

Planning and Consultation Committee Meeting

to be held at the Council Chamber, 32 Civic Drive, Greensborough
on Tuesday 12 May 2026 commencing at 7:00 PM.

Attachments

Carl Cowie
Chief Executive Officer

Thursday 7 May 2026

Distribution: Public

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Nillumbik Shire Council

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Planning and Consultation Committee Meeting

held at the Council Chamber, 32 Civic Drive, Greensborough on Tuesday 14 April 2026 commencing at 7:00 PM.

Minutes

Carl Cowie
Chief Executive Officer

Friday 17 April 2026

Distribution: Public

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COM.001/26 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 14 April 2026

Attachment 1. Minutes of the Planning and Consultation Committee Meeting held on Tuesday 14 April 2026

Planning and Consultation Committee Meeting Minutes

14 April 2026

Nillumbik Shire Council

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COM.001/26 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 14 April 2026

Attachment 1. Minutes of the Planning and Consultation Committee Meeting held on Tuesday 14 April 2026

Planning and Consultation Committee Meeting Minutes

14 April 2026

Nillumbik Shire Council

Minutes of the Planning and Consultation Committee Meeting held Tuesday 14 April 2026. The meeting commenced at 7:00 PM.

Councillors present:

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

Officers in attendance:

Carl Cowie	Chief Executive Officer
Elisha Jansz	Acting Director Governance, Communications and Community Safety
Frank Vassilacos	Director Planning, Environment and Strategy
Renaë Ahern	Manager Planning and Environmental Health
Katia Croce	Manager Governance and Property

1. Welcome by the Chair

2. Acknowledgement of Country

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

3. Apologies/Leave of Absence

Leave of absence for this meeting was granted to Cr Naomi Joiner

Committee Resolution

MOVED: Cr Kate McKay

SECONDED: Cr Kim Cope

That the Committee (under delegation from Council) accepts the leave of absence for Cr Naomi Joiner for 14 April 2026.

CARRIED UNANIMOUSLY

4. Declarations of conflict of interest

Nil

COM.001/26 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 14 April 2026
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Planning and Consultation Committee Minutes

14 April 2026

5. Confirmation of Minutes

COM.001/26 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 10 March 2026

Confirmation of the Minutes of the Planning and Consultation Committee Meeting held on Tuesday 10 March 2026.

Committee Resolution

MOVED: Cr Kate McKay

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 10 March 2026 (**Attachment 1**).

CARRIED UNANIMOUSLY

COM.001/26 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 14 April 2026

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6. Officers' reports

PCC.003/26 Planning Permit Application 714/2023/14P - 13 lot subdivision, works and removal of native vegetation

Item: Planning Matter

Distribution: Public

Manager: Frank Vassilacos, Director Planning, Environment and Strategy

Author: Renae Ahern, Manager Planning and Environmental Health

Application summary

Address of the land	17-29 Butlers Road, Plenty
Site area	2.05 hectares
Proposal	13 lot subdivision, works and removal of native vegetation
Application number	714/2023/14P
Date lodged	7 September 2023
Applicant	Apex Town Planning
Zoning	Neighbourhood Residential Zone
Overlay(s)	Bushfire Management Overlay Design and Development Overlay (Schedule 3)
Reason for being reported	Called in by Ward Councillor.
Number of objections	23
Key issues	<ul style="list-style-type: none">• Subdivision layout and design• Native vegetation impacts• Neighbourhood Character• Bushfire Planning

6. Planning Matters

PCC.003/26 Planning Permit Application 714/2023/14P - 13 lot subdivision, works and removal of native vegetation

Location map



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

- 1 Jason Sumner on behalf of permit applicant Greg Zuccala
- 2 Greg Zuccala on behalf of mother Paolina Zuccala

6. Planning Matters

PCC.003/26 Planning Permit Application 714/2023/14P - 13 lot subdivision, works and removal of native vegetation

Recommendation

That the Committee (under delegation from Council) issue a Notice of Decision to Grant a Permit to the land located at 17-29 Butlers Road, Plenty, for the 13 lot subdivision, works and removal of native vegetation, in accordance with the submitted plans and subject to the following conditions

1. Before the plan of subdivision is certified under the Subdivision Act 1988, before any subdivisional works commence, and before any native vegetation is removed, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved. When approved, the plans will be endorsed and will then form part of the permit. The plans must be modified to show:
 - a) The location of all proposed stormwater pits, together with setbacks from retained trees and nominated tree protection zones within the road reserve and Lot 1.
 - b) Proposed stormwater assets to be reflected on sheets C201, C202, and C203 of the development plans.
 - c) Notation to state that the stormwater pipe network will be installed using non-destructive boring to the satisfaction of the project Arborist and the Responsible Authority.
 - d) The word 'concept' removed from the plans.
 - e) An updated stormwater management strategy in accordance with the plan dated 23 September 2025 prepared by Stefan Yance from Stantec Australia Pty Ltd.
 - f) The building envelopes dimensioned on sheets C202 and C203 of the development plans.
 - g) The building envelopes on all lots to be setback a minimum of 1.5 metres from side boundaries.
 - h) All lots to have a 3-metre wide by 6-metre-long driveway envelopes shown. The driveway envelope must align with the crossovers shown for each lot.
 - i) Construction plans per condition 3a.
 - j) A landscape plan per condition 3f.
 - k) Tree Protection Zone fencing plan per condition 3g.
 - l) Tree Protection Management Plan per condition 3i.
 - m) The requirements of condition 14 (DECCA condition).
 - n) An amended bushfire management plan in accordance with CFA condition 40 and the tree clumping to be consistent with the site plans.
 - o) The trees to be retained clearly shown and notated as such.
 - p) A formal plan of subdivision.

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2. The subdivision, vegetation removal and works allowed by this permit and shown on the plans endorsed to accompany the permit must not be amended for any reason unless with the prior written consent of the Responsible Authority.
3. Prior to the subdivisional works commencing, including the removal of native vegetation, the requirements of the following conditions must be met to the satisfaction of the Responsible Authority:
 - a. Construction plans must be submitted to and be endorsed by the Responsible Authority for drainage works, full road construction, vehicle crossings, provision of service conduits, street signs, footpaths on one side of the road and street lighting. The construction plans must be prepared in accordance with Nillumbik Shire Council's Standard Drawings, Austroads design guidelines and relevant Australian Standards to the satisfaction of the Responsible Authority. The works must be designed by a qualified Engineer and checked by a Registered Professional Engineer. The Registered Professional Engineers full name and registration details must be included on every sheet.
 - b. The Construction Plans must be designed to minimise damage to existing vegetation required to be retained on-site, and the construction work must be carried out in accordance with the approved plans under Council supervision. The construction works must be completed to the satisfaction of the Responsible Authority, prior to issuing a Statement of Compliance.
 - c. The Construction Plans must be designed to minimise damage to existing vegetation required to be retained on site, and the construction work must be carried out in accordance with the approved plans. Each lot shown on the plan of subdivision shall be drained in accordance with the plans and specifications endorsed by the Responsible Authority. Such drainage works must be designed by a qualified engineer and submitted to the Responsible Authority for approval.
 - d. Construction of the drainage works must be carried out in accordance with the Council's specifications and under Council supervision and be completed to the satisfaction of the Responsible Authority prior to issuing a Statement of Compliance.
 - e. The nominated point of stormwater discharge is outside of the development site and requires the construction of drainage works outside the boundaries of the site. Such drainage works must be designed by a qualified engineer and approved by a registered professional engineer and plans and computations must be submitted to the Responsible Authority (Nillumbik Shire) for approval prior to the commencement of the development. Plans must detail underground drains, types and sizes of drainage pits, drainage longitudinal sections, pit schedule, etc. for approval. The construction plans and computations are to be prepared in accordance with Nillumbik Shire Council's Standard Drawings.
 - f. A landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show (but not be limited to):
 - i. Details of all landscaping and planting to be carried out within the road

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reserves and lots;

- ii. A schedule of all existing and proposed trees, shrubs/small trees and ground cover. This schedule shall include plants selected from the Council document "Live Local Plant Local" showing the botanical and common name of each plant, the quantity to be planted, the pot size and spacing;
- iii. The location of each species to be planted and the location of all areas to be covered by grass;
- iv. Details of landscaping to the west of the proposed retaining wall to the western end of the site;
- v. Provision of two (2) native canopy trees on each lot that are setback a minimum of 1 metre from a boundary and selected from the following species:
 - *Eucalyptus leucoxylon* (Yellow Gum)
 - *Eucalyptus melliodora* (Yellow Box)
 - *Eucalyptus polyanthemos* (Red Box)
 - *Eucalyptus radiata* (Narrow-leaved Peppermint)
 - *Eucalyptus rubida* (Candlebark)
- vi. Planting must be in accordance with Council's Live Local Plant Local document; and
- vii. Landscaping to be compliant with the requirements of the Bushfire Management Plan (BMP).
- g. The trees marked on the endorsed plans as being retained must have a Tree Protection Zone (TPZ) in accordance with the requirements of Australian Standard AS4970 (2009) to the satisfaction of the Responsible Authority. Additionally, the fencing associated with this TPZ must meet the following requirements:

i. Extent

The tree protection fencing is to be provided to the extent of the identified Tree Protection Zone, calculated as being a radius of 12 x Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009).

If works are shown on any endorsed plan of this permit within the confines of the calculated Tree Protection Zone, then the Tree Protection Fencing must be taken in to only the minimum amount necessary to allow the works to be completed.

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ii. Fencing

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

iii. Signage

Fixed signs are to be provided on all visible sides of the Tree Protection Fence clearly stating "Tree Protection Zone – No Entry", to the satisfaction of the Responsible Authority.

iv. Provision of Services

All services (including water, electricity, and telephone) should be installed underground, and located outside of any Tree Protection Zone, wherever practically possible. If underground services are to be routed within an established Tree Protection Zone, they must be installed by directional boring with the top of the bore to be a minimum depth of 600 millimetres below the existing grade, to the satisfaction of the Responsible Authority. Bore pits must be located outside the Tree Protection Zone or manually excavated without damage to roots, to the satisfaction of the responsible authority.

v. Access to Tree Protection Zone

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

vi. Supervision of Works

All works within Tree Protection Zones must be supervised by a suitably qualified arborist. Any roots <40mm in diameter uncovered are pruned with shar/sterile hand tools and wrapped in damp hessian by a qualified arborist.

Mulch (organic/composted type) is laid to a depth of 75-100 millimetres within the Tree Protection Zones of retained trees.

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

- i. Materials or equipment stored within the zone;
- ii. Servicing and refuelling of equipment and vehicles;
- iii. Storage of fuel, oil dumps or chemicals;

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- iv. Attachment of any device to any tree (including temporary service wires, nails, screws or any other fixing device);
 - v. Open cut trenching or excavation works (whether or not for laying of services);
 - vi. Changes to the soil grade level;
 - vii. Temporary buildings and works; and
 - viii. Unauthorised entry by any person, vehicle or machinery.
- i. Before the commencement of any subdivisional works, including demolition or removal of vegetation, a Tree Protection Plan (drawing) and Tree Management Plan (report) must be submitted to and be endorsed by the Responsible Authority. The Tree Management and Protection Plan must include all trees proposed to be retained on site. The Tree Management and Protection Plan must be in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees within the proposed reserve and trees to be retained on lots 49-54 are to be protected remain viable post-construction. The Tree Protection and Management Plan must consist of:
- i. The Tree Management plan (report) must be prepared by a suitably qualified arborist, reference the Tree Protection Plan (drawing) and provide details of:
 - ii. Any non-destructive root investigation previously undertaken or as directed as a condition of this permit in accordance with AS4970-2009 to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
 - iii. Proposed footings and construction methods for any buildings or structures (including but not limited to, driveways, paths retaining walls or other hard infrastructure) within the Tree Protection Zones nominated on the Tree Protection Plan.
 - iv. Details of suitable driveway materials and construction methods (i.e. permeable paving above grade) and the timing of works within the tree protection zones.
 - v. How excavation impacts, including soil level changes, within the Tree Protection Zones of trees to be retained will be managed or minimised.
 - vi. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - vii. Appropriate methods of certification by a suitably qualified Arborist of the required tree protection measures during the development including details of site visits, actions and photographic evidence
4. Prior to the issuing of a Statement of Compliance, the requirements of the following conditions must be met to the satisfaction of the Responsible Authority, unless with the written consent of the Responsible Authority:

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- a. The owner must enter into an agreement with the Responsible Authority in accordance with Section 173 of the *Planning and Environment Act 1987*. The agreement must provide for, without the prior written consent of Council:
 - i. State that it has been prepared for the purpose of an exemption for a planning permit under Clause 44.06-2 of the Nillumbik Planning Scheme.
 - ii. Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
 - iii. State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.
 - iv. The requirements of condition 40.
 - v. All buildings and works are to be contained within the nominated building envelopes.
 - vi. No buildings or works (including earthworks, outbuildings, swimming pools, tennis courts or other related structures) are to be located outside of the Building Envelopes shown on the endorsed plans.
 - vii. Trees shown on the endorsed subdivision plans as listed for retention must not be removed, damaged, destroyed, felled, lopped or uprooted unless with the prior written consent from the Responsible Authority or in the case that a planning permit is required, a planning permit is issued.
 - viii. Prior to the commencement of any buildings and works on the lots, including the construction of a dwelling, temporary tree protection fencing must be constructed around the tree protection zones of the trees to be retained.
 - ix. The following actions must not be undertaken in any tree protection zones as identified in this permit, to the satisfaction of the Responsible Authority:
 - Materials or equipment stored within the zone;
 - Servicing and refuelling of equipment and vehicles;
 - Storage of fuel, oil dumps or chemicals;
 - Attachment of any device to any tree (including temporary service wires, nails, screws or any other fixing device);
 - Open cut trenching or excavation works (whether or not for laying of services);
 - Changes to the soil grade level;
 - Temporary buildings and works; and
 - Unauthorised entry by any person, vehicle or machinery.
 - x. The landscaping on private lots as required by the endorsed landscape plan must be carried out within 3 months of a Certificate of Occupancy being issued for any future dwelling on individual lots to the satisfaction of the Responsible Authority.

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- xi. The landscaping as required by the endorsed landscape plan must be carried out and maintained in perpetuity to the satisfaction of the Responsible Authority.
- xii. Vehicle access for each lot must be via the approved crossover.
- xiii. All servicing and trenches must be designed, sited and constructed in a manner that avoids damage to any tree to be retained.

Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act.

The owner must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.

- b. Each lot in the subdivision must be provided with a vehicle crossing constructed to the requirements of the Nillumbik Shire Council to suit vehicles that will use the crossings. The Responsible Authority must approve the location, design and construction of the crossings. Any existing unused crossing must be removed and replaced with kerb and channel, nature strip and reinstated to the satisfaction of the Responsible Authority.
- c. The construction works must be completed to the satisfaction of the Responsible Authority. Updated As Constructed Plans must also be provided including any changes that have occurred during construction.
- d. a CCTV assessment and report of all underground drainage systems of the subdivision must be provided to the Responsible Authority at the conclusion of drainage works.
- e. Storm water drainage works are to be constructed, at no cost to Council, and must be carried out under Council supervision, in accordance with the approved plans and Council's specifications and must be carried out under Council supervision and an Infrastructure Works Permit.
- f. The owner must pay to Council a 5% cash-in-lieu open space contribution in respect to all of the land in the subdivision pursuant to Section 18 of the Subdivision Act 1988.
- g. The dam is to be backfilled with approved fill material. All water and soft or unsuitable material is to be removed from the dam prior to backfill commencing. All fill must be compacted in accordance with AS3798/2007. Fill density tests must be undertaken to ensure compliance with AS3798/2007 and a copy of this must be forwarded to Council for record purposes, all to the satisfaction of the Responsible Authority.
- h. Unless with the prior written consent of the Responsible Authority, the landscaping works shown on the endorsed plans must be carried out, completed and maintained or bonded to the satisfaction of the Responsible Authority.

