreements with the following road authorities:

#### City of Banyule:

- Fitzsimons Lane, from Main Road to Yarra River
- Main Road, from Fitzsimons Lane to Bolton Street

- Bolton Street, from Main Road to Bridge Street
- Sherbourne Road, from Bolton Street to Karingal Drive
- Karingal Drive, from Sherbourne Road to Weidlich Road
- Weidlich Road, from Karingal Drive to Progress Road
- Progress Road, from Weidlich Road to Ryans Road
- Ryans Road, from Progress Road to Wind Mill Rise.

**City of Whittlesea:**

- Yan Yean Road, from Doctors Gully Road to Arthurs Creek Road
- Ridge Road, from Arthurs Creek Road to Deep Creek Road

**Shire of Yarra Ranges:**

- Skyline Road

Detailed information on the maintenance agreements between Council and other road authorities regarding the above boundary roads are included in Nillumbik's Road Asset Management Plan.

#### **4.2 Roads not listed on the Register**

The following roads are not listed on our Register of Public Roads:

- Roads which are the full responsibility of the state government, or a private enterprise;
- Unused roads for which we have not accepted responsibility;
- Roads drawn out on a plan of subdivision, until such time that we accept responsibility for these roads;
- Roads which we have not determined are reasonably required for general public use.

#### **4.3 Arterial Roads**

Arterial roads are major roads which carry a high volume of traffic. The department of Transport (formerly VicRoads) is responsible for both the maintenance of the road and the management of traffic on these arterial routes (Attachment 7).

### **Technical References**

- i. AS ISO 31000:2018 – Risk Management – Guidelines
- ii. Integrated Asset Management Guidelines for Road Networks (AP-R202) 2002, Austroads Inc.
- iii. International Infrastructure Management Manual (IIMM) 2015, IPWEA
- iv. VicRoads Risk Management Guidelines
- v. VicRoads Standard Specification Section 750 – Routine Maintenance

## Attachment 1: Road Hierarchy – Urban Roads

Category	Description*
<b>Category 4</b> <ul style="list-style-type: none"> <li>• <b>Link Road</b></li> </ul>	<p>These carry heavy volumes of traffic, including commercial vehicles, and act as main routes for traffic flows in and around the municipality. Key features typically include:</p> <ul style="list-style-type: none"> <li>• Supplementary to arterial road system</li> <li>• Connector between arterial roads and lower order streets</li> <li>• Cater for, but may restrain, service and heavy vehicles</li> <li>• Provide access to significant public services</li> <li>• Minimum two clear traffic lanes (excluding parking)</li> </ul>
<b>Category 3</b> <ul style="list-style-type: none"> <li>• <b>Collector Road</b></li> </ul>	<p>These carry significant volumes of traffic and provide access, by linking residential areas to arterial roads. They also provide links between the various collector roads. Key features typically include:</p> <ul style="list-style-type: none"> <li>• Non-continuous connector (do not cross arterial roads)</li> <li>• Limited through traffic (not promoted, or encouraged)</li> <li>• Cater for, but may restrain, service and heavy vehicles</li> <li>• Minimum two clear traffic lanes (excluding parking)</li> </ul>
<b>Category 2</b> <ul style="list-style-type: none"> <li>• <b>Access Road</b></li> </ul>	<p>These carry only local traffic. The primary function is to provide access to private properties. Key features typically include:</p> <ul style="list-style-type: none"> <li>• Short distance travel to higher level roads</li> <li>• Minimum one clear traffic lane (excluding parking)</li> </ul>
<b>Category 1</b> <ul style="list-style-type: none"> <li>• <b>Right of Way</b></li> </ul>	<p>These perform a very minimal function as local access roads. Key features typically include:</p> <ul style="list-style-type: none"> <li>• A side or rear entry lane, generally providing secondary access to properties</li> <li>• Low traffic counts</li> </ul>