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- i. The existing dwelling and any associated buildings and works must be demolished and removed from the land with the disturbed area reinstated, to the satisfaction of the Responsible Authority.
5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created, to the satisfaction of the Responsible Authority.
6. Any fill that is brought to the site must be clean fill in accordance with EPA Publication 1828.1 (Fill Material).
7. Measures must be undertaken to minimise any loss of amenity to the neighbourhood from the development caused by dust, noise, the transport of materials to and from the land and the deposit of mud and debris on public roads, to the satisfaction of the Responsible Authority.
8. Any lot shown on the endorsed plan must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the Nillumbik Planning Scheme). This does not apply to:
 - a lot that will not be used for, or include, a dwelling; or
 - a lot that contains an existing dwelling or apartment; or
 - a lot where a permit has been granted for a dwelling or apartment on the land in the lot.

This condition continues to have force and effect after a statement of compliance under the *Subdivision Act 1988* has been issued and the subdivision authorised by this permit has been completed.
9. No polluted stormwater, effluent and/or sediment laden runoff from the development site is to be discharged directly or indirectly into Council's drains, Melbourne Water's drains or watercourses or adjoining private property during any stage of the construction. Sediment fencing and/or pollution/litter traps must be installed on site and serviced accordingly to the satisfaction of the Responsible Authority.

DEECA

10. The native vegetation identified in NRVV ID 356_20241023_Q3N and permitted to be removed destroyed or lopped under this permit is 0.46 hectares of native vegetation, which is comprised of:
 - i. 0.208 hectares of native vegetation within patches, including 5 large patch trees.
 - ii. 2 scattered large trees
 - iii. 5 scattered small trees
 - iv. 0.235 hectares of past removal was identified in the NVR.
11. To offset the removal of 0.46 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal*,

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destruction or lopping of native vegetation (DELWP 2017) the permit holder must secure the following offsets:

A general offset of 0.099 general habitat units:

- i. located within the Melbourne Water Catchment Management Authority boundary or Shire of Nillumbik municipal area
 - ii. with a minimum strategic biodiversity value of at least 0.1771
 - iii. The offset(s) secured must provide protection of at least 7 large trees
12. Before any native vegetation is removed, or before the issue of a Statement of Compliance, whichever occurs first, evidence that the required offset has been secured must be provided to the satisfaction of Nillumbik Shire Council. This evidence must be the following:
- i. Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

13. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
14. Before the native vegetation removal starts, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will form part of this permit. The plans must include:
- a) A detailed description of the measures to be implemented to protect the native vegetation to be retained during constructions works, and the person/s responsible for implementation and compliance. These measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the responsible authority, including the tree protection zones of all native trees to be retained. All tree protection zones must comply with AS 4970-2009 Protection of Trees on Development Sites, to the satisfaction of the responsible authority.
15. Before works start, a native vegetation protection fence must be erected around all patches of native vegetation and scattered trees to be retained on site. This fence must be erected around the patch of native vegetation at a minimum distance of 2 metres from retained native vegetation and/or at a radius of 12 x the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of tree. The fence must be constructed of star pickets/chain mesh/or similar to the satisfaction of the responsible authority.

The fence must remain in place until all works are completed to the satisfaction of the responsible authority.

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16. Except with the written consent of the responsible authority, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
- a) Vehicular or pedestrian access
 - b) Trenching or soil excavation
 - c) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - d) Entry and exit pits for underground services
 - e) Any other actions or activities that may result in adverse impacts to retained native vegetation.

AusNet

17. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to AusNet in accordance with Section 8 of that Act.
18. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must:
- a. Show the AusNet easement fully dimensioned on all affected lots and the position of lot boundaries within the easement.
 - b. Adjust the position of the AusNet easement where necessary to accord with the position of the existing transmission lines as determined by survey.
19. Before the approval of Detailed Engineering plans, for any stage containing the AusNet Transmission easement, written consent must be obtained from AusNet as to the location of infrastructure within the AusNet easement including but not limited to wetlands, services, landscaping and fencing as shown on the Detailed Engineering plans submitted for approval.
20. Written approval must be obtained from AusNet for any new lot boundaries within the easement.
21. Written approval must be obtained from AusNet to construct any road within the easement.

Melbourne Water conditions

22. Before the plan of subdivision is certified under the *Subdivision Act 1988*, the Plan of Subdivision must be referred to Melbourne Water in accordance with Section 8 of the *Subdivision Act 1988*.
23. Before the plan of subdivision is certified under the *Subdivision Act 1988*, functional design plans of the DSS assets AD2 to AD3 as detailed in the approved Stormwater Management Plan must be submitted to and approved by Melbourne Water.
24. Before the plan of subdivision is certified under the *Subdivision Act 1988*, evidence of Council approval of a Stormwater Management Strategy by Stantec must be submitted to Melbourne Water.

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25. Before the plan of subdivision is certified under *the Subdivision Act 1988*, evidence of a Council approved Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water.
26. Before the commencement of any stormwater connection works to a Melbourne Water drain, a separate application direct to Melbourne Water must be made for the approval of any new or modified stormwater connection to Melbourne Water's drains or watercourses.
27. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, the required Dry Creek DSS assets and works including Outfall Pipe AD2# to AD3# as detailed within the approved Stormwater Management Plan must be completed to the satisfaction of Melbourne Water.
28. Before the Statement of Compliance is issued under the *Subdivision Act 1988* engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water. These plans must show road and drainage details and any overland flow paths for the 1% AEP storm event.
29. Before the Statement of Compliance is issued under the *Subdivision Act 1988* for the first stage of the subdivision, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and stormwater from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
30. Before a Statement of Compliance for the plan of subdivision is issued under the *Subdivision Act 1988*, Melbourne Water requires evidence demonstrating that appropriate drainage solutions have been implemented to mitigate the risk to downstream landowners. Council acceptance of any drainage infrastructure must be forwarded to Melbourne Water.
31. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or watercourses.
32. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined in section 8 of the *Guidelines for Development in Flood Affected Areas* (DELWP 2019), or where appropriate to Council's requirements and standards.
33. All new lots must achieve appropriate freeboard in relation to local overland flow paths to Council's satisfaction.
34. Local drainage must be to the satisfaction of Council.
35. The approved Stormwater Management Strategy must be implemented (including the construction of relevant works) to the satisfaction of Melbourne Water and the responsible authority.

Yarra Valley Water

36. The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.

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37. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.

Telecommunications conditions

38. The owner of the land must enter into an agreement with:
- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
39. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

CFA Conditions

40. An amended Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed the Bushfire Management Plan must be included as an annexure to the section 173 agreement prepared to give effect to clause 44.06-5 of the Planning Scheme and not be altered unless agreed to in writing by CFA and the Responsible Authority.

The plan must be generally in accordance with the plan prepared by Terramatrix, version 1.7, dated 16th December 2024 (contained on Page 20 and 21 of the Bushfire Management Statement, dated December 2024 prepared by the same) but amended to include Tree 9 within the clump shown on Lot 13 and listed in the bushfire protection measures, ie- replace the following vegetation management requirement:

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“The canopy of trees must be separated by at least 5m, except for a clump of trees (trees 33 and 34) to be canopy separation from tree 9”

with

“The canopy of trees must be separated by at least 5m. except for tree 32, the tree clumps containing trees 8-11, 33-34 and 35,36 and 40 inclusive.”

41. In addition to the requirements of Clause 44.06-5 of the Scheme, the section 173 Agreement prepared in accordance with that clause must also:
- i. Note that the subdivision includes areas of shared defensible space. These are areas where a lot owner maintains the defensible space on their land for the benefit of themselves and the owners of other lots.
 - ii. Require that the defensible space shown on the endorsed Bushfire Management Plan must be implemented and maintained on an ongoing basis to the satisfaction of the Responsible Authority, regardless of whether there is a dwelling constructed on that land or not.
42. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:
- a. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
 - b. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.
43. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority and the relevant fire authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.
44. This permit will expire if one of the following circumstances applies:
- a) A plan of subdivision is not certified within two years of the issue date of this permit;
 - b) A plan of subdivision is not registered at Land Victoria within five years of the original certification date.

The responsible authority may extend the time for certification if a request is made in writing before the expiry of the permit or within 6 months afterwards.

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Permit Note:

- Before any works on public land start, a permit to take protected flora under the Flora and Fauna Guarantee (FFG) Act 1988 may be required. An application can be obtained from [www.deeca.vic.gov.au /conserving-threatened-species/protected-flora-and-listed-fish](http://www.deeca.vic.gov.au/conserving-threatened-species/protected-flora-and-listed-fish), under Protected flora permit. To obtain an FFG permit or further information, please contact a Natural Environment Program officer in the nep.ppr@delwp.vic.gov.au.
- The granting of this permit does not exempt the holder of a permit from the requirements of other Commonwealth and State legislation or policy.
- Landowners remain responsible for managing risks to wildlife on their land and for ensuring that management actions do not contravene the Wildlife Act 1975 (Wildlife Act) and Prevention of Cruelty to Animals Act 1986. To obtain an Authority to Control Wildlife or further information on obligations and approvals under the Wildlife Act, please contact DEECA's Office of the Conservation Regulator on: atcw.portphillipregion@deeca.vic.gov.au
- CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au)
- During the course of the approved construction work, a copy of this permit and the endorsed plan(s) must be kept on-site and made available for inspection by Council officers.
- Failure to undertake the requisite tree protection fencing in accordance with the conditions of this permit will result in the issuing of Planning Infringement Notices to the land owner, occupant (if this is a different person), and the person or company undertaking the works on-site. The minimum penalty on the Planning Infringement Notice for individuals is \$1018, for companies is \$2035 and greater penalties may apply if the matter proceeds to Magistrates Court.
- During the course of the approved construction work, including tree removal, a copy of this permit and the endorsed plan(s) must be kept on-site and made available for inspection by Council officers.
- Failure to undertake the vegetation removal in accordance with this permit will result in the issuing of Planning Infringement Notices to the landowner, occupant (if this is a different person), and the person or company undertaking the tree removal works. The minimum penalty on the Planning Infringement Notice for land owners and occupants will be \$1018 for the land owner and occupant, and \$2035 for any company which may be undertaking the tree removal works.

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- The removal of vegetation is often found by Council to generate concern amongst other community members who may not be aware that a permit has been obtained. Council therefore strongly recommends that the permit holder advise any nearby neighbours of their intention to remove the vegetation and that they have obtained permission to do so before they proceed to remove the vegetation. Failure to do so may result in Council officers being obliged to visit the land, and also potentially delay the vegetation removal process while compliance with the permit is checked.

Motion

MOVED: Cr Peter Perkins

SECONDED: Cr Kate McKay

That the Committee (under delegation from Council) issue a Notice of Decision to Grant a Permit to the land located at 17-29 Butlers Road, Plenty, for the 13 lot subdivision, works and removal of native vegetation, in accordance with the submitted plans and subject to the following conditions

1. Before the plan of subdivision is certified under the Subdivision Act 1988, before any subdivisional works commence, and before any native vegetation is removed, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved. When approved, the plans will be endorsed and will then form part of the permit. The plans must be modified to show:
 - a) The location of all proposed stormwater pits, together with setbacks from retained trees and nominated tree protection zones within the road reserve and Lot 1.
 - b) Proposed stormwater assets to be reflected on sheets C201, C202, and C203 of the development plans.
 - c) Notation to state that the stormwater pipe network will be installed using non-destructive boring to the satisfaction of the project Arborist and the Responsible Authority.
 - d) The word 'concept' removed from the plans.
 - e) An updated stormwater management strategy in accordance with the plan dated 23 September 2025 prepared by Stefan Yance from Stantec Australia Pty Ltd.
 - f) The building envelopes dimensioned on sheets C202 and C203 of the development plans.
 - g) The building envelopes on all lots to be setback a minimum of 1.5 metres from side boundaries.
 - h) All lots to have a 3-metre wide by 6-metre-long driveway envelopes shown. The driveway envelope must align with the crossovers shown for each lot.
 - i) Construction plans per condition 3a.
 - j) A landscape plan per condition 3f.

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- k) Tree Protection Zone fencing plan per condition 3g.
 - l) Tree Protection Management Plan per condition 3i.
 - m) The requirements of condition 14 (DECCA condition).
 - n) An amended bushfire management plan in accordance with CFA condition 40 and the tree clumping to be consistent with the site plans.
 - o) The trees to be retained clearly shown and notated as such.
 - p) A formal plan of subdivision.
2. The subdivision, vegetation removal and works allowed by this permit and shown on the plans endorsed to accompany the permit must not be amended for any reason unless with the prior written consent of the Responsible Authority.
3. Prior to the subdivisional works commencing, including the removal of native vegetation, the requirements of the following conditions must be met to the satisfaction of the Responsible Authority:
- a. Construction plans must be submitted to and be endorsed by the Responsible Authority for drainage works, full road construction, vehicle crossings, provision of service conduits, street signs, footpaths on one side of the road and street lighting. The construction plans must be prepared in accordance with Nillumbik Shire Council's Standard Drawings, Austroads design guidelines and relevant Australian Standards to the satisfaction of the Responsible Authority. The works must be designed by a qualified Engineer and checked by a Registered Professional Engineer. The Registered Professional Engineers full name and registration details must be included on every sheet.
 - b. The Construction Plans must be designed to minimise damage to existing vegetation required to be retained on-site, and the construction work must be carried out in accordance with the approved plans under Council supervision. The construction works must be completed to the satisfaction of the Responsible Authority, prior to issuing a Statement of Compliance.
 - c. The Construction Plans must be designed to minimise damage to existing vegetation required to be retained on site, and the construction work must be carried out in accordance with the approved plans. Each lot shown on the plan of subdivision shall be drained in accordance with the plans and specifications endorsed by the Responsible Authority. Such drainage works must be designed by a qualified engineer and submitted to the Responsible Authority for approval.
 - d. Construction of the drainage works must be carried out in accordance with the Council's specifications and under Council supervision and be completed to the satisfaction of the Responsible Authority prior to issuing a Statement of Compliance.

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- e. The nominated point of stormwater discharge is outside of the development site and requires the construction of drainage works outside the boundaries of the site. Such drainage works must be designed by a qualified engineer and approved by a registered professional engineer and plans and computations must be submitted to the Responsible Authority (Nillumbik Shire) for approval prior to the commencement of the development. Plans must detail underground drains, types and sizes of drainage pits, drainage longitudinal sections, pit schedule, etc. for approval. The construction plans and computations are to be prepared in accordance with Nillumbik Shire Council's Standard Drawings.
- f. A landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show (but not be limited to):
- i. Details of all landscaping and planting to be carried out within the road reserves and lots;
 - ii. A schedule of all existing and proposed trees, shrubs/small trees and ground cover. This schedule shall include plants selected from the Council document "Live Local Plant Local" showing the botanical and common name of each plant, the quantity to be planted, the pot size and spacing;
 - iii. The location of each species to be planted and the location of all areas to be covered by grass;
 - iv. Details of landscaping to the west of the proposed retaining wall to the western end of the site;
 - v. Provision of **a minimum of two (2) native canopy trees** on each lot that are setback a minimum of 1 metre from a boundary and selected from the following species:
 - *Eucalyptus leucoxylon* (Yellow Gum)
 - *Eucalyptus melliodora* (Yellow Box)
 - *Eucalyptus polyanthemos* (Red Box)
 - *Eucalyptus radiata* (Narrow-leaved Peppermint)
 - *Eucalyptus rubida* (Candlebark)
 - vi. Planting must be in accordance with Council's Live Local Plant Local document; and
 - vii. Landscaping to be compliant with the requirements of the Bushfire Management Plan (BMP).
- g. The trees marked on the endorsed plans as being retained must have a Tree Protection Zone (TPZ) in accordance with the requirements of Australian Standard AS4970 (2009) to the satisfaction of the Responsible Authority. Additionally, the fencing associated with this TPZ must meet the following requirements:

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i. Extent

The tree protection fencing is to be provided to the extent of the identified Tree Protection Zone, calculated as being a radius of 12 x Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009).

If works are shown on any endorsed plan of this permit within the confines of the calculated Tree Protection Zone, then the Tree Protection Fencing must be taken in to only the minimum amount necessary to allow the works to be completed.

ii. Fencing

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

iii. Signage

Fixed signs are to be provided on all visible sides of the Tree Protection Fence clearly stating “Tree Protection Zone – No Entry”, to the satisfaction of the Responsible Authority.

iv. Provision of Services

All services (including water, electricity, and telephone) should be installed underground, and located outside of any Tree Protection Zone, wherever practically possible. If underground services are to be routed within an established Tree Protection Zone, they must be installed by directional boring with the top of the bore to be a minimum depth of 600 millimetres below the existing grade, to the satisfaction of the Responsible Authority. Bore pits must be located outside the Tree Protection Zone or manually excavated without damage to roots, to the satisfaction of the responsible authority.

v. Access to Tree Protection Zone

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

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- vi. Supervision of Works

All works within Tree Protection Zones must be supervised by a suitably qualified arborist. Any roots <40mm in diameter uncovered are pruned with shar/sterile hand tools and wrapped in damp hessian by a qualified arborist.

Mulch (organic/composted type) is laid to a depth of 75-100 millimetres within the Tree Protection Zones of retained trees.
- h. The following actions must not be undertaken in any tree protection zone as identified in this permit, to the satisfaction of the Responsible Authority:
 - i. Materials or equipment stored within the zone;
 - ii. Servicing and refuelling of equipment and vehicles;
 - iii. Storage of fuel, oil dumps or chemicals;
 - iv. Attachment of any device to any tree (including temporary service wires, nails, screws or any other fixing device);
 - v. Open cut trenching or excavation works (whether or not for laying of services);
 - vi. Changes to the soil grade level;
 - vii. Temporary buildings and works; and
 - viii. Unauthorised entry by any person, vehicle or machinery.
- i. Before the commencement of any subdivisional works, including demolition or removal of vegetation, a Tree Protection Plan (drawing) and Tree Management Plan (report) must be submitted to and be endorsed by the Responsible Authority. The Tree Management and Protection Plan must include all trees proposed to be retained on site. The Tree Management and Protection Plan must be in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees within the proposed reserve and trees to be retained on lots 49-54 are to be protected remain viable post-construction. The Tree Protection and Management Plan must consist of:
 - i. The Tree Management plan (report) must be prepared by a suitably qualified arborist, reference the Tree Protection Plan (drawing) and provide details of:
 - ii. Any non-destructive root investigation previously undertaken or as directed as a condition of this permit in accordance with AS4970-2009 to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
 - iii. Proposed footings and construction methods for any buildings or structures (including but not limited to, driveways, paths retaining walls or other hard infrastructure) within the Tree Protection Zones nominated on the Tree Protection Plan.

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- iv. Details of suitable driveway materials and construction methods (i.e. permeable paving above grade) and the timing of works within the tree protection zones.
 - v. How excavation impacts, including soil level changes, within the Tree Protection Zones of trees to be retained will be managed or minimised.
 - vi. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - vii. Appropriate methods of certification by a suitably qualified Arborist of the required tree protection measures during the development including details of site visits, actions and photographic evidence
4. Prior to the issuing of a Statement of Compliance, the requirements of the following conditions must be met to the satisfaction of the Responsible Authority, unless with the written consent of the Responsible Authority:
- a. The owner must enter into an agreement with the Responsible Authority in accordance with Section 173 of the *Planning and Environment Act 1987*. The agreement must provide for, without the prior written consent of Council:
 - i. State that it has been prepared for the purpose of an exemption for a planning permit under Clause 44.06-2 of the Nillumbik Planning Scheme.
 - ii. Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
 - iii. State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.
 - iv. The requirements of condition 40.
 - v. All buildings and works are to be contained within the nominated building envelopes.
 - vi. No buildings or works (including earthworks, outbuildings, swimming pools, tennis courts or other related structures) are to be located outside of the Building Envelopes shown on the endorsed plans.
 - vii. Trees shown on the endorsed subdivision plans as listed for retention must not be removed, damaged, destroyed, felled, lopped or uprooted unless with the prior written consent from the Responsible Authority or in the case that a planning permit is required, a planning permit is issued.
 - viii. Prior to the commencement of any buildings and works on the lots, including the construction of a dwelling, temporary tree protection fencing must be constructed around the tree protection zones of the trees to be retained.
 - ix. The following actions must not be undertaken in any tree protection zones as identified in this permit, to the satisfaction of the Responsible Authority:

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- Materials or equipment stored within the zone;
 - Servicing and refuelling of equipment and vehicles;
 - Storage of fuel, oil dumps or chemicals;
 - Attachment of any device to any tree (including temporary service wires, nails, screws or any other fixing device);
 - Open cut trenching or excavation works (whether or not for laying of services);
 - Changes to the soil grade level;
 - Temporary buildings and works; and
 - Unauthorised entry by any person, vehicle or machinery.
- x. The landscaping on private lots as required by the endorsed landscape plan must be carried out within 3 months of a Certificate of Occupancy being issued for any future dwelling on individual lots to the satisfaction of the Responsible Authority.
- xi. The landscaping as required by the endorsed landscape plan must be carried out and maintained in perpetuity to the satisfaction of the Responsible Authority.
- xii. Vehicle access for each lot must be via the approved crossover.
- xiii. All servicing and trenches must be designed, sited and constructed in a manner that avoids damage to any tree to be retained.

Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act.

The owner must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.

- b. Each lot in the subdivision must be provided with a vehicle crossing constructed to the requirements of the Nillumbik Shire Council to suit vehicles that will use the crossings. The Responsible Authority must approve the location, design and construction of the crossings. Any existing unused crossing must be removed and replaced with kerb and channel, nature strip and reinstated to the satisfaction of the Responsible Authority.
- c. The construction works must be completed to the satisfaction of the Responsible Authority. Updated As Constructed Plans must also be provided including any changes that have occurred during construction.
- d. a CCTV assessment and report of all underground drainage systems of the subdivision must be provided to the Responsible Authority at the conclusion of drainage works.

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- e. Storm water drainage works are to be constructed, at no cost to Council, and must be carried out under Council supervision, in accordance with the approved plans and Council's specifications and must be carried out under Council supervision and an Infrastructure Works Permit.
 - f. The owner must pay to Council a 5% cash-in-lieu open space contribution in respect to all of the land in the subdivision pursuant to Section 18 of the Subdivision Act 1988.
 - g. The dam is to be backfilled with approved fill material. All water and soft or unsuitable material is to be removed from the dam prior to backfill commencing. All fill must be compacted in accordance with AS3798/2007. Fill density tests must be undertaken to ensure compliance with AS3798/2007 and a copy of this must be forwarded to Council for record purposes, all to the satisfaction of the Responsible Authority.
 - h. Unless with the prior written consent of the Responsible Authority, the landscaping works shown on the endorsed plans must be carried out, completed and maintained or bonded to the satisfaction of the Responsible Authority.
 - i. The existing dwelling and any associated buildings and works must be demolished and removed from the land with the disturbed area reinstated, to the satisfaction of the Responsible Authority.
5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created, to the satisfaction of the Responsible Authority.
 6. Any fill that is brought to the site must be clean fill in accordance with EPA Publication 1828.1 (Fill Material).
 7. Measures must be undertaken to minimise any loss of amenity to the neighbourhood from the development caused by dust, noise, the transport of materials to and from the land and the deposit of mud and debris on public roads, to the satisfaction of the Responsible Authority.
 8. Any lot shown on the endorsed plan must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the Nillumbik Planning Scheme). This does not apply to:
 - a lot that will not be used for, or include, a dwelling; or
 - a lot that contains an existing dwelling or apartment; or
 - a lot where a permit has been granted for a dwelling or apartment on the land in the lot.

This condition continues to have force and effect after a statement of compliance under the *Subdivision Act 1988* has been issued and the subdivision authorised by this permit has been completed.

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9. No polluted stormwater, effluent and/or sediment laden runoff from the development site is to be discharged directly or indirectly into Council's drains, Melbourne Water's drains or watercourses or adjoining private property during any stage of the construction. Sediment fencing and/or pollution/litter traps must be installed on site and serviced accordingly to the satisfaction of the Responsible Authority.

DEECA

10. The native vegetation identified in NRVV ID 356_20241023_Q3N and permitted to be removed destroyed or lopped under this permit is 0.46 hectares of native vegetation, which is comprised of:
- i. 0.208 hectares of native vegetation within patches, including 5 large patch trees.
 - ii. 2 scattered large trees
 - iii. 5 scattered small trees
 - iv. 0.235 hectares of past removal was identified in the NVR.
11. To offset the removal of 0.46 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) the permit holder must secure the following offsets:
- A general offset of 0.099 general habitat units:
- i. located within the Melbourne Water Catchment Management Authority boundary or Shire of Nillumbik municipal area
 - ii. with a minimum strategic biodiversity value of at least 0.1771
 - iii. The offset(s) secured must provide protection of at least 7 large trees
12. Before any native vegetation is removed, or before the issue of a Statement of Compliance, whichever occurs first, evidence that the required offset has been secured must be provided to the satisfaction of Nillumbik Shire Council. This evidence must be the following:
- i. Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
- A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.
13. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
14. Before the native vegetation removal starts, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will form part of this permit. The plans must include:

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- a) A detailed description of the measures to be implemented to protect the native vegetation to be retained during constructions works, and the person/s responsible for implementation and compliance. These measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the responsible authority, including the tree protection zones of all native trees to be retained. All tree protection zones must comply with AS 4970-2009 Protection of Trees on Development Sites, to the satisfaction of the responsible authority.
15. Before works start, a native vegetation protection fence must be erected around all patches of native vegetation and scattered trees to be retained on site. This fence must be erected around the patch of native vegetation at a minimum distance of 2 metres from retained native vegetation and/or at a radius of 12 x the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of tree. The fence must be constructed of star pickets/chain mesh/or similar to the satisfaction of the responsible authority. The fence must remain in place until all works are completed to the satisfaction of the responsible authority.
16. Except with the written consent of the responsible authority, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - a) Vehicular or pedestrian access
 - b) Trenching or soil excavation
 - c) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - d) Entry and exit pits for underground services
 - e) Any other actions or activities that may result in adverse impacts to retained native vegetation.

AusNet

17. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to AusNet in accordance with Section 8 of that Act.
18. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must:
 - a. Show the AusNet easement fully dimensioned on all affected lots and the position of lot boundaries within the easement.
 - b. Adjust the position of the AusNet easement where necessary to accord with the position of the existing transmission lines as determined by survey.
19. Before the approval of Detailed Engineering plans, for any stage containing the AusNet Transmission easement, written consent must be obtained from AusNet as to the location of infrastructure within the AusNet easement including but not limited to wetlands, services, landscaping and fencing as shown on the Detailed Engineering plans submitted for approval.

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20. Written approval must be obtained from AusNet for any new lot boundaries within the easement.
21. Written approval must be obtained from AusNet to construct any road within the easement.

Melbourne Water conditions

22. Before the plan of subdivision is certified under the *Subdivision Act 1988*, the Plan of Subdivision must be referred to Melbourne Water in accordance with Section 8 of the Subdivision Act 1988.
23. Before the plan of subdivision is certified under the *Subdivision Act 1988*, functional design plans of the DSS assets AD2 to AD3 as detailed in the approved Stormwater Management Plan must be submitted to and approved by Melbourne Water.
24. Before the plan of subdivision is certified under the *Subdivision Act 1988*, evidence of Council approval of a Stormwater Management Strategy by Stantec must be submitted to Melbourne Water.
25. Before the plan of subdivision is certified under *the Subdivision Act 1988*, evidence of a Council approved Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water.
26. Before the commencement of any stormwater connection works to a Melbourne Water drain, a separate application direct to Melbourne Water must be made for the approval of any new or modified stormwater connection to Melbourne Water's drains or watercourses.
27. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, the required Dry Creek DSS assets and works including Outfall Pipe AD2# to AD3# as detailed within the approved Stormwater Management Plan must be completed to the satisfaction of Melbourne Water.
28. Before the Statement of Compliance is issued under the *Subdivision Act 1988* engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water. These plans must show road and drainage details and any overland flow paths for the 1% AEP storm event.
29. Before the Statement of Compliance is issued under the *Subdivision Act 1988* for the first stage of the subdivision, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and stormwater from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
30. Before a Statement of Compliance for the plan of subdivision is issued under the *Subdivision Act 1988*, Melbourne Water requires evidence demonstrating that appropriate drainage solutions have been implemented to mitigate the risk to downstream landowners. Council acceptance of any drainage infrastructure must be forwarded to Melbourne Water.

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31. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or watercourses.
32. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined in section 8 of the *Guidelines for Development in Flood Affected Areas* (DELWP 2019), or where appropriate to Council's requirements and standards.
33. All new lots must achieve appropriate freeboard in relation to local overland flow paths to Council's satisfaction.
34. Local drainage must be to the satisfaction of Council.
35. The approved Stormwater Management Strategy must be implemented (including the construction of relevant works) to the satisfaction of Melbourne Water and the responsible authority.

Yarra Valley Water

36. The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.
37. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.

Telecommunications conditions

38. The owner of the land must enter into an agreement with:
 - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
39. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
 - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

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CFA Conditions

40. An amended Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed the Bushfire Management Plan must be included as an annexure to the section 173 agreement prepared to give effect to clause 44.06-5 of the Planning Scheme and not be altered unless agreed to in writing by CFA and the Responsible Authority.

The plan must be generally in accordance with the plan prepared by Terramatrix, version 1.7, dated 16th December 2024 (contained on Page 20 and 21 of the Bushfire Management Statement, dated December 2024 prepared by the same) but amended to include Tree 9 within the clump shown on Lot 13 and listed in the bushfire protection measures, ie- replace the following vegetation management requirement:

“The canopy of trees must be separated by at least 5m, except for a clump of trees (trees 33 and 34) to be canopy separation from tree 9”

with

“The canopy of trees must be separated by at least 5m. except for tree 32, the tree clumps containing trees 8-11, 33-34 and 35,36 and 40 inclusive.”

41. In addition to the requirements of Clause 44.06-5 of the Scheme, the section 173 Agreement prepared in accordance with that clause must also:
- i. Note that the subdivision includes areas of shared defendable space. These are areas where a lot owner maintains the defendable space on their land for the benefit of themselves and the owners of other lots.
 - ii. Require that the defendable space shown on the endorsed Bushfire Management Plan must be implemented and maintained on an ongoing basis to the satisfaction of the Responsible Authority, regardless of whether there is a dwelling constructed on that land or not.
42. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:
- a. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
 - b. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.
43. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority and the relevant fire authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

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

- a) A plan of subdivision is not certified within two years of the issue date of this permit;
- b) A plan of subdivision is not registered at Land Victoria within five years of the original certification date.

The responsible authority may extend the time for certification if a request is made in writing before the expiry of the permit or within 6 months afterwards.

Permit Note:

- Before any works on public land start, a permit to take protected flora under the Flora and Fauna Guarantee (FFG) Act 1988 may be required. An application can be obtained from [www.deeca.vic.gov.au /conserving-threatened-species/protected-flora-and-listed-fish](http://www.deeca.vic.gov.au/conserving-threatened-species/protected-flora-and-listed-fish), under Protected flora permit. To obtain an FFG permit or further information, please contact a Natural Environment Program officer in the nep.ppr@delwp.vic.gov.au.
- The granting of this permit does not exempt the holder of a permit from the requirements of other Commonwealth and State legislation or policy.
- Landowners remain responsible for managing risks to wildlife on their land and for ensuring that management actions do not contravene the Wildlife Act 1975 (Wildlife Act) and Prevention of Cruelty to Animals Act 1986. To obtain an Authority to Control Wildlife or further information on obligations and approvals under the Wildlife Act, please contact DEECA's Office of the Conservation Regulator on: atcw.port Phillipregion@deeca.vic.gov.au
- CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au)
- During the course of the approved construction work, a copy of this permit and the endorsed plan(s) must be kept on-site and made available for inspection by Council officers.
- Failure to undertake the requisite tree protection fencing in accordance with the conditions of this permit will result in the issuing of Planning Infringement Notices to the land owner, occupant (if this is a different person), and the person or company undertaking the works on-site. The minimum penalty on the Planning Infringement Notice for individuals is \$1018, for companies is \$2035 and greater penalties may apply if the matter proceeds to Magistrates Court.
- During the course of the approved construction work, including tree removal, a copy of this permit and the endorsed plan(s) must be kept on-site and made available for inspection by Council officers.