\* Categories have been adapted from the Infrastructure Design Manual for residential streets

## Attachment 2: Road Hierarchy – Rural Roads

Category	Description*
<b>Category 4</b> <ul style="list-style-type: none"> <li>• <b>Link Road</b></li> </ul>	<p>These roads act as links between population centres and are supplementary to the arterial road network. Key features typically include:</p> <ul style="list-style-type: none"> <li>• High truck (commercial vehicle) traffic volume</li> <li>• Access to major industries</li> <li>• Minimum 2 clear traffic lanes (excluding parking)</li> </ul>
<b>Category 3</b> <ul style="list-style-type: none"> <li>• <b>Collector Road</b></li> </ul>	<p>These carry moderate volumes of traffic and provide access, by linking local areas to link and arterial roads. They also provide links between the various collector roads. Key features typically include:</p> <ul style="list-style-type: none"> <li>• Non-continuous connector (do not cross arterial roads)</li> <li>• Limited through traffic (not promoted, or encouraged)</li> <li>• Cater for, but may restrain, service and heavy vehicles</li> <li>• Minimum two clear traffic lanes (excluding parking)</li> </ul>
<b>Category 2</b> <ul style="list-style-type: none"> <li>• <b>Local Access Road</b></li> </ul>	<p>These carry only local traffic. The primary function is to provide access to private properties. Key features typically include:</p> <ul style="list-style-type: none"> <li>• Short distance travel to higher level roads</li> </ul> <p>In the case of an unsealed local access road providing access to a single property, the road will only be maintained to the closest boundary of that property. The balance will be maintained as a limited access track (see below)</p>
<b>Category 1</b> <ul style="list-style-type: none"> <li>• <b>Fire Access Track</b></li> <li>• <b>Right of Way</b></li> </ul>	<p>These perform a very minimal function. They typically act as fire access, or as a secondary or seasonal access road to large rural / farming properties. Key features typically include:</p> <ul style="list-style-type: none"> <li>• Provides secondary access to properties</li> <li>• Unsealed roads, often unformed or with minimal material</li> </ul> <p>Due to the limited function and use of these roads, they are not subject to a proactive inspection regime or the same hazard intervention levels of other roads.</p>

\* Categories have been adapted from the Infrastructure Design Manual for residential streets

## Attachment 3: Pathway Hierarchy

### Footpaths

Category	Area	Description*
<b>Category 3</b>	High use	The category of 'highest use' that includes all footpaths in areas of very high pedestrian use, for example around: major shopping precincts, maternal and child health centres, schools, hospitals, secondary shopping precincts and public transport interchanges.
<b>Category 2</b>	Medium use	This category includes areas of moderate pedestrian usage, for example in local streets that form part of a key pedestrian route and provide access to areas of high pedestrian activity.
<b>Category 1</b>	Low use	This category includes areas of low pedestrian usage e.g. local residential streets, courts, dead end streets, and isolated areas where the majority of pedestrians are residents of the immediate area.

### Shared & Bicycle Pathways

Category	Area	Description*
<b>Category 3</b>	High use Pathways	The category of 'highest use' that includes pathways used by high volumes of commuter cyclists and select tourist pathways.
<b>Category 2</b>	Medium use Pathways	This category includes pathways of moderate usage including, but not limited to: <ul style="list-style-type: none"> <li>• Pathways within roads reserves; and</li> <li>• To/from and through popular parks/reserves.</li> </ul>
<b>Category 1</b>	Low use Pathways	This category includes all other shared and bicycle pathways.