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- Failure to undertake the vegetation removal in accordance with this permit will result in the issuing of Planning Infringement Notices to the landowner, occupant (if this is a different person), and the person or company undertaking the tree removal works. The minimum penalty on the Planning Infringement Notice for land owners and occupants will be \$1018 for the land owner and occupant, and \$2035 for any company which may be undertaking the tree removal works.
- The removal of vegetation is often found by Council to generate concern amongst other community members who may not be aware that a permit has been obtained. Council therefore strongly recommends that the permit holder advise any nearby neighbours of their intention to remove the vegetation and that they have obtained permission to do so before they proceed to remove the vegetation. Failure to do so may result in Council officers being obliged to visit the land, and also potentially delay the vegetation removal process while compliance with the permit is checked.

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

Committee Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Kate McKay

That the Committee (under delegation from Council) issue a Notice of Decision to Grant a Permit to the land located at 17-29 Butlers Road, Plenty, for the 13 lot subdivision, works and removal of native vegetation, in accordance with the submitted plans and subject to the following conditions

1. Before the plan of subdivision is certified under the Subdivision Act 1988, before any subdivisional works commence, and before any native vegetation is removed, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved. When approved, the plans will be endorsed and will then form part of the permit. The plans must be modified to show:
 - a) The location of all proposed stormwater pits, together with setbacks from retained trees and nominated tree protection zones within the road reserve and Lot 1.
 - b) Proposed stormwater assets to be reflected on sheets C201, C202, and C203 of the development plans.
 - c) Notation to state that the stormwater pipe network will be installed using non-destructive boring to the satisfaction of the project Arborist and the Responsible Authority.
 - d) The word 'concept' removed from the plans.

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- e) An updated stormwater management strategy in accordance with the plan dated 23 September 2025 prepared by Stefan Yance from Stantec Australia Pty Ltd.
 - f) The building envelopes dimensioned on sheets C202 and C203 of the development plans.
 - g) The building envelopes on all lots to be setback a minimum of 1.5 metres from side boundaries.
 - h) All lots to have a 3-metre wide by 6-metre-long driveway envelopes shown. The driveway envelope must align with the crossovers shown for each lot.
 - i) Construction plans per condition 3a.
 - j) A landscape plan per condition 3f.
 - k) Tree Protection Zone fencing plan per condition 3g.
 - l) Tree Protection Management Plan per condition 3i.
 - m) The requirements of condition 14 (DECCA condition).
 - n) An amended bushfire management plan in accordance with CFA condition 40 and the tree clumping to be consistent with the site plans.
 - o) The trees to be retained clearly shown and notated as such.
 - p) A formal plan of subdivision.
2. The subdivision, vegetation removal and works allowed by this permit and shown on the plans endorsed to accompany the permit must not be amended for any reason unless with the prior written consent of the Responsible Authority.
3. Prior to the subdivisional works commencing, including the removal of native vegetation, the requirements of the following conditions must be met to the satisfaction of the Responsible Authority:
- a. Construction plans must be submitted to and be endorsed by the Responsible Authority for drainage works, full road construction, vehicle crossings, provision of service conduits, street signs, footpaths on one side of the road and street lighting. The construction plans must be prepared in accordance with Nillumbik Shire Council's Standard Drawings, Austroads design guidelines and relevant Australian Standards to the satisfaction of the Responsible Authority. The works must be designed by a qualified Engineer and checked by a Registered Professional Engineer. The Registered Professional Engineers full name and registration details must be included on every sheet.
 - b. The Construction Plans must be designed to minimise damage to existing vegetation required to be retained on-site, and the construction work must be carried out in accordance with the approved plans under Council supervision. The construction works must be completed to the satisfaction of the Responsible Authority, prior to issuing a Statement of Compliance.

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- c. The Construction Plans must be designed to minimise damage to existing vegetation required to be retained on site, and the construction work must be carried out in accordance with the approved plans. Each lot shown on the plan of subdivision shall be drained in accordance with the plans and specifications endorsed by the Responsible Authority. Such drainage works must be designed by a qualified engineer and submitted to the Responsible Authority for approval.
- d. Construction of the drainage works must be carried out in accordance with the Council's specifications and under Council supervision and be completed to the satisfaction of the Responsible Authority prior to issuing a Statement of Compliance.
- e. The nominated point of stormwater discharge is outside of the development site and requires the construction of drainage works outside the boundaries of the site. Such drainage works must be designed by a qualified engineer and approved by a registered professional engineer and plans and computations must be submitted to the Responsible Authority (Nillumbik Shire) for approval prior to the commencement of the development. Plans must detail underground drains, types and sizes of drainage pits, drainage longitudinal sections, pit schedule, etc. for approval. The construction plans and computations are to be prepared in accordance with Nillumbik Shire Council's Standard Drawings.
- f. A landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show (but not be limited to):
 - i. Details of all landscaping and planting to be carried out within the road reserves and lots;
 - ii. A schedule of all existing and proposed trees, shrubs/small trees and ground cover. This schedule shall include plants selected from the Council document "Live Local Plant Local" showing the botanical and common name of each plant, the quantity to be planted, the pot size and spacing;
 - iii. The location of each species to be planted and the location of all areas to be covered by grass;
 - iv. Details of landscaping to the west of the proposed retaining wall to the western end of the site;
 - v. Provision of a minimum of two (2) native canopy trees on each lot that are setback a minimum of 1 metre from a boundary and selected from the following species:
 - *Eucalyptus leucoxylon* (Yellow Gum)
 - *Eucalyptus melliodora* (Yellow Box)
 - *Eucalyptus polyanthemos* (Red Box)
 - *Eucalyptus radiata* (Narrow-leaved Peppermint)
 - *Eucalyptus rubida* (Candlebark)

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- vi. Planting must be in accordance with Council's Live Local Plant Local document; and
- vii. Landscaping to be compliant with the requirements of the Bushfire Management Plan (BMP).
- g. The trees marked on the endorsed plans as being retained must have a Tree Protection Zone (TPZ) in accordance with the requirements of Australian Standard AS4970 (2009) to the satisfaction of the Responsible Authority. Additionally, the fencing associated with this TPZ must meet the following requirements:
 - i. Extent

The tree protection fencing is to be provided to the extent of the identified Tree Protection Zone, calculated as being a radius of 12 x Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009).

If works are shown on any endorsed plan of this permit within the confines of the calculated Tree Protection Zone, then the Tree Protection Fencing must be taken in to only the minimum amount necessary to allow the works to be completed.
 - ii. Fencing

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

Fixed signs are to be provided on all visible sides of the Tree Protection Fence clearly stating "Tree Protection Zone – No Entry", to the satisfaction of the Responsible Authority.
 - iv. Provision of Services

All services (including water, electricity, and telephone) should be installed underground, and located outside of any Tree Protection Zone, wherever practically possible. If underground services are to be routed within an established Tree Protection Zone, they must be installed by directional boring with the top of the bore to be a minimum depth of 600 millimetres below the existing grade, to the satisfaction of the Responsible Authority. Bore pits must be located outside the Tree Protection Zone or manually excavated without damage to roots, to the satisfaction of the responsible authority.

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- v. Access to Tree Protection Zone

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

All works within Tree Protection Zones must be supervised by a suitably qualified arborist. Any roots <40mm in diameter uncovered are pruned with shar/sterile hand tools and wrapped in damp hessian by a qualified arborist.

Mulch (organic/composted type) is laid to a depth of 75-100 millimetres within the Tree Protection Zones of retained trees.
- h. The following actions must not be undertaken in any tree protection zone as identified in this permit, to the satisfaction of the Responsible Authority:
 - i. Materials or equipment stored within the zone;
 - ii. Servicing and refuelling of equipment and vehicles;
 - iii. Storage of fuel, oil dumps or chemicals;
 - iv. Attachment of any device to any tree (including temporary service wires, nails, screws or any other fixing device);
 - v. Open cut trenching or excavation works (whether or not for laying of services);
 - vi. Changes to the soil grade level;
 - vii. Temporary buildings and works; and
 - viii. Unauthorised entry by any person, vehicle or machinery.
- i. Before the commencement of any subdivisional works, including demolition or removal of vegetation, a Tree Protection Plan (drawing) and Tree Management Plan (report) must be submitted to and be endorsed by the Responsible Authority. The Tree Management and Protection Plan must include all trees proposed to be retained on site. The Tree Management and Protection Plan must be in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees within the proposed reserve and trees to be retained on lots 49-54 are to be protected remain viable post-construction. The Tree Protection and Management Plan must consist of:
 - i. The Tree Management plan (report) must be prepared by a suitably qualified arborist, reference the Tree Protection Plan (drawing) and provide details of:

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- ii. Any non-destructive root investigation previously undertaken or as directed as a condition of this permit in accordance with AS4970-2009 to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
 - iii. Proposed footings and construction methods for any buildings or structures (including but not limited to, driveways, paths retaining walls or other hard infrastructure) within the Tree Protection Zones nominated on the Tree Protection Plan.
 - iv. Details of suitable driveway materials and construction methods (i.e. permeable paving above grade) and the timing of works within the tree protection zones.
 - v. How excavation impacts, including soil level changes, within the Tree Protection Zones of trees to be retained will be managed or minimised.
 - vi. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - vii. Appropriate methods of certification by a suitably qualified Arborist of the required tree protection measures during the development including details of site visits, actions and photographic evidence
4. Prior to the issuing of a Statement of Compliance, the requirements of the following conditions must be met to the satisfaction of the Responsible Authority, unless with the written consent of the Responsible Authority:
- a. The owner must enter into an agreement with the Responsible Authority in accordance with Section 173 of the *Planning and Environment Act 1987*. The agreement must provide for, without the prior written consent of Council:
 - i. State that it has been prepared for the purpose of an exemption for a planning permit under Clause 44.06-2 of the Nillumbik Planning Scheme.
 - ii. Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
 - iii. State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.
 - iv. The requirements of condition 40.
 - v. All buildings and works are to be contained within the nominated building envelopes.
 - vi. No buildings or works (including earthworks, outbuildings, swimming pools, tennis courts or other related structures) are to be located outside of the Building Envelopes shown on the endorsed plans.

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- vii. Trees shown on the endorsed subdivision plans as listed for retention must not be removed, damaged, destroyed, felled, lopped or uprooted unless with the prior written consent from the Responsible Authority or in the case that a planning permit is required, a planning permit is issued.
- viii. Prior to the commencement of any buildings and works on the lots, including the construction of a dwelling, temporary tree protection fencing must be constructed around the tree protection zones of the trees to be retained.
- ix. The following actions must not be undertaken in any tree protection zones as identified in this permit, to the satisfaction of the Responsible Authority:
 - Materials or equipment stored within the zone;
 - Servicing and refuelling of equipment and vehicles;
 - Storage of fuel, oil dumps or chemicals;
 - Attachment of any device to any tree (including temporary service wires, nails, screws or any other fixing device);
 - Open cut trenching or excavation works (whether or not for laying of services);
 - Changes to the soil grade level;
 - Temporary buildings and works; and
 - Unauthorised entry by any person, vehicle or machinery.
- x. The landscaping on private lots as required by the endorsed landscape plan must be carried out within 3 months of a Certificate of Occupancy being issued for any future dwelling on individual lots to the satisfaction of the Responsible Authority.
- xi. The landscaping as required by the endorsed landscape plan must be carried out and maintained in perpetuity to the satisfaction of the Responsible Authority.
- xii. Vehicle access for each lot must be via the approved crossover.
- xiii. All servicing and trenches must be designed, sited and constructed in a manner that avoids damage to any tree to be retained.

Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act.

The owner must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.

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- b. Each lot in the subdivision must be provided with a vehicle crossing constructed to the requirements of the Nillumbik Shire Council to suit vehicles that will use the crossings. The Responsible Authority must approve the location, design and construction of the crossings. Any existing unused crossing must be removed and replaced with kerb and channel, nature strip and reinstated to the satisfaction of the Responsible Authority.
 - c. The construction works must be completed to the satisfaction of the Responsible Authority. Updated As Constructed Plans must also be provided including any changes that have occurred during construction.
 - d. a CCTV assessment and report of all underground drainage systems of the subdivision must be provided to the Responsible Authority at the conclusion of drainage works.
 - e. Storm water drainage works are to be constructed, at no cost to Council, and must be carried out under Council supervision, in accordance with the approved plans and Council's specifications and must be carried out under Council supervision and an Infrastructure Works Permit.
 - f. The owner must pay to Council a 5% cash-in-lieu open space contribution in respect to all of the land in the subdivision pursuant to Section 18 of the Subdivision Act 1988.
 - g. The dam is to be backfilled with approved fill material. All water and soft or unsuitable material is to be removed from the dam prior to backfill commencing. All fill must be compacted in accordance with AS3798/2007. Fill density tests must be undertaken to ensure compliance with AS3798/2007 and a copy of this must be forwarded to Council for record purposes, all to the satisfaction of the Responsible Authority.
 - h. Unless with the prior written consent of the Responsible Authority, the landscaping works shown on the endorsed plans must be carried out, completed and maintained or bonded to the satisfaction of the Responsible Authority.
 - i. The existing dwelling and any associated buildings and works must be demolished and removed from the land with the disturbed area reinstated, to the satisfaction of the Responsible Authority.
5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created, to the satisfaction of the Responsible Authority.
6. Any fill that is brought to the site must be clean fill in accordance with EPA Publication 1828.1 (Fill Material).

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7. Measures must be undertaken to minimise any loss of amenity to the neighbourhood from the development caused by dust, noise, the transport of materials to and from the land and the deposit of mud and debris on public roads, to the satisfaction of the Responsible Authority.
8. Any lot shown on the endorsed plan must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the Nillumbik Planning Scheme). This does not apply to:
 - a lot that will not be used for, or include, a dwelling; or
 - a lot that contains an existing dwelling or apartment; or
 - a lot where a permit has been granted for a dwelling or apartment on the land in the lot.

This condition continues to have force and effect after a statement of compliance under the *Subdivision Act 1988* has been issued and the subdivision authorised by this permit has been completed.

9. No polluted stormwater, effluent and/or sediment laden runoff from the development site is to be discharged directly or indirectly into Council's drains, Melbourne Water's drains or watercourses or adjoining private property during any stage of the construction. Sediment fencing and/or pollution/litter traps must be installed on site and serviced accordingly to the satisfaction of the Responsible Authority.

DEECA

10. The native vegetation identified in NRVV ID 356_20241023_Q3N and permitted to be removed destroyed or lopped under this permit is 0.46 hectares of native vegetation, which is comprised of:
 - i. 0.208 hectares of native vegetation within patches, including 5 large patch trees.
 - ii. 2 scattered large trees
 - iii. 5 scattered small trees
 - iv. 0.235 hectares of past removal was identified in the NVRR.
11. To offset the removal of 0.46 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) the permit holder must secure the following offsets:

A general offset of 0.099 general habitat units:

 - i. located within the Melbourne Water Catchment Management Authority boundary or Shire of Nillumbik municipal area
 - ii. with a minimum strategic biodiversity value of at least 0.1771
 - iii. The offset(s) secured must provide protection of at least 7 large trees

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12. Before any native vegetation is removed, or before the issue of a Statement of Compliance, whichever occurs first, evidence that the required offset has been secured must be provided to the satisfaction of Nillumbik Shire Council. This evidence must be the following:
 - i. Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.
13. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
14. Before the native vegetation removal starts, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will form part of this permit. The plans must include:
 - a) A detailed description of the measures to be implemented to protect the native vegetation to be retained during constructions works, and the person/s responsible for implementation and compliance. These measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the responsible authority, including the tree protection zones of all native trees to be retained. All tree protection zones must comply with AS 4970-2009 Protection of Trees on Development Sites, to the satisfaction of the responsible authority.
15. Before works start, a native vegetation protection fence must be erected around all patches of native vegetation and scattered trees to be retained on site. This fence must be erected around the patch of native vegetation at a minimum distance of 2 metres from retained native vegetation and/or at a radius of 12 x the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of tree. The fence must be constructed of star pickets/chain mesh/or similar to the satisfaction of the responsible authority. The fence must remain in place until all works are completed to the satisfaction of the responsible authority.
16. Except with the written consent of the responsible authority, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - a) Vehicular or pedestrian access
 - b) Trenching or soil excavation
 - c) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - d) Entry and exit pits for underground services

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- e) Any other actions or activities that may result in adverse impacts to retained native vegetation.

AusNet

- 17. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to AusNet in accordance with Section 8 of that Act.
- 18. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must:
 - a. Show the AusNet easement fully dimensioned on all affected lots and the position of lot boundaries within the easement.
 - b. Adjust the position of the AusNet easement where necessary to accord with the position of the existing transmission lines as determined by survey.
- 19. Before the approval of Detailed Engineering plans, for any stage containing the AusNet Transmission easement, written consent must be obtained from AusNet as to the location of infrastructure within the AusNet easement including but not limited to wetlands, services, landscaping and fencing as shown on the Detailed Engineering plans submitted for approval.
- 20. Written approval must be obtained from AusNet for any new lot boundaries within the easement.
- 21. Written approval must be obtained from AusNet to construct any road within the easement.

Melbourne Water conditions

- 22. Before the plan of subdivision is certified under the *Subdivision Act 1988*, the Plan of Subdivision must be referred to Melbourne Water in accordance with Section 8 of the *Subdivision Act 1988*.
- 23. Before the plan of subdivision is certified under the *Subdivision Act 1988*, functional design plans of the DSS assets AD2 to AD3 as detailed in the approved Stormwater Management Plan must be submitted to and approved by Melbourne Water.
- 24. Before the plan of subdivision is certified under the *Subdivision Act 1988*, evidence of Council approval of a Stormwater Management Strategy by Stantec must be submitted to Melbourne Water.
- 25. Before the plan of subdivision is certified under *the Subdivision Act 1988*, evidence of a Council approved Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water.
- 26. Before the commencement of any stormwater connection works to a Melbourne Water drain, a separate application direct to Melbourne Water must be made for the approval of any new or modified stormwater connection to Melbourne Water's drains or watercourses.

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27. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, the required Dry Creek DSS assets and works including Outfall Pipe AD2# to AD3# as detailed within the approved Stormwater Management Plan must be completed to the satisfaction of Melbourne Water.
28. Before the Statement of Compliance is issued under the *Subdivision Act 1988* engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water. These plans must show road and drainage details and any overland flow paths for the 1% AEP storm event.
29. Before the Statement of Compliance is issued under the *Subdivision Act 1988* for the first stage of the subdivision, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and stormwater from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
30. Before a Statement of Compliance for the plan of subdivision is issued under the *Subdivision Act 1988*, Melbourne Water requires evidence demonstrating that appropriate drainage solutions have been implemented to mitigate the risk to downstream landowners. Council acceptance of any drainage infrastructure must be forwarded to Melbourne Water.
31. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or watercourses.
32. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined in section 8 of the *Guidelines for Development in Flood Affected Areas* (DELWP 2019), or where appropriate to Council's requirements and standards.
33. All new lots must achieve appropriate freeboard in relation to local overland flow paths to Council's satisfaction.
34. Local drainage must be to the satisfaction of Council.
35. The approved Stormwater Management Strategy must be implemented (including the construction of relevant works) to the satisfaction of Melbourne Water and the responsible authority.

Yarra Valley Water

36. The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.
37. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.

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Telecommunications conditions

38. The owner of the land must enter into an agreement with:
- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
39. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

CFA Conditions

40. An amended Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed the Bushfire Management Plan must be included as an annexure to the section 173 agreement prepared to give effect to clause 44.06-5 of the Planning Scheme and not be altered unless agreed to in writing by CFA and the Responsible Authority.

The plan must be generally in accordance with the plan prepared by Terramatrix, version 1.7, dated 16th December 2024 (contained on Page 20 and 21 of the Bushfire Management Statement, dated December 2024 prepared by the same) but amended to include Tree 9 within the clump shown on Lot 13 and listed in the bushfire protection measures, ie- replace the following vegetation management requirement:

"The canopy of trees must be separated by at least 5m, except for a clump of trees (trees 33 and 34) to be canopy separation from tree 9"

with

"The canopy of trees must be separated by at least 5m. except for tree 32, the tree clumps containing trees 8-11, 33-34 and 35,36 and 40 inclusive."

6. Planning Matters

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41. In addition to the requirements of Clause 44.06-5 of the Scheme, the section 173 Agreement prepared in accordance with that clause must also:
- i. Note that the subdivision includes areas of shared defensible space. These are areas where a lot owner maintains the defensible space on their land for the benefit of themselves and the owners of other lots.
 - ii. Require that the defensible space shown on the endorsed Bushfire Management Plan must be implemented and maintained on an ongoing basis to the satisfaction of the Responsible Authority, regardless of whether there is a dwelling constructed on that land or not.
42. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:
- a. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
 - b. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.
43. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority and the relevant fire authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.
44. This permit will expire if one of the following circumstances applies:
- a) A plan of subdivision is not certified within two years of the issue date of this permit;
 - b) A plan of subdivision is not registered at Land Victoria within five years of the original certification date.

The responsible authority may extend the time for certification if a request is made in writing before the expiry of the permit or within 6 months afterwards.

Permit Note:

- Before any works on public land start, a permit to take protected flora under the Flora and Fauna Guarantee (FFG) Act 1988 may be required. An application can be obtained from www.deeca.vic.gov.au/conserving-threatened-species/protected-flora-and-listed-fish, under Protected flora permit. To obtain an FFG permit or further information, please contact a Natural Environment Program officer in the nep.ppr@delwp.vic.gov.au.

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- The granting of this permit does not exempt the holder of a permit from the requirements of other Commonwealth and State legislation or policy.
- Landowners remain responsible for managing risks to wildlife on their land and for ensuring that management actions do not contravene the Wildlife Act 1975 (Wildlife Act) and Prevention of Cruelty to Animals Act 1986. To obtain an Authority to Control Wildlife or further information on obligations and approvals under the Wildlife Act, please contact DEECA's Office of the Conservation Regulator on: atcw.portphillipregion@deeca.vic.gov.au
- CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au)
- During the course of the approved construction work, a copy of this permit and the endorsed plan(s) must be kept on-site and made available for inspection by Council officers.
- Failure to undertake the requisite tree protection fencing in accordance with the conditions of this permit will result in the issuing of Planning Infringement Notices to the land owner, occupant (if this is a different person), and the person or company undertaking the works on-site. The minimum penalty on the Planning Infringement Notice for individuals is \$1018, for companies is \$2035 and greater penalties may apply if the matter proceeds to Magistrates Court.
- During the course of the approved construction work, including tree removal, a copy of this permit and the endorsed plan(s) must be kept on-site and made available for inspection by Council officers.
- Failure to undertake the vegetation removal in accordance with this permit will result in the issuing of Planning Infringement Notices to the landowner, occupant (if this is a different person), and the person or company undertaking the tree removal works. The minimum penalty on the Planning Infringement Notice for land owners and occupants will be \$1018 for the land owner and occupant, and \$2035 for any company which may be undertaking the tree removal works.
- The removal of vegetation is often found by Council to generate concern amongst other community members who may not be aware that a permit has been obtained. Council therefore strongly recommends that the permit holder advise any nearby neighbours of their intention to remove the vegetation and that they have obtained permission to do so before they proceed to remove the vegetation. Failure to do so may result in Council officers being obliged to visit the land, and also potentially delay the vegetation removal process while compliance with the permit is checked.

CARRIED

For: Crs Kim Cope, John Dumaresq, Kelly Joy, Kate McKay and Peter Perkins

Against: Cr Grant Brooker

COM.001/26 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 14 April 2026

Attachment 1. Minutes of the Planning and Consultation Committee Meeting held on Tuesday 14 April 2026

Planning and Consultation Committee Minutes

14 April 2026

6. Planning Matters

PCC.003/26 Planning Permit Application 714/2023/14P - 13 lot subdivision, works and removal of native vegetation

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COM.001/26 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 14 April 2026

Attachment 1. Minutes of the Planning and Consultation Committee Meeting held on Tuesday 14 April 2026

Planning and Consultation Committee Meeting Minutes

14 April 2026

7. Supplementary and urgent business

Nil

8. Confidential reports

Nil

9. Close of Meeting

The meeting closed at 7.21pm.

Confirmed:

_____ Cr Chairperson Planning Matters

Cr Chairperson Consultation Matters

COM.001/26 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 14 April 2026
Attachment 1. Minutes of the Planning and Consultation Committee Meeting held on Tuesday 14 April 2026

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PCC.004/26 Naming proposal for Reserve in John Street, Eltham
Attachment 2. Redacted submissions

Submissions – Naming Proposal – Gordon Ford Reserve

Attachment 2

ID	Q1. Are you supportive of naming the reserve 'Gordon Ford Reserve'?		Q2. Provide any further comments on your response.	Q3. Please explain why you believe the name does not comply with any of the general principles in the Naming Rules for Places Victoria 2022?	Council officer comment - not supportive submissions
	Yes	No			
2593	1				
2594	1		Gordon Ford was a visionary and environmentalist way before his time. He shaped the fabric of the Eltham landscape with his amazing designs. I was fortunate enough to live next door to him and grow up in the wonders of his beautiful gardens with his children. To establish a reserve in his honour and allow the new generation of Elthamites to experience his types of Landscape architecture would be a wonderful contribution to the heritage of Eltham.		
2595	1		Gordon Ford was an icon of the Australian Native Garden genre and way ahead of his time. He followed in the footsteps of famous garden design luminaries such as Edna Walking and Gertrude Jekyll. I was fortunate enough to play with my friend Cassie in the beautiful garden Gordon created in Eltham. I also sold plants to Gordon when I worked at Danson's Nursery in Research. Gordon's gardens blended perfectly with the Eltham mud brick aesthetic, and he encouraged and inspired me to become a Landscape Architect. I definitely support Gordon being honoured in this way.		
2596	1				
2597	1		As a resident of John St for many years, it is fitting that the reserve is named "Gordon Ford Reserve"		
2598	1				
2599	1		Fully support the naming of the reserve near my home.		
2600	1				
2601		1	Prefer names based on Nature and surroundings rather than people		The principles within the 'Naming rules for places in Victoria' support commemorative names. The State Government is currently running a campaign called 'Remember a Local', so community can nominate someone to be considered for commemoration in a new place name.
2602	1				

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	Yes	No			
2603	1		100% appropriate there is a place to recognise his leadership in Australian landscape design		
2604	1		Given Gordon lived on John St and was an avid gardener, it's most appropriate		
2605	1		I absolutely support naming the reserve The Gordon Ford Reserve. Back when I first moved to Eltham we followed his garden design and planting ideas		
2606		1	how many thousands of dollars will be wasted on this project ?	Where is the indigenous box to tick .	The costs are outlined in the Council Report. Costs have been minimal, given that officers have completed the work internally without the use of additional resources. The only future cost will be signage, funded through an existing budget. The name was assessed against the Naming Principles, as outlined in the Council Report, including recognition and the use of Traditional Owner languages. Council may consider naming proposals that are not Traditional Owner names. In such cases, Council would be required to pay for a Traditional Owner application and name.
2607	1		I met Gordon Ford when he came to look at designing my frog pond. I have his book. Wonderful man.		
2608	1		I think this is most appropriate.		
2609	1				
2610	1		He contributed to Eltham's character.		
2611	1		A fitting tribute for his contributions to Eltham in his lifetime.		
2612	1				
2613	1		I remember him. This would be a deserving recognition of his work in the area,		

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	Yes	No			
2614	1				
2615	1		Gordon Ford was a pivotal influence on the use of locally indigenous plant species and do think it would be appropriate to name the reserve after him.		
2616	1		Lovely honour		
2617	1		A welcome recognition of Gordon's contribution to natural-bush landscape architecture ... thank you.		
2618	1				
2619	1		Three years ago, with Council encouragement, 35 neighbours (John St, Harlington Ave and Plumtree Court) formally (in writing) expressed support for GFR. EDHS plus ECAG plus Ford Family also expressed support for GFR. Such enthusiasm seems to remain. That initial survey info remains available via myself.		
2620	1		Gordon Ford was a pioneer in designing the natural Australian garden. It's appropriate that the reserve is named in his honour. We were residents and neighbours of Gordon from 1973-2014		
2621	1				
2622	1		Gordon was an amazing ambassador of the blended landscape. His ability to create a "natural look" with his design should be remembered and I strongly support this project. Having lived next door to Gordon for some 40 plus years I can vouch for his unique style and ability which is also supported and detailed in his book The natural Australian garden		
2623	1				
2624	1		Gordon Ford contributed to the garden landscapes in the area.		
2625	1				

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	Yes	No			
2626	1		I think it is good to recognise the valuable contribution that Gordon made to Eltham and totally appropriate that the reserve is near where he lived.		
2627	1				
2628	1		Very good idea . Gordon was a big influence on the embracing of native gardens and natural rock pools that are in our area. Gwen's small garden group of 6 local friends - formed years ago when Gordon got cancer - still meet fortnightly in each others gardens to plant and weed. I've been part of it for over 20 years		
2629	1		Gordon Ford is a household name in Eltham that should be recognized for his wonderful legacy. This includes a local gardening group begun over the 30 years ago by Gordon's wife, Gwen Ford and which still meets in various members gardens every two weeks.		
2630	1				
2631	1		Great name for a great little spot!		
2632	1				
2633	1				
2634	1		I feel the name is very appropriate.		
2635	1		Family home is on John St - I LOVE this idea!		
2636	1				
2637	1		It is a fitting tribute in a fitting location.		
2638	1		It's a no brainer		
2639	1				

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	Yes	No			
2640	1		This is a most appropriate name for this reserve close to where Gordon Ford lived and in a landscaped area reflective of his skills that contributed so much for so many.		
2641	1				
2642	1		Supportive of the change, but also happy with current naming known by locals and added on the plaque by local landscaper and apprentice of gordon		
2643	1		Ideal as he contributed to our Green Wedge Shire in such a respectful way.		
2644	1		Thank you to Nillumbik for creating and supporting these small pocket parks which help to keep our locality green and pleasant to walk and spend time in.		
2645	1		A wonderful initiative to recognise an important part of Elthams history.		
2646	1		It would be a very appropriate thing to do to recognise his contribution.		
2647	1				
2648	1		Gordon Ford was a passionate gardener and shaped so many homes in Eltham.		
2649	1				
2650	1				
2651	1				
2652	1		He deserves to have a reserve named in his honour.		

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	Yes	No			
2653	1		Agree it's a better title and suggests a protected place of quiet recreation		
2654	1				
2655	1		A perfect name		
2656	1		Gordon Ford should certainly be recognised for his contribution in making Eltham, "Eltham" as well as other areas, and for using native flora as the basis of his garden design.		
2657	1		I support this proposal with reservations. I believe Gordon Ford deserves a much more substantial memorial in a more prominent position than this small reserve, even though Sam Cox has done a good job of reproducing a Ford-style garden, and it is near Ford's home. I hope ultimately there will be another more prominent one. However, this is better than none. The reserve will need to be kept tidy, so I suggest a simpler, low maintenance planting that will suppress weeds. Currently it is maintained by neighbours in the street, but that won't necessarily continue if they move away.		
2658	1		Yes I am supportive of the name to commemorate the landscape designer, Gordon Ford, who did much landscaping around Eltham over a long period of time. I would also be supportive of any other reserves named after him, as he was a significant contributor to landscaping design around Eltham, which came to be associated with Eltham's unique character. Gordon Ford worked alongside Alistair Knox, the well known builder who Eltham's Central Park is named after		
2659	1		A worthwhile naming to keep Gordon Fords name and contribution to Eltham relevant.		
2660	1		A fitting tribute.		
2661	1		Having worked under his guidance, and rubbed shoulders with him in Eltham in our every day lives; this is a fitting tribute so that his history is long remembered.		

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	Yes	No			
2662	1		I suggest the word Nature be included.		
2663	1		Gordon Ford guided home owners to create native gardens from local plants. We lived in a Knox house with a Gordon Ford garden of his design and enjoyed it daily. He deserves recognition for his insight.		
2664	1		It is important to acknowledge people who make a significant contribution to our community. Naming a park/garden after a local architect who had such an influence in the design of our local environment is an ideal way to honour Gordon's contribution to the community.		
2666	1				
2667	1		I lived in Eltham between 1946 and 1956 and 1978 and 2014. I was a foundation member of Gwen's Garden Group which she started with his encouragement and which promoted the use of native plants.		
2668	1				
2670	1		Gordon Ford was a much-loved, and respected, member of our local community. He us do deserving of having this peaceful garden/park named in his memory.		
2671	1		Very important to acknowledge Gordon Ford as an outstanding NILLUMBIK citizen and improver particular given Eltham cemetery have chosen to desecrate the Gordon Ford corner and planted inappropriately including a fountain which is absolutely non representative of the great Gordon Ford. Name and portray the park in his name and style.		
2672	1		This is a great idea. It's already known by all by this name. This makes it official		
2675	1		A long deserved and community supported initiative for a valuable past member of Nillumbik Eltham.		