## Attachment 4: Inspection Requirements

Inspection Type	Purpose	Inspection and Reporting Requirements
<b>Reactive – Request for Service (RFS)</b>	Reactive inspections are designed to confirm the nature of defects/hazards reported by members of the public or Council employees and identify any that exceed the intervention levels specified in Attachment 6.	Performed by a Council representative with knowledge of Description / Intervention Levels (Attachment 6) and road maintenance techniques who may then call in a higher level of expertise if necessary. All Reactive inspections are conducted on foot, or by desktop review, where the information supplied is sufficient to determine the action required. The report is required to identify specific safety defect, time first reported, time inspected and by whom, subsequent action and time of completion.
<b>Proactive Inspection</b>	Inspection undertaken in accordance with a formal programmed inspection schedule to determine if the road asset complies with the levels of service as specified. A record of each asset is to be completed detailing the name of the inspector, the inspection date, and a description of any defects found that exceed the intervention levels specified in Attachment 6. In addition, details of the inspection will be electronically recorded against the particular asset inspected.	Proactive Inspections of roads are conducted via a slow-moving vehicle, while Proactive Inspections of all other asset types are conducted on foot. Performed by a dedicated Plan inspector.
<b>Night Inspections</b>	Inspection undertaken in accordance with a formal programmed inspection schedule to assess the reflectivity of road signage, cat's eyes and roadside guideposts, and the visibility of line marking at night.	Conducted via a slow-moving vehicle with standard driving lights (low beam), with visibility/legibility/reflectivity assessed by eye from distances specified respective of each asset defect type. Performed by a dedicated Plan inspector.

## Attachment 5: Inspection Frequencies

Asset Group	Hierarchy Category	Reactive Inspection Timeframe WD = Working Days H = Hours	Proactive Inspection Frequency M = Months	Night Inspections Y = Years
<b>Sealed Roads, Unsealed Roads, Regulatory, Warning and Hazard Signs</b>	Category 4	5 WD	6 M	2 Y
	Category 3	8 WD	12 M	2 Y
	Category 2	10 WD	12 M	2 Y
	Category 1 – Urban Only	4W	n/a	n/a
<b>Footpaths, Kerb &amp; Channel</b>	Category 3	5 WD	6 M	n/a
	Category 2	7 WD	2 Y	
	Category 1	10 WD	2 Y	
<b>Shared &amp; Bicycle Pathways</b>	Category 3	5 WD	6 M	n/a
	Category 2	7 WD	6 M	
	Category 1	10 WD	n/a	
<b>Bridges &amp; Culverts</b>	All	2 WD	matched to associated asset group frequency	n/a
<b>Emergency Response – All Asset / Categories</b> * Reported Incidents / Hazards that present an immediate and significant risk to members of the public. Temporary measures (e.g. installing barriers, signage, closing the road/footpath, etc.) will be implemented to reduce the risk to users of the road network until such time as appropriate repairs can be completed.		12 H	n/a	n/a

\* If a Proactive Inspection Frequency elapses on a Weekend or Public Holiday, the actual due date will be the next Working Day.

## Attachment 6: Defect Intervention Levels and Repair Timeframes

### NOTES:

\* If a Repair Timeframe elapses on a Weekend or Public Holiday, the actual due date will be the next Working Day.

\*\* In cases where a defect is not due to be repaired in less than 4 weeks, temporary measures, such as installing warning signage, erecting barriers, or painting the defect with a bright contrasting colour, may be implemented at the time of identification to reduce the risk as much as is reasonably practicable until permanent repairs can be completed in line with the specified Repair Timeframes.