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	Yes	No			
2676	1		Gordon Ford is a renowned Eltham landscape designer and deserving of this naming, for his contributions to our beautiful Eltham community!		
2677	1		Previously a very neglected area, now in need of a 'friends group'. Close to where Gordon lived it's an appropriate contemplative location and deserves formal recognition. A part of Eltham's history.		

Nillumbik Shire Council – Public submissions to the Draft Budget 2026-2027	
Submitter and Key Points	Officer Response
<p>1. [REDACTED]</p> <p>Following advice from Hannah Burns that this is an appropriate time to provide a suggestion on green bins, I suggest permitting ratepayers the option of two 240 litre bins weekly, by paying an appropriate surcharge (in a similar way to allowing ratepayers to opt for a smaller red bin)</p>	<p>Submission noted. Council has proposed a new bin option for residents to have an additional 240-litre green waste bin, collected weekly, for an extra annual charge of \$210 (section 4.1.1 (g), page 32) and one-off bin cost of \$99 (page 56).</p>
<p>2. [REDACTED]</p> <p>Thank you for the opportunity to provide feedback on the Draft Budget 2026–27. After reviewing the document, I wish to raise several concerns relating to the treatment of rural and peri-urban communities, environmental investment, and the alignment between the Budget and Council’s stated strategic objectives.</p> <p>1. Lack of transparency and investment in peri-urban and rural communities The Budget acknowledges that Nillumbik has a large rural area, dispersed communities and higher service delivery costs. However, the Budget does not identify any dedicated or transparent investment in rural or peri-urban areas. There is no breakdown of rural road upgrades, rural drainage, rural community infrastructure, rural fire-risk mitigation or rural township improvements.</p> <p>Request: That Council provide a transparent breakdown of operating and capital expenditure allocated to rural and peri-urban communities.</p> <p>2. Environmental investment is fragmented and insufficient Environmental expenditure is scattered across multiple service areas, making it impossible to understand total investment in biodiversity, climate adaptation and invasive species management. The Budget allocates no funding for private-land biodiversity stewardship, despite most biodiversity in Nillumbik occurring on private land. There is no support for landholders with legally binding conservation agreements, including Trust for Nature covenants and Section 69 Agreements.</p> <p>Request: That Council publish a consolidated environmental investment summary and allocate funding to private-land conservation programs, including support for landholders managing legally protected conservation areas.</p> <p>3. Capital works program is heavily urban-weighted. The 2026–27 capital works program does not identify any rural projects. There is no mention of rural road upgrades, rural bridges or culverts, rural drainage, rural community facility upgrades or rural fire-risk mitigation works.</p> <p>Request: That Council identify a minimum annual rural capital allocation and publish a breakdown of capital works by township or region.</p> <p>4. New environmental differential rates are not matched with environmental programs The Budget introduces Sustainable Agriculture and Trust for Nature differential rating categories, but allocates no funding to support the environmental outcomes these categories represent. There is no program funding for sustainable agriculture, land stewardship or biodiversity management on private land. The Budget does not recognise or support land protected under Section 69 Agreements, despite these agreements delivering equivalent or greater environmental benefit than TFN covenants.</p> <p>Request: That Council allocate funding to support the environmental objectives of the new differential rating categories and include Section 69 conservation land within the conservation-recognised rating framework.</p> <p>Conclusion The Draft Budget 2026–27 does not adequately reflect the needs of rural and peri-urban communities, nor does it align environmental investment with Council’s stated strategic objectives or the new differential rating categories. I respectfully request that Council improve transparency, increase environmental investment, commit to rural capital works and recognise all forms of legally protected conservation land.</p>	<p>Councils budget is publicly provided in such a way that only the major projects are detailed specifically and programmed works, such as the renewal and upgrade of assets, is provided at a program level only making it hard to identify all planned projects and their locations.</p> <p>These programs are determined on a priority basis that considers key factors such as condition, community benefit, usability, fit for purpose, safety and risk. These priority lists are not based on whether they are in the urban, peri-urban or rural areas of the Shires but based sole on the evaluation of that asset group against the assessment criteria.</p> <p>As you can appreciate, assets in high use areas with higher populations do tend to require renewal and upgrading more frequently. Providing safe, functional and fit for purpose assets and facilities is the critical driver when determining our annual works programs.</p> <p>Below are just some of the programmed works that will be undertaken as part of the 2026-27 budget in rural and peri-urban areas:</p> <ul style="list-style-type: none"> • Road Upgrade <ul style="list-style-type: none"> ◦ Wilson Road, Wattle Glen – Road safety improvements ◦ Dingley Dell, North Warrandyte – Road Sealing • Bridge Renewal <ul style="list-style-type: none"> ◦ Laidley’s Bridge, Chapel Lane, Nutfield – Re-decking and safety improvements. • Drainage <ul style="list-style-type: none"> ◦ 20 Youngs Road, Yarrambat – Drainage upgrade from Yarrambat War Memorial Park. • Building Maintenance <ul style="list-style-type: none"> ◦ Various works are programmed across the Shire including Kangaroo Ground, Yarrambat, Panton Hill and Research <p>Council’s road resealing is also determined from the results of condition and safety audits and visual inspections. This program is currently being confirmed but will include significant works across the entire Shire.</p> <p>Fire mitigation works across the Shire are incorporated into our Open Space operational budgets and include processes such as targeted mowing and slashing, box clearance of roads, tree/vegetation management, the maintenance of existing and the strategic placement of new firefighting tanks and other precautionary measures. These ongoing works are not listed individually in the budget.</p> <p>The works program is generated in consultation with partner agencies on an annual basis and aligns to Councils Fire management plan.</p> <p>With reference to section 69 conservation land, council acknowledges the role of Section 69 Agreements in supporting long-term biodiversity outcomes. The inclusion of such land is something that could be considered in future rating strategy reviews. Any changes would need to be balanced against the broader impact on general ratepayers. The proposed differentials for Sustainable Agriculture and Trust for Nature land represent an initial step toward recognising environmental benefits within the rating system. Broader definitions of conservation land, including other legally binding agreements, may be explored as part of future reviews.</p> <p>Rates are a general revenue source and are not allocated to specific programs. However, Council supports environmental outcomes through its broader budget, programs and strategic planning processes.</p>

Nillumbik Shire Council – Public submissions to the Draft Budget 2026-2027	
Submitter and Key Points	Officer Response
<p>3. [REDACTED]</p> <p>Our rates are too high. People are struggling to survive and these additional projects are costing money that the everyday family can't afford or justify. Curb spending and offer rate cuts to support you community members.</p>	<p>Submission noted. Council levies rates and charges under the Local Government Act 1989 in order to fund, deliver, and maintain essential community infrastructure and services. The increase to rates is in compliance with the rate-capping framework established by the Victorian State Government and is reflective of the continued provision of services, which have been maintained at existing levels, and capital works program delivery.</p>
<p>4. [REDACTED]</p> <p>Once again Wattle Glen is completely overlooked despite dangerous roads with inadequate access to the train station and trail where a teenage pedestrian was hit only a few weeks ago. Also the playground at Peppers Paddock is used by many local children and would benefit from being upgraded. We pay significant rates to live in Wattle Glen but constantly get forgotten or ignored by Nillumbik council.</p>	<p>Councils budget is publicly provided in such a way that only the major projects are detailed specifically and programmed works, such as the renewal and upgrade of assets, is provided at a program level only making it hard to identify all planned projects and their locations.</p> <p>These programs are determined on a priority basis that considers key factors such as condition, usability, fit for purpose, safety and risk. As a result, it is not always possible to distribute planned works evenly across the Shire each financial year.</p> <p>Council has recently replaced the existing brick BBQ at Peppers Paddock to a new stainless steel accessible BBQ this financial year through the Open Space Renewal Program. To complement this work, the 2026-27 Open Space Renewal Program will also include the upgrade of the existing picnic setting to a new accessible picnic setting. While the Peppers Paddock's playground has not been prioritised for renewal in 2026-27, it will be considered for 2027-28 as part of the annual budget process.</p> <p>There is also budget allocation of \$405,000 for road safety improvements in Wilson Road as part of the 2026-27 Road Upgrade program.</p> <p>As Heidelberg-Kinglake Road is managed by the Department of Transport and Planning (DTP), any pedestrian crossing to the train station can only be delivered by the State Government.</p> <p>At present, Wattle Glen is not identified as a priority location by DTP, and Council is not aware of any planned improvement works or allocated State Government budget for a pedestrian crossing in this location.</p> <p>The Wattle Glen Public Realm Framework was adopted by Council in 2024 and provides the strategic foundation for identifying the improvements in safety, accessibility, and amenity across the township.</p> <p>Critical to the delivery of improvements are the key transport corridors, being the two main roads, Heidelberg-Kinglake Road and Kangaroo Ground-Wattle Glen Road, plus the rail line. Being arterial roads and rail infrastructure, these corridors are all managed by Department of Transport and Planning (DTP). Any changes or upgrades to DTP managed assets can only be delivered by DTP.</p> <p>The Wattle Glen Public Realm Framework provides a good foundation to advocate for positive changes on State-owned roads and the rail corridor in Nillumbik, including Wattle Glen. To strengthen this advocacy, Council will be preparing the following Shire-wide initiatives:</p> <ul style="list-style-type: none"> • Road Safety Strategy – Due to be delivered in 2026 • Walking and Pedestrian Strategy – Due to be delivered in 2027 – This is included in the Draft Budget • Safe Pedestrian Crossing Plan – Due to be delivered in 2028 <p>These three Shire-wide strategies will provide an evidence-based framework to strengthen Council's advocacy to the State Government for improvements in specific locations, including Wattle Glen, as they form part of an overall, coordinated Shire approach that DTP is more likely to prioritise and respond to.</p>
<p>5. [REDACTED]</p> <p>It's concerning that Wattle Glen has again been left out of the Nillumbik Draft Budget 2026–2027, with no named projects allocated to our area, while neighbouring suburbs all have funding proposed. There is also no update or inclusion of the Wattle Glen Realm Project, which has already been identified as important for our community. Wattle Glen deserves safe infrastructure, connectivity and investment just like the rest of the municipality.</p>	<p>Submission noted. See comments in submission 4.</p>

Nillumbik Shire Council – Public submissions to the Draft Budget 2026-2027	
Submitter and Key Points	Officer Response
<p>6. [REDACTED]</p> <p>Nillumbik Council, I'd like to remind you that Wattle Glen is part of the shire. We currently have a train station with no safe way to cross the road, a trail that still requires people to risk their safety walking or cycling along a busy road to access it—despite plans to address this being adopted two years ago—and a sole park and community area that is clearly outdated and full of unrealised potential. Yet, once again, Wattle Glen appears absent from the budget. I understand our population is smaller than surrounding suburbs, but it's becoming increasingly difficult to ignore the pattern of investment elsewhere while Wattle Glen continues to be overlooked. Our community deserves safe access, usable public spaces, and the same level of attention given to other parts of the shire.</p>	<p>Submission noted. See comments in submission 4.</p>
<p>7. [REDACTED]</p> <p>Where is the budget for Wattle Glen? The rates are not that cheap yet there is no significant benefit for people who live here. Lots of things need to be done, for example pedestrian crossing in front of a train station. Well-lit along the main road and small streets.</p>	<p>Submission noted. See comments in submission 4.</p> <p>Street lighting on arterial roads is the responsibility of the DTP and not Council.</p> <p>Street lighting in local roads would have been installed to the relevant lighting and road design standards of the day. Council is currently undertaking a lighting upgrade program to replace older inefficient light fittings with new brighter and more efficient LED lights. This upgrade will progress over several years and will include parts of Wattle Glen. Should you be aware of any specific streets with poor lighting, it would be best to contact Council's Traffic and Transport team directly and they will arrange an assessment of that area.</p>
<p>8. [REDACTED]</p> <p>8/4/2026 Nillumbik Shire Council Re: Draft Budget Hockey Pitch Lighting (2026/27 Capital Program)</p> <p>Dear Mayor and Councillors,</p> <p>On behalf of the Committee and members of Greensborough Hockey Club I would like to thank Council for the release of its Draft Budget and for the inclusion of hockey pitch lighting in the 2026/27 Capital Program.</p> <p>We acknowledge that delivery of this project is contingent on securing a \$50,000 grant from the Victorian State Government. The club supports Council's approach and is committed to assisting where possible strengthen funding applications and demonstrate the community benefit of the upgrade.</p> <p>Replacing the current metal halide lights with contemporary LED lighting is critically important for our sport and venue. Improved lighting will enhance safety for players, officials and spectators, improve overall lighting uniformity across the playing surface, and support better training and competition outcomes. Importantly, LED lighting will also be significantly cheaper to operate and far more energy efficient than the existing system.</p> <p>The club looks forward to working closely with Council officers to plan and deliver the project in a way that minimises disruption and ensures the upgraded lighting meets the needs of all users of the facility.</p> <p>Should the funding application to the Victorian State Government not be successful, I trust we can collaborate to ensure the lighting program can still be delivered in the 2026/27 financial year.</p> <p>As always, we warmly invite the Mayor and Councillors to visit the club and see hockey in action from our men's and women's Premier League teams to our master's and junior matches. We would be pleased to host you and share more about the role our club plays in supporting participation, player pathways and community connection in Nillumbik.</p> <p>Thank you again for your consideration and support. Please do not hesitate to contact us if you would like any further information.</p> <p>Yours sincerely</p> <p>Michael Burgess President Greensborough Hockey Club</p>	<p>Nillumbik Shire Council has been successful in receiving a Sport and Recreation Victoria Local Sport Infrastructure Fund grant to be able to deliver a floodlight upgrade at Plenty War Memorial Park hockey field to support the Greensborough Hockey Club.</p>

Nillumbik Shire Council – Public submissions to the Draft Budget 2026-2027	
Submitter and Key Points	Officer Response
<p>9. [REDACTED]</p> <p>I suggest that the council should be cutting back on expenses in areas that are not core council responsibilities and I make the following suggestions for cutting back.</p> <p>Social planning and equity: cut completely, saving \$707,000 Living and learning: cut by \$100,000, Community development: cut by \$100,000, Advocacy, communications and engagement: cut by \$200,000, Arts and culture: cut by \$200,000</p> <p>I'm sure that other areas could be trimmed by eliminating nice to have but not necessary activities.</p>	<p>Council recognises that financial resources are limited and that difficult choices are required each year. As part of the annual budget process, all services, programs and initiatives—both mandated and discretionary—are carefully reviewed. This includes assessing costs, service outcomes, legislative obligations, long-term financial sustainability, and the needs of our diverse community.</p> <p>In developing the budget, Council seeks to balance investment in essential services and infrastructure with programs that support community wellbeing, participation and resilience. While some activities may be viewed as “nice to have”, they often respond to identified community needs, support vulnerable groups, or contribute to longer-term outcomes that help reduce future demand on Council services.</p> <p>All budget submissions, including yours, are considered as part of this process and inform Council’s deliberations before the final budget is adopted. Council remains committed to prudent financial management and will continue to look for efficiencies and opportunities to reduce costs where services can be delivered more effectively, while ensuring that limited funds are allocated in the best interests of the broader community.</p>
<p>10. [REDACTED]</p> <p>The allocation for grants is excessive and needs to be cut by half in this cost of living crisis most rate payers face .</p>	<p>Council recognises the cost-of-living pressures many ratepayers are currently experiencing and the need to carefully manage all discretionary spending. Grants play an important role in enabling local community groups and organisations to deliver initiatives that support community wellbeing and connection—often in areas where Council or other levels of government are not best placed to directly deliver services.</p> <p>Each year, Council carefully reviews its grants program to ensure funding is targeted, provides value for money, and aligns with identified community needs and Council priorities. All budget submissions, including feedback on grants funding, are considered as part of this process before the final budget is adopted.</p>
<p>11. [REDACTED]</p> <p>Allwood Neighbourhood House welcomes and strongly supports the inclusion of \$20,000 per annum in the 2026–27 Draft Budget as part of a three-year partnership with Nillumbik Shire Council. Neighbourhood Houses are a critical layer of local community infrastructure. At Allwood, we deliver responsive, place-based programs that strengthen social connection, support mental health and wellbeing, and create inclusive opportunities for participation across all life stages. Our work is deeply aligned with Council’s strategic priorities, particularly in fostering connected, resilient communities and activating local places through accessible and meaningful engagement.</p> <p>This investment represents not just funding, but a strategic partnership with a proven delivery organisation. We are proud to operate with a strong track record of governance, financial management, and program outcomes. Our organisation consistently demonstrates impact, returning approximately \$4.26 in community value for every \$1 invested. This level of return highlights the effectiveness of Neighbourhood Houses as a vehicle for delivering tangible, local outcomes and represents a highly efficient use of Council resources.</p> <p>We also recognise that this funding delivers on a broad range of outcomes across community wellbeing, engagement, and safety portfolios. Neighbourhood Houses operate at the intersection of these domains—providing trusted, locally embedded platforms for connection, information sharing, resilience building, and early intervention. This makes Allwood a valuable partner in achieving integrated, cross-portfolio objectives.</p> <p>We would like to sincerely acknowledge the leadership of the Mayor, Bunjil Ward Councillor Naomi Joiner, and all Ward Councillors for recognising the importance of this work. We also extend our thanks to Council officers whose professionalism and commitment have helped bring this partnership to fruition. While this funding represents a significant and welcome step forward, it also establishes a strong foundation for future growth. Investment in grassroots community development is one of the most effective ways to achieve meaningful local outcomes, and we are proud to deliver this work. Investment in</p>	<p>Submission noted.</p>