### Sealed Roads

Defect type	Description / Intervention Level	Repair timeframes by hierarchy WD = Working Days W = Weeks M = Months			
		Cat 4	Cat 3	Cat 2	Cat 1 Urban Only
<b>Pothole</b>	Potholes in sealed pavement >50 mm in depth and >300 mm in diameter Click or tap to enter a date. Click or tap to enter a date.	1 W	2 W	3 W	8 W
<b>Edge break</b>	Edge breaks >50 mm laterally over a 5m or greater length from the nominal seal line	1 W	2 W	3 W	8 W
<b>Edge shoulder drop</b>	Edge drops onto an unsealed shoulder >50 mm in depth over a 20m or greater length	4W	6 W	6 W	8 W
<b>Depressions / deformations</b>	Depression / deformations in the traffic lane of a sealed pavement >100 mm in depth under a 3m long straight edge	1 W	2 W	3 W	8 W
<b>Missing pit lids</b>	Missing Council drainage pit lids	1 WD	2 WD	3 WD	4 WD
<b>Damaged pit lids</b>	Damaged Council drainage pit lids (such that they are potentially structurally unsound).	1 WD	2 WD	3 WD	4 WD
<b>Roadside Vegetation – Overhead clearance</b>	Vegetation intruding into the road envelope: <ul style="list-style-type: none"> <li>&lt;4.9 m clearance over the trafficable portion of Arterial roads</li> <li>&lt;4.5 m over the trafficable portion of Cat 3 &amp; 4 roads</li> </ul>	8 W	8 W	n/a	n/a

	<ul style="list-style-type: none"> <li>&lt;4.0 m over the trafficable portion of Cat 1 &amp; 2 roads</li> </ul>	n/a	n/a	8 W	8 W
<b>Roadside Vegetation – Obstructing sightlines</b>	<p>Vegetation that is obstructing sightlines to intersections or regulatory, warning and hazard signs when viewed from the following distances:</p> <ul style="list-style-type: none"> <li>Speed Limit – <math>\leq 50\text{km/h} = 30\text{m}</math></li> <li>Speed Limit – <math>60\text{km/h} = 40\text{m}</math></li> <li>Speed Limit – <math>70\text{km/h} = 55\text{m}</math></li> <li>Speed Limit – <math>80\text{km/h} = 65\text{m}</math></li> <li>Speed Limit – <math>90\text{km/h} = 80\text{m}</math></li> <li>Speed Limit – <math>100\text{km/h} = 95\text{m}</math></li> </ul>	8 W	8 W	4 M	6 M

### Unsealed Roads

Defect type	Description / Intervention Level	Repair timeframes by hierarchy WD = Working Days W = Weeks M = Months			
		Cat 4	Cat 3	Cat 2	Cat 1 Urban Only
<b>Pothole</b>	Potholes in unsealed pavement >75 mm in depth and >300 mm in diameter	n/a	4 W	8 W	12 M
<b>Wheel ruts / scouring</b>	Wheel ruts or scouring on an unsealed road >75 mm in depth, for a distance of > 10m	n/a	4 W	8 W	12 M
<b>Corrugations</b>	Corrugations on an unsealed road >75 mm in depth and >150 mm in length for a distance of >10m	n/a	4 W	8 W	12 M
<b>Roadside Vegetation – Overhead clearance</b>	Vegetation intruding into the road envelope: • <4.5 m over the trafficable portion of Cat 3 & 4 roads	8 W	8 W	n/a	n/a
	• <4.0 m over the trafficable portion of Cat 1 & 2 roads	n/a	n/a	8 W	8 W
<b>Roadside Vegetation – Obstructing sightlines</b>	Vegetation that is obstructing sightlines to intersections or regulatory, warning and hazard signs when viewed from the following distances: • Speed Limit – <=50km/h = 30m • Speed Limit – 60km/h = 40m • Speed Limit – 70km/h = 55m • Speed Limit – 80km/h = 65m	4 W	8 W	4 M	6 M

### Traffic Control Devices

Defect type	Description / Intervention Level	Repair timeframes by hierarchy WD = Working Days W = Weeks M = Months			
		Cat 4	Cat 3	Cat 2	Cat 1
<b>Missing Damaged Signage</b>	/ Regulatory, warning and hazard signs missing, illegible or damaged making them substantially ineffective when viewed from the following distances: <ul style="list-style-type: none"> <li>Speed Limit – &lt;=50km/h = 30m</li> <li>Speed Limit – 60km/h = 40m</li> <li>Speed Limit – 70km/h = 55m</li> <li>Speed Limit – 80km/h = 65m</li> <li>Speed Limit – 90km/h = 80m</li> <li>Speed Limit – 100km/h = 95m</li> </ul>	2 W	4 W	8 W	12 W
<b>Missing Damaged Guard Rail or fencing</b>	/ Guard rail/fence damaged or missing making them substantially ineffective	8 W	8 W	4 M	6 M
<b>Missing Damaged Pavement Markings</b>	/ Pavement markings which are missing or faded making them substantially ineffective*	12 W	12 W	6 M	12 M