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<p>Neighbourhood Houses across neighbouring municipalities demonstrates the potential to further expand impact over time. Allwood Neighbourhood House remains committed to delivering high-impact outcomes and to being a trusted partner to Council. We look forward to establishing this formal partnership and building on its impact for the Nillumbik community.</p>	
<p>12. [REDACTED]</p> <p>Friends of Nillumbik Inc. (FoN) provides this written submission in response to Nillumbik Shire Council's (NSC) invitation to provide feedback on the draft Council Budget 2026-2027.</p> <p><u>1. Overall Budget Document</u> FoN notes and welcomes some improvements in the budget documentation, including:</p> <ul style="list-style-type: none"> • New differential rating categories for Sustainable Agriculture and Trust for Nature properties • Improved categorisation and breakup of Service Area expenditure for each of the Themes • Increased funding for environment and biodiversity initiatives • Details and budgets of New Operating Initiatives • Reduction of budget forecasts from 10 years to four years. <p>Conversely, explanation of the basis for the budget is weak, as noted in our previous submissions. While some four pages of standard text explain the budget processes and how they link to an integrated planning and reporting framework, only two dot points mention the actual budget basis and assumptions. While it is clear the budget is and should be aligned to the Council Plan and its priorities, there is no discussion to better justify the 2.75% rate increase (apart from 'cost pressures'), no mention of the potential effects of State government policies on housing or other potential risks to the budget, or indeed Council's in-progress organisational restructure and its potential cost savings or performance impacts (Refer Point 5 below).</p> <p><u>2. Proposed Rates and Charges</u> FoN generally supports the draft budget's 2.75% general rate and 4.26% domestic waste charge increases. We recognise these increases as essential to maintain services delivered under inflationary pressures on all components of the budget, which could be supported by improved justification in the budget document. FoN also supports the introduction of the two new differential rating categories for Sustainable Agriculture and Trust for Nature properties.</p> <p><u>3. Budget Expenditure Breakdown</u> We welcome the improved breakup in categorisation of Service Area expenditure for each of the themes in Section 2 (pp 9-16), along with details and budgets of New Operating Initiatives in Section 4.6 (pp 47-48). We asked in 2025 for improved transparency of the Service Area expenditure by providing the current year budget for comparison with the proposed budget to show where expenditure variance occurs. It is difficult to review and provide meaningful comment on the budget without this information. This was not provided in the budget but supplied separately on request (recognising that Service Area titles had changed and manual comparison was not possible in many areas). We appreciated this useful information, but again request inclusion of comparative data in the draft budget.</p> <p><u>4. Expenditure on Environment and Biodiversity</u> We note specific budget allocations for the Biodiversity Strategy 2024 and the Urban Tree Canopy Strategy, which are welcome and will start to implement these strategies and address ongoing environmental degradation across Nillumbik in bushland reserves, roadsides, and on private land. While a relatively small amount, we note with alarm the allocation of an additional \$30,000 for 'Increased Sportsground Maintenance funding following the increased dog access across sportsgrounds.' Is this an example of Council making decisions without being informed of the budget implications? Is this amount also being covered by dog registration fees, or are general ratepayers expected to cover costs incurred due to irresponsible pet owners?</p>	<p>Council thanks Friends of Nillumbik Inc. for acknowledging the improvements made to the Draft Budget 2026–2027, including the introduction of new differential rating categories, improved presentation of service expenditure, increased investment in environmental initiatives, greater transparency around new operating initiatives, and the move to a four-year financial outlook.</p> <p>Council thanks Friends of Nillumbik Inc. for its support of the proposed 2.75 per cent general rate increase and 4.26 per cent domestic waste charge increase, and for recognising the necessity of these increases to maintain service levels in the context of ongoing inflationary pressures.</p> <p>The Draft Budget 2026–2027 is the first budget prepared under the newly adopted Council Plan 2025–2029, which introduced revised themes, strategic objectives and service groupings. As a result, direct year-to-year comparisons at a service area level are not always possible, as service structures and allocations have changed to align with the new Council Plan. Our aim is to include comparative information in the following years' budgets.</p> <p>Council notes the concern raised regarding the additional allocation for increased sportsground maintenance associated with expanded dog access. All initiatives included in the Draft Budget are considered carefully through Council's budget development and decision-making processes, with attention to community needs, service impacts and financial sustainability.</p> <p>Organisational restructures typically involve up-front costs, including redundancy payments and the payout of accrued leave entitlements. As a result, financial savings from structural changes are generally not realised in the first year, and in some cases may temporarily increase operating costs before efficiencies are achieved. The restructure is being undertaken in response to sustained cost pressures that are increasing at a faster rate than Council's income, particularly under the constraints of the Fair Go Rates System.</p> <p>The BMX Jumps and Community Recreation Park project is budgeted in previous financial years. Funding will be carried forward into 2026-27 financial year. The annual budget shows the allocation for each project within that financial year, noting that funding for multi-year projects may be spread across multiple budget periods.</p> <p>In reference to Service Performance Outcome Indicator for Roads, this result varies depending on the frequency of road audits undertaken (currently every four years), the rate of deterioration of the road pavements between audits and the amount and type of road resealing required based on the audit findings. As such, it is expected that over the next 4 years the road condition would improve and return towards the initial targets/forecasts set (i.e. mid 90% range).</p> <p>In relation to the lack of environmental indicators in the Budget, Council is only required to include the mandated/audited indicators in the budget including a new indicator in relation to Gas Usage on page 50 of the Draft budget.</p>

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<p><u>5. Organisation Restructure</u> We are aware that a restructure of the senior executive team is under way, and expect that further restructuring may follow. This restructure must be taking place in the context of budget preparation and quantifying efficiencies, yet in the draft budget there is no discussion of it nor is it reflected in any expenditure data or staff ('human resources') numbers. The effect of a restructure on services provided by Council to the community is of keen interest to the Nillumbik community. We understand the need for initial confidentiality in such delicate matters affecting staff and their livelihoods, but it is now reasonable to expect some discussion and revised expenditure forecasts in the final budget along with discussion on how the restructure will deliver efficiencies and improved services in Nillumbik.</p> <p><u>6. Opportunistic Projects and the Budget</u> The draft budget introduction refers to 'careful prioritisation of expenditure'. We noted during 2025-26 that Council took up opportunistic projects supported by State grants, such as the Hurstbridge Dog Park (not a priority in the Council Plan) and the Challenger St BMX Park. These projects nevertheless commit Council to additional unbudgeted capital expenditure and annual operating costs with long-term budget implications, which mean that other priorities in various strategies cannot be funded as intended by Council. Council agenda and reports proposing these projects also have a lack of detail and no estimated costs under the 'Budget considerations' section, which is a severe deficiency and does not assist decision-making by Council (For example, Hurstbridge Dog Park Upgrade – Council Meeting Agenda 24 February 2026, Item CM.006/26, or PCC Agenda 11 November 2025, Item PCC.021/25). We think that opportunistic projects partly funded by grants should be subject to consideration in the context of Council Plan priorities and additional annual expenditure, with the same cost-benefit scrutiny as any other investment by Council and with estimated budgetary implications in all decisions – indeed, this is a requirement of Council's integrated planning and reporting framework.</p> <p><u>7. Capital works program</u> In Section 4.5.2 (p43), it would be helpful to show the total cost of discrete projects (not renewals or annual programs) in this table. For example, what is the total estimated cost for projects such as the Eltham Rugby Pavilion Changeroom Upgrade, the St Andrews Men's Shed, or indeed the Kangaroo Ground Landfill Rehabilitation? There is no mention of the Challenger Street Diamond Creek BMX Jumps and Recreation Park, which went to the PCC meeting of 11 November 2025, and will surely be partially funded in 2026-27.</p> <p><u>8. Service Performance Outcome Indicators</u> For the draft 2025-26 budget, we expressed our disappointment that there were no service performance outcome indicators relating to environment, biodiversity and climate action. Some strategic indicators have now been included in the Council Plan 2025-2029 (eg. <i>Proportion of rural and urban Forest Health monitoring sites where three or more native fauna Forest Health indicator species are recorded, Condition of habitat in Council bushland reserves, and Volume of annual greenhouse gas emissions emitted by Council facilities and operations</i>), but none have found their way into the 2026-27 draft Budget. This continues to be a serious shortfall. We again request NSC include the most strategic and appropriate indicators and targets from the Council Plan 2025-29 to reflect actions and commitments to the environment, biodiversity and climate action. Some reported and target performance indicator data bounce around and should be explained better. For example, the final 2025-26 budget (p54) for Roads (sealed local roads below intervention level) reports a Forecast Actual 2024/25 result of 95.66%, and Target 2025/26 of 95.85%, whereas the draft 2026/27 budget reports an Actual 2024/25 result of 77.10%, a Forecast Actual for 2025/26 of 80.18%, and Target 2026/27 of 83.39%. This has occurred in the context of almost doubling the Roads renewal and upgrade capital expenditure compared to budget (draft budget forecast for 2025/26 of \$5.32 million compared to an original budget for 2025/26 of \$2.83 million). This massive decline in service under a higher level of investment begs explanation (or perhaps a reference to a relevant performance report – noting that expenditure and performance are rarely reported together except in the budget).</p> <p>We look forward to presenting our submission to the Planning and Consultation Committee.</p>	

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<p>13. [REDACTED]</p> <p>Refer to attachment 1.1</p>	<p>The budget submission has been noted and will be considered in the development of future budgets. However, the Councils follow model budget issued by Local Government Victoria which helps consistent reporting across the sector. The Budget document is a statutory document prepared as per the requirements in the Local Government Act and Ministerial guidelines.</p>
<p>14. [REDACTED]</p> <p>As a past Councillor I understand that considerable effort is undertaken in drafting the budget & I appreciate the financial constraints on Council Officers & Councillors in determining allocation of funds.</p> <p>I would like to request that funds be considered for the following:</p> <p><u>1. Beautification of roundabouts & main streets of shopping precincts</u> Streets that have well tended gardens bring joy and a sense of care to those traversing them. Over the past few years many of our local roundabouts & main street garden beds are looking neglected. Plantings would have a positive effect on the wellbeing of residents, a sense of pride & improve economic visitorship</p> <ul style="list-style-type: none"> - Progress Road/Orchard Avenue, Eltham North - Ryan's Road/St Clems Street, Eltham North - Ryan's Road/Progress Road, Eltham North - Elm Crescent/Scenic Crescent, Eltham North - Main Street Eltham to name a few - At Eltham North Reserve near the Cricket Club & adjoining at the entrance to the Eltham North Community Hall <p><u>2. Additional seating at Susan Street Oval, Eltham</u> Eltham Junior Football Club & Eltham Cricket Club use the Susan Street Oval for sports. The ground has only 4 bench seats for spectators which is inadequate & significantly less than other local grounds. The Yarrambat oval has approximately 40 bench seats. Can additional seating be installed at Susan Street for spectators?</p> <p><u>3. An access gate at Ben Frilay Oval Hurstbridge near the Away coaches box</u> The absence of an access gate near the Away coaches box at Ben Frilay Oval is something I have raised with Officers previously. This is a premier ground for football finals & over multiple final seasons I have witnessed young players having to jump the fence in an unsafe way. The Yarrambat Oval has access gates at both coaches boxes. Can the same be done at Ben Frilay please?</p> <p><u>4. Signage at Barak Bushland Eltham to commemorate the planting at the site of 4 significant trees - planted for Uncle William Barak, the Wandin Family, the Terreck Family & the Neven Family by Wurundjeri women from these respective families.</u> In August 2025, to mark the 21st anniversary of the naming of Barak Bushlands, Nillumbik Reconciliation Group in conjunction with Council held a cultural event which saw 4 trees planted by Wurundjeri Women to honour their ancestors and tradition custodianship. Can Council please work with NRG & Wurundjeri to install appropriate signage, [possibly rocks, so the community are aware of these trees & appropriate respect given to the Wurundjeri significance of these plantings (among the hundreds of other plantings on the site. Can council also install some seating overlooking the Diamond Creek in this area to create a gathering space?</p> <p><u>5. Tree Planting in the Eltham North Reserve Car Park</u></p>	<p>1. <u>Beautification of roundabouts & main streets of shopping precincts</u> Some of the roundabouts and main street garden beds listed are Department of Transport and Planning assets and if they are maintained by Council under an agreement, the agreement and associated budget allocation allows only for maintenance of the roundabout/garden bed area and does not include any embellishment.</p> <p>Generally, vegetation on local street roundabout's is not a Council priority and the focus is on ensuring they operate safely and as intended as a traffic management device rather than planting them out.</p> <p>2. <u>Additional seating at Susan Street Oval, Eltham</u> The planning for spectator seating at recreation reserves is based on the individual needs of each site and the current usage. Yarrambat War Memorial Oval is the home facility for both cricket and football clubs whereas Susan Street Oval is an overflow facility for both football and cricket clubs, so these two facilities are not like for like comparisons.</p> <p>Additional seats for Susan Street Oval have not been included in the 2026-27 budget but remains on future opportunities list managed by Council Officers to be considered for future budget cycles.</p> <p>3. <u>An access gate at Ben Frilay Oval Hurstbridge near the Away coaches box</u> An access gate at Ben Frilay Oval has not been included in the 2026-27 budget. Council Officers will investigate and add to the future opportunities list managed by Council Officers to be considered for future budget cycles as necessary.</p> <p>4. <u>Signage at Barak Bushland Eltham</u> Signage – There is no planned or budgeted works around the signage suggested. Internal advice is that such an initiative should come through the Nillumbik Reconciliation Group with funding possibly sourced through future grant opportunities, such as Council's Place Activation grants.</p> <p>Seating - additional seating along the Wingrove Trail, near the planting of the 4 significant trees, has not been included in the 2026-27 budget but will be added to future opportunities listed managed by Council Officers for future budget cycles.</p> <p>5. <u>Tree Planting in the Eltham North Reserve Car Park</u> A contract is in place with a local contractor to plant some new native trees within the car park precinct. The new trees are scheduled for planting in the coming weeks, subject to contractor availability.</p>

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<p><u>6. Concept planning to build a new sports pavilion for Eltham North Adventure Playground</u> To accommodate the growing needs of soccer and cricket in the shire along with other needs identified by Eltham Redbacks Football Club to facilitate their participation at top levels of competition in Victoria.</p>	<p><u>6. Concept planning to build a new sports pavilion for Eltham North Adventure Playground</u> The concept design for a new pavilion at Eltham North Adventure Playground has not been included in the 2026-27 budget. Council has prioritised the design for renewing existing infrastructure over new infrastructure. This project remains on future opportunities list managed by Council Officers to be considered for future budget cycles.</p>
<p>15. [REDACTED] Dear Councillors and council staff</p> <p>As the Dunmoochin Landcare president, and as a local Nillumbik resident and member of the conservation group Nillumbio, I am submitting the following feedback on the Draft Budget 2026–2027, particularly in relation to the Environment and Conservation service area.</p> <p>These budgets need the service areas to be broken down into detailed spending subcategories. I am a conservationist who lives in the area, and I need the Environment and Conservation service to be itemised in order to understand whether I agree with the council's spending in this area.</p> <p>For instance, it is very difficult to determine, when reviewing the "Environment and Conservation" service, whether the \$2,373,000 is actually allocated toward genuine conservation work. Including the term "environment" in the title of a service area could encompass almost anything yet still be presented as environmental work.</p> <p>If the \$2,373,000 allocation is intended to support conservation, it should be clearly broken down to show exactly how much is being spent on specific conservation activities.</p> <p>For example, how much of this funding is spent on the following:</p> <ul style="list-style-type: none"> • Threatened species • Maintenance of paths (e.g. cutting back vegetation), which is not strictly conservation work. I suspect maintenance activities are being grouped into this category • Protection of biodiversity more broadly — noting that more common species, such as various honeyeaters and reptiles, appear to be becoming less common • Pest management — for example, one of the best wildflower reserves in Nillumbik, Ironbark Reserve, is now a shadow of its former self due to heavy deer impacts. Very little appears to be being done to address this issue 	<p>The majority of the \$2,373,000 is allocated towards officer time and on-ground works and materials that all directly contribute towards the implementation of Council's Biodiversity Strategy, with the exception of \$120,942 which is allocated for fire prevention works within bushland reserves.</p>

Bouquets and Brickbats: Feedback on the Draft Nillumbik Council Budget, 2026–27

Key Points

This submission is offered in a constructive spirit. It recognises the progress made by Council in response to earlier community feedback, while identifying areas where further improvement would materially strengthen transparency, accountability and alignment with Council’s strategic objectives.