\*Annual program – Timeframes are for reactive requests only

### Footpaths

Defect type	Description / Intervention Level	Repair timeframes by hierarchy WD = Working Days W = Weeks M = Months		
		Cat 3	Cat 2	Cat 1
<b>Vertical Displacement</b>	Vertical Displacement >20 mm in height	4 W	6 W	12 W
<b>Loose segmented pavers</b>	Loose and unstable segmented pavers (i.e. bluestone, bricks, etc.) that move underfoot	4 W	6 W	12 W
<b>Cracking</b>	Cracking in footpaths >40 mm wide	4 W	6 W	12 W
<b>Undulations</b>	Undulations (depressions / bumps) >75 mm in depth/height under a 1.5m straight edge	4 W	6 W	12 W
<b>Dislodged / missing pieces / potholes</b>	Dislodged or missing pieces or potholes >150 mm in length/width and >20 mm in depth	4 W	6 W	12 W
<b>Missing pit lids</b>	Missing Council drainage pit lids	1 WD	2 WD	3 WD
<b>Damaged pit lids</b>	Damaged Council drainage pit lids (such that they are potentially structurally unsound)	2 W	2 W	2 W
<b>Vegetation overhead clearance</b>	Vegetation intruding into the footpath envelope: • <2.5 m over footpath surface	8 W	8 W	8 W
<b>Dislodged / missing tactile indicator</b>	Damaged or missing	4 W	6 W	12 W

\* Pram crossings / ramps providing transition between road and footpath levels are treated as part of the footpath for the purposes of the application of description / intervention levels.

### Shared & Bicycle Pathways

Defect type	Description / Intervention Level	Repair timeframes by hierarchy		
		WD = Working Days W = Weeks M = Months		
		Cat 3	Cat 2	Cat 1
<b>Vertical Displacement</b>	Vertical Displacement >20 mm in height	4 W	6 W	12 W
<b>Cracking</b>	Cracking perpendicular to path of travel >30 mm wide Longitudinal cracking >20 mm wide	4 W	6 W	12 W
<b>Undulations</b>	Undulations (depressions / bumps) >75 mm in depth/height under a 1.5m straight edge	4 W	6 W	12 W
<b>Dislodged / missing pieces / potholes</b>	Dislodged or missing pieces or potholes >150 mm in length/width and >20 mm in depth	4 W	6 W	12 W
<b>Missing pit lids</b>	Missing Council drainage pit lids	1 WD	2 WD	3 WD
<b>Damaged pit lids</b>	Damaged Council drainage pit lids (such that they are potentially structurally unsound)	2 W	2 W	2 W
<b>Vegetation overhead clearance</b>	Vegetation intruding into the pathway envelope: • <3.5 m over shared pathway surface and >50 cm beyond each edge	8 W	8 W	8 W
<b>Vegetation – Obstructing sightlines</b>	Vegetation that is obstructing sightlines to intersections or regulatory, warning and hazard signs when viewed from <20 m	8 W	8 W	8 W
<b>Dislodged / missing tactile indicator</b>	Damaged or missing	4 W	6 W	3 M

\* Pram crossings / ramps providing transition between road and pathway levels are treated as part of the pathways for the purposes of the application of description / intervention levels.



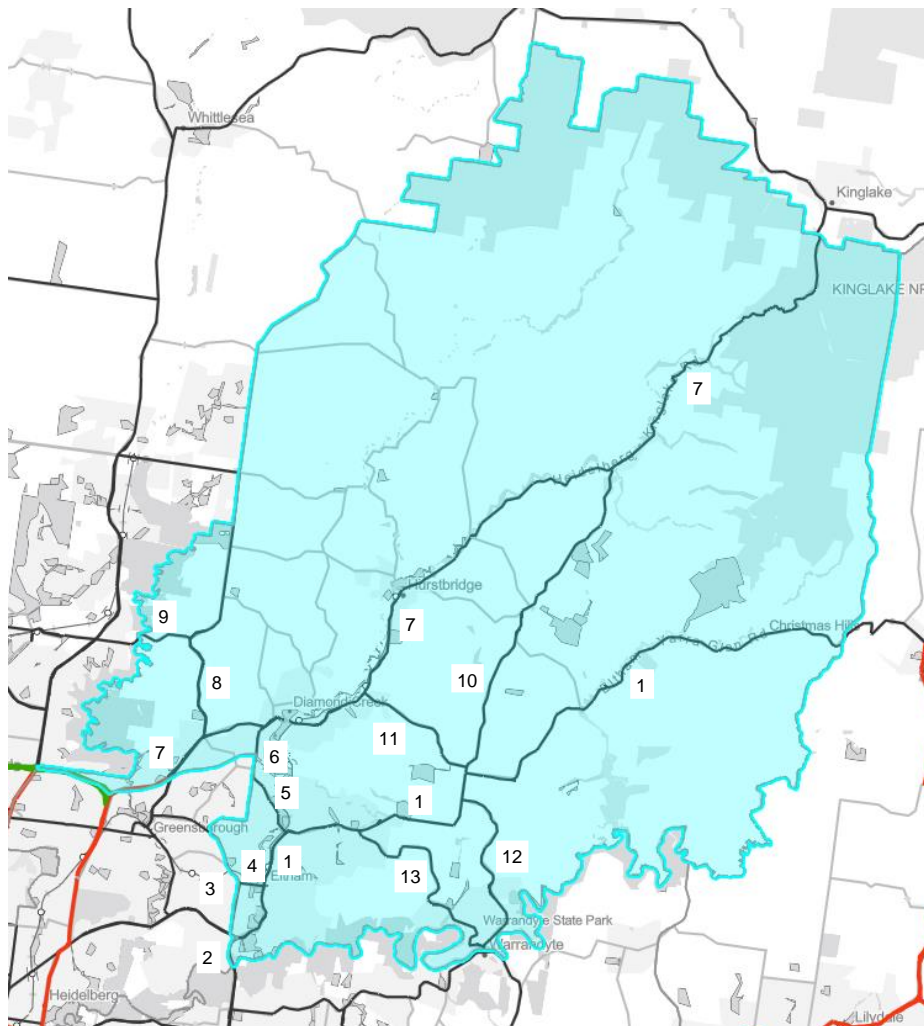
### Kerb and Channel

Defect type	Description / Intervention Level	Repair timeframes by hierarchy W = Weeks M = Months			
		Cat 4	Cat 3	Cat 2	Cat 1 Urban Only
<b>Vertical Displacement</b>	Vertical displacement – uplift section >50 mm	4 W	6 W	8 W	12 W
<b>Horizontal Displacement</b>	Horizontal displacement section >50 mm	4 W	6 W	8 W	12 W

### Bridges and Culverts

Defect type	Description / Intervention Level	Repair timeframes by hierarchy W = Weeks M = Months			
		Cat 4	Cat 3	Cat 2	Cat 1
<b>Bridge &amp; Culvert defects</b>	Visible damage likely to pose an immediate and significant risk to members of the public	4 W	6 W	2 M	3 M

## Attachment 7: Arterial Roads



Roads that VicRoads maintains include:

1. Eltham-Yarra Glen Road: Eltham (Main Road) to Christmas Hills
2. Fitzsimons Lane
3. Bolton Street/Sherbourne Road/Karingal Drive, Eltham
4. Bridge Street: Main Road to Bolton Street, Eltham
5. Wattletree Road, Eltham
6. Ryans Road, Diamond Creek
7. Heidelberg-Kinglake Road (includes Diamond Creek Road, Main Street, Chute Street, Main Hurstbridge Road, Scott Street, Caledonia Street)
8. Yan Yean Road: Diamond Creek Road to Doctors Gully Road, Yarrambat
9. Kurrak Road, Plenty
10. Kangaroo Ground-St Andrews Road
11. Kangaroo Ground-Wattle Glen Road
12. Kangaroo Ground-Warrandyte Road
13. Research-Warrandyte Road

ID	Q1. Share your feedback on the draft Road Management Plan	Q2. First Name and Surname
1554	We are living at [REDACTED] To get out of the drive way is quite dangerous, as on both sides are usually cars parked. We have requested in the past to make a speed hump there, but according to the result you deemed it not necessary! Perhaps you can have another look at the situation. Specifically when schools are starting/closing and when tradies finish work. They use [REDACTED] as a shortcut and drive like maniacs.	[REDACTED]
1555	Email sent to every ratepayer would be a more effective consultation process and not the chance of stumbling across it on fb	[REDACTED]

ID	Q1. Share your feedback on the draft Road Management Plan	Q2. First Name and Surname
1557	<p>I believe that the road inspection frequency for unsealed roads is not frequent enough. I am finding that many category 2 access roads in the local area of StAndrews and Strathewen are in such bad condition and not maintained frequently enough. The corrugations and potholes are so bad all of my cars have needed multiple suspension repairs from driving consistently on the roads.</p> <p>When the grader repairs the roads, most of the time they are done quickly and shortcuts are taken. Instead of correctly regrading the road I am finding more recently they just cut the road down creating deeper and deeper roads and causing bank collapse and erosion.</p> <p>A lot of these roads would benefit long term from being sealed, saving the council a lot of money in maintenance. Specifically [REDACTED] and [REDACTED] in StAndrews are extremely problematic.</p>	[REDACTED]
1559	<p>This is a silly consultation. It is touted as feedback on the road management policy but in fact is just about the consultation process. A waste of time.</p>	[REDACTED]
1560	<p>Dear Council</p> <p>Would like improvement of rain overflows water in [REDACTED] North Warrandyte, water is going into properties, it could be contained to specific catchments.</p>	[REDACTED]
1565	<p>Not enough information to make a valuable comment.</p>	[REDACTED]

ID	Q1. Share your feedback on the draft Road Management Plan	Q2. First Name and Surname
1566	Would like to see part bitumen roads such as [REDACTED] have full bitumen. Currently graded once a year in winter. Within days of completion it's a muddy road and becomes rutted.	[REDACTED]
1567	Footpaths need attention yan yean road blackberry growing over paths and various plants	[REDACTED]
1568	Please install barriers on Fitzsimons lane to divide the traffic. Should have been done when road was upgraded as the accident the other day shows.	[REDACTED]

ID	Q1. Share your feedback on the draft Road Management Plan	Q2. First Name and Surname
1571	<p>The plan is detailed and well formed.</p> <p>Your description of nature strips is reasonable but everywhere one looks you fail to enforce it in respect of cars. We live in Research and large areas of nature strip which would normally by grass are turned to dust by the persistent parking of cars on them as if they were a standard car park. In many cases there is no separate footpath and the result is that pedestrians have no choice but to walk in the road. Your policy definition of nature strips is fine - your enforcement thereof is a failure.</p> <p>Our area is overrun by rabbits, to the extent that it garden plants and other native vegetation is destroyed. They are a non-native pest and should be eradicated</p> <p>Places such as the aqueduct trail are overrun by invasive pine trees. In addition to falling and damaging people's houses, their roots are destroying the sides of the aqueduct itself which is a heritage item</p> <p>It would be good to be able to discuss verbally any matters raised on which the council does not intend to act.</p>	<div data-bbox="1288 272 1529 308" style="background-color: black; height: 22px; width: 108px;"></div>
1573	I would prefer a PROACTIVE attitude, rather than reactive, in road maintenance.	<div data-bbox="1288 1347 1485 1377" style="background-color: black; height: 19px; width: 88px;"></div>

ID	Q1. Share your feedback on the draft Road Management Plan	Q2. First Name and Surname
	<p>Council already have many vehicles out on our roads. Use these driver and passenger employees to report any faults they incur or spot. On top of the existing road maintenance crew.</p> <p>1/ With the Windy Mile in Diamond Creek in mind, if the road is under State Govt. jurisdiction, then please, hammer them mercilessly until there is a satisfactory conclusion. To be told by Council that it's "not their responsibility", is totally inadequate. Instead, try "We are actively harassing the State Govt. daily".</p> <p>2/ The intersection of [REDACTED] &amp; Hurstbridge Diamond Creek Rd, pot holes made worse by the turning buses, for at least 3 years.</p> <p>3/ Hurstbridge Diamond Creek Rd b/w [REDACTED] and the bridge, west bound, road surface peeling away for at least 5 years.</p>	
1575	<p>The number of potholes around the research area is dangerous. Why do they take so long before they are fixed . Why can't we have a simply system of reporting them . Why can't they be action within a 7 day timeframe. I can't review the forthcoming proposals</p>	[REDACTED]
1577	<p>Infrastructure like guardrails and other traffic related objects like bollards, wheel stops, etc can all be under one heading 'Traffic Management Devices' which would include the guardrails component but not just guardrails as there is other traffic infrastructure to consider. Other reports from the community include maintenance of electric charging stations and bus shelters.</p>	[REDACTED]

ID	Q1. Share your feedback on the draft Road Management Plan	Q2. First Name and Surname
1578	Great!!! Would be great if all the workers at these sites were working and not standing around smoking and on their phones very frustrating to watch	[REDACTED]
1579	please include verge side safety management include wildlife safe systems - virtual fencing and cleanup of roadkill , lower speeds in bush zones - 40kmh	[REDACTED]
1583	The updates seem sensible and I'm pleased to see overhead and sightlines on the sides of roads has been included (I work in [REDACTED] and understand the height of trucks!)	[REDACTED]
1588	If these are the plans for 2025, why are they only a draft and it is now August. The section relating to inspections of roads is just rubbish. [REDACTED] Kangaroo Ground is an unsealed road, and has never had an inspection in the 40 years we have lived here and is graded once a year if we are lucky, even though after a couple of months of waste trucks driving at speed, becomes almost u driveable.	[REDACTED]
1589	Southside footpath on Mainroad between [REDACTED] and [REDACTED] needs attention. Too narrow and undulating for elderly and parents with prams.	[REDACTED]



ID	Q1. Share your feedback on the draft Road Management Plan	Q2. First Name and Surname
1590	<p>The speed on [REDACTED] in Hurstbridge, in the 60 km zone, needs to be addressed. For years we have been putting up with speeding vehicles and it has been getting alot worse in the last 2 years. So many large trucks, buses, and cars, especially 4 wheel drive, use it as a race track some going up to 100 kms per hour. Motor bikes are absolutely the worst.</p> <p>We are risking are lives leaving our property, and I have been overtaken by a b double truck, across double lines, because he couldn't stop behind me. We live around a blind corner and there are signs stating concealed driveway ahead but no one slows down.</p> <p>With the changes to Yan Yean Road this issue must be addressed as we will most likely receive more speeding traffic on our road.</p> <p>I have spoken with police, highway patrol, sent emails to party members, but nothing has been done.</p> <p>Please, help us.</p> <p>Kind regards [REDACTED]</p>	[REDACTED]