Bouquets

Council has made a number of positive and welcome changes in this Draft Budget:

- **Increased emphasis on environmental initiatives**, with clearer identification of activities supporting biodiversity and related programs.
- **Improved rate treatment for Trust for Nature (TFN) properties**, shifting from a capped rebate to a percentage-based discount (15%), which is more transparent and equitable in principle.
- **More coherent presentation of environmental activities**, including the consolidation of biodiversity-related functions within “Environment and Conservation”. This represents a meaningful improvement on the fragmented structure in previous budgets.
- **Introduction of a consolidated list of new operating initiatives** (pp. 47–48), including disclosure of funding in this second year of the four-year budget cycle. This is a useful step toward greater transparency.
- **Initial expansion of performance indicators beyond mandatory requirements** (pp. 49–50). While still limited, this reflects a willingness to respond to prior feedback and to begin strengthening the performance framework.

These changes are noted and supported. They provide a foundation for further improvement.

Brickbats

Notwithstanding this progress, several structural weaknesses remain:

- **Limited consultation on the design of new environmental initiatives**, including an apparent absence of structured engagement with relevant community stakeholders such as Friends Groups. The level of detailed engagement with ESAC is unclear.

- **Insufficient detail on new initiatives**, particularly the absence of year-by-year expenditure profiles and links to service areas and staffing resources.
- **Service area reporting remains inadequate**, with no historical comparators, no percentage changes, and no breakdown of expenditure components. This significantly limits transparency.
- **No linkage between staffing (FTE) and service areas**, with staffing reported only at a highly aggregated “directorate” level.
- **Inconsistent financial presentation frameworks**, including the use of “net cost” for service areas, “operating cost” for initiatives, and full accrual accounting elsewhere, without reconciliation between these formats.
- **Performance indicators remain limited in scope and impact**, with minimal variation in projected outcomes and weak linkage to overall expenditure.
- **TFN rate incentives, while improved, remain modest in scale**, with no modelling provided on behavioural impact and still falling short of leading practice in comparable municipalities.

Overall, the Draft Budget reflects **incremental improvement**, but not yet the **step change in transparency and accountability** that is both achievable and expected.

Introduction

This submission builds on earlier feedback provided on the 2025–2026 Draft Budget, which focused on improving transparency and accountability through program-level reporting and stronger alignment between financial data, service delivery and strategic objectives.

The title of this submission is deliberate. It reflects an intention to offer both recognition of progress (“bouquets”) and constructive critique (“brickbats”), in the spirit of supporting continued improvement.

The 2026–2027 Draft Budget shows evidence that Council has begun to respond to these concerns. There are clear improvements in several areas, particularly in the presentation of environmental activities, the treatment of Trust for Nature properties, and the introduction of a consolidated initiatives list.

At the same time, the underlying structure of the budget remains largely unchanged. Key elements of financial reporting continue to limit the ability of Councillors and the community to:

- understand how resources are allocated at a meaningful activity level

- assess changes in priorities over time
- link expenditure to outcomes and performance

Council should continue to work within the constraints of existing reporting requirements specified by the State Government while continuing to provide the additional detail suggested in this submission via additional ‘Notes to the Financial Statements’.

By way of context, the Budget includes:

- Total operating expenditure of approximately **\$99.9 million**
- New operating initiatives of approximately **\$1.3 million** in 2026–27
- A capital works program of **\$15.1 million**

These headline figures highlight an important issue: most Council activity occurs within the base budget. Accordingly, the transparency of **service area reporting**, not just new initiatives, is critical.

To assist in addressing these issues, this submission also introduces a practical example of how existing Council data can be re-presented using a program budgeting approach to support more informed decision-making.

This submission therefore focuses on structural improvements that would enable Council to build on the progress already made and deliver a more coherent, decision-useful budget framework.

Detailed Analysis

1. Environmental Initiatives and Structure — Progress, but Incomplete

Council’s treatment of environmental activities has improved.

The consolidation of biodiversity-related functions within ‘**Environment and Conservation**’ is a positive development. It addresses, at least in part, the fragmentation identified in previous submissions. The separation of **Environmental Health** (as a regulatory/public health function) and activities such as **Edendale Farm and climate initiatives** within the “Our Future” theme is also reasonable, reflecting their different functional roles.

However, two issues remain.

First, **the absence of a clear financial narrative**. While activities are grouped more logically, there is still no capacity to track:

- total biodiversity expenditure over time
- shifts in resource allocation between environmental programs
- the relative scale of different initiatives

Second, **limited consultation in program design**. There appears to have been no consistent or structured engagement with a broad range of stakeholder groups in shaping the environmental initiatives or how the actual budget allocations will be rolled-out. Given Council's stated commitment to community engagement, this is a significant gap.

2. New Operating Initiatives — A Step Forward, Not Yet Fit for Purpose

The introduction of a consolidated list of new operating initiatives (pp. 47–48) is a welcome reform.

It improves visibility. It signals intent. It makes explicit the total allocation in 2026-2027, but not across the four-year budget cycle.

Critically, the current format does not include:

- **year-by-year expenditure profiles**
- **FTE allocations**
- **clear links to service areas**
- **funding sources (redeployed funds, revenue growth, or new grants)**

Without this information, it is not possible to:

- assess the ongoing cost of initiatives
- understand their impact on existing services
- evaluate whether they represent new investment or internal reallocation

This limits the practical value of what is otherwise a positive initiative.

3. Service Area Reporting — The Core Transparency Gap

Service area reporting (pp. 11–16) remains the weakest part of the budget.

The current presentation includes:

- expenditure
- revenue

- net cost

...but only for a single year.

What is missing is fundamental:

- prior year actuals or forecasts
- percentage changes
- breakdown of expenditure (e.g. staff, materials, grants)

This is not a minor omission. It goes to the heart of accountability.

Without comparative data, it is not possible to determine:

- whether a service area is expanding or contracting
- whether cost increases reflect inflation, demand, or policy change
- whether resources are being reallocated between services

It is notable that more detailed comparative data is provided elsewhere in the budget (e.g. rates and charges). This inconsistency reinforces the view that improved service area reporting is both feasible and warranted.

4. Program Budgeting — From Reporting to Decision-Making

The limitations identified above are not simply matters of presentation. They directly constrain the ability of Councillors and the community to make informed judgements about priorities, trade-offs and policy direction.

An alternative approach — **program budgeting** — provides a practical way forward.

Program budgeting shifts the focus from:

- reporting on inputs (e.g. net cost by service area),
to:
- understanding how resources are allocated to **policy-relevant groupings of activity**, and what this implies for decision-making.

Using the limited information available in the Draft Budget, together with general ledger detail provided separately by officers in the spreadsheet “*Statement of Services 2025–26 Adopted vs 2026–27 Draft Budget – summary*”, it is possible to reconstruct a **program-level view of Council expenditure**. This has been undertaken by the Friends of the Eltham Copper Butterfly in the attached spreadsheet (if we can do it, so can Council Officers!)

While necessarily approximate, this exercise demonstrates what can be achieved with existing data.

Importantly, it enables questions to be asked that are not possible under the current budget structure. For example:

- **Are sufficient resources being directed to age-related programs**, given the ageing demographic profile of the Nillumbik community?
 - the program budget for 2025-2026 FoECB constructed shows total expenditure on 'Ageing Well' was just under \$800,000, or 0.64% of Council's budgeted total operating expenditure of \$124.4m in 2025-26
 - Has this level of allocation kept in line with the ageing of Nillumbik's population in recent years?
 - Should it grow in future years? By how much?
- **How does expenditure on biodiversity and environmental management compare with other major program areas**, and how has this changed over time?
 - The FoECB program budget shows Council contributed 1.53% (\$1.572m) of total operating expenditure in 2025-26
 - Is this sufficient given the national significance of many of our public reserves?
 - This proportion will change in future years because of Council's allocation of additional funds to the 'Environment and Conservation' service area. We know the details for 2026-27 – but what about the remaining two years of the current budget cycle?...and what occurred in 2025-26?
 - Is the proportion of total operating expenditure different after allocation of pooled accrued overheads such as depreciation and superannuation allowances? Can't tell! (because of insufficient documentation in the material provided in the provided spreadsheet and the draft budget).
- **Is the spatial distribution of service outlays appropriate**, given the dispersed population structure of the Shire, including differences between township areas, the Rural Conservation (RCZ), and Green Wedge (GWZ) zones?
 - A program budget analysis could enable analysis of sub-LGA allocations by ward and zone.
- **What are the relative resource commitments to community development, infrastructure, environmental management and governance functions**, and do these align with stated strategic priorities? We can't easily tell from the draft

budget, which only gives 'net cost' by service area, but not as a percentage, nor on a different accounting basis, such as total operating expenditure.

These are not abstract questions. They go directly to the role of Councillors in setting strategic direction and allocating scarce resources in line with the Council Plan.

The current budget structure does not readily support this level of analysis. However, the underlying data required to do so already exists within Council systems.

The attached program budgeting framework illustrates:

- how existing cost centre data can be re-presented
- how service-level information can be aggregated into policy-relevant groupings
- and how a clearer link can be established between **strategy, resource allocation and outcomes**

This is not a proposal for a wholesale redesign of the Budget. Rather, this submission suggests a practical extension of current reporting in the 'Notes to the Financial Statements' that would:

- enhance transparency
- support better decision-making
- and improve alignment between the Budget and the Council Plan

Over time, further refinement — including stronger links to performance indicators and staffing — would strengthen this approach.

5. Staffing — No Link to Service Delivery

The Budget includes a Statement of Human Resources, with FTE data presented at a **director level**.

This level of aggregation is too high to be useful.

There is no linkage between:

- staffing levels
- service areas
- initiatives

As a result, it is not possible to answer basic questions such as:

- How many staff are allocated to biodiversity, or other, programs?

- What staffing changes underpin new initiatives?
- Where are resources being redeployed?

Given that employee costs represent a substantial proportion of total expenditure, this is a significant gap in transparency.

6. Inconsistent Financial Frameworks — No Reconciliation

The Budget uses multiple financial presentation formats:

- **Service areas:** net cost
- **New initiatives:** operating cost
- **Financial statements:** full accrual accounting

Each format is valid in isolation. However, they are not reconciled.

This creates a structural disconnect.

It is not possible to trace:

- how initiative costs relate to total expenditure
- how service area net costs relate to full accounting expenses
- how different components of the budget fit together

A simple reconciliation note would significantly improve clarity without requiring major structural change.

7. Performance Indicators — Early Steps, Limited Impact

The inclusion of additional (non-mandatory) performance indicators is acknowledged.

It represents a first step beyond compliance with State Government reporting requirements.

However, the current indicators:

- show **minimal projected variation**
- are **limited in number**
- are **not clearly linked to expenditure levels**

In practical terms, the limited insight into:

- service effectiveness (the number of service areas covered by the current performance indicators is minimal)
- changes in performance over time
- the impact of new initiatives

Most service areas still have no associated performance indicators. This remains a major gap in the accountability framework.

8. Trust for Nature Incentives — Improved, but Modest

The move to a **15% rate discount** for TFN properties is supported.

It is more transparent than a capped rebate and aligns better with principles of equity.

However:

- no modelling has been provided on expected uptake or behavioural impact
- the incentive remains modest in scale
- it does not match leading practice in comparable municipalities (e.g. Mornington Peninsula Shire)

Given Nillumbik's identity as a Green Wedge Shire, there is a case for further strengthening this policy over time.

Conclusion

The 2026–27 Draft Budget reflects **genuine progress** in several areas. That progress should be acknowledged.

At the same time, the underlying structure of the budget continues to limit its effectiveness as a tool for transparency, accountability and strategic decision-making.

The next step is not wholesale redesign. It is refinement.

In particular:

- improved service area reporting
- clearer linkage between staffing and activities
- more complete presentation of new initiatives
- and a simple reconciliation of financial frameworks

- adoption of a program budget approach to inform Councillor decision-making and provide transparent reporting via 'Notes to the Financial Statements'.

These changes are practical. They are achievable within existing systems. And they would significantly enhance the value of the Budget to Councillors and the community alike.

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Nillumbik Shire Council – Public submissions to the Draft Revenue and Rating Plan 2026-2029	
Submitter and Key Points	Officer Response
<p>1. [REDACTED]</p> <p>Why does a family of 4 pay higher rates because of improved value to their property by building a shed and an extension yet another family of 4 pay alot less . What services are we using more than them how is that right? How is that fair?</p>	<p>Submission noted. Council levies rates and charges under the Local Government Act 1989 in order to fund, deliver, and maintain essential community infrastructure and services. The increase to rates is in compliance with the rate-capping framework established by the Victorian State Government and is reflective of the continued provision of services, which have been maintained at existing levels, and capital works program delivery.</p>
<p>2. [REDACTED]</p> <p>Thank you for the opportunity to provide feedback on the Draft Revenue and Rating Plan 2026–2029. I appreciate Council's efforts to improve clarity and transparency in the rating framework. However, I wish to raise several concerns relating to the treatment of rural land, environmental stewardship, and the equity of the proposed differential rating structure.</p> <p>1. Lack of recognition for Section 69 conservation land The Plan proposes new differential rating categories for Sustainable Agriculture and Trust for Nature (TFN) land. However, it does not recognise land protected under Section 69 Agreements, despite these agreements being legally binding, registered on title, and delivering long-term biodiversity protection equivalent to or greater than TFN covenants. Section 69 Agreements permanently restrict land use, require active conservation management and impose obligations that exceed the requirements of RCZ and ESO controls. Excluding this land from the conservation differential creates an inequity between landholders delivering identical environmental outcomes through different legal mechanisms.</p> <p>Request: That Council include land protected under Section 69 Agreements within the conservation-recognised differential rating category</p> <p>2. Environmental stewardship is not supported through the rating system The Plan states that differential rates may be applied to recognise land uses that provide broader environmental or community benefits. However, the proposed structure only recognises TFN covenants and Sustainable Agriculture, leaving out other forms of legally protected conservation land. This is inconsistent with the Plan's stated principles of fairness, transparency and alignment with environmental objectives.</p> <p>Request: That Council adopt a broader definition of conservation land that includes all legally binding conservation agreements registered on title.</p> <p>3. Rural land continues to carry a disproportionate rate burden Rural and peri-urban properties in the Green Wedge face significant land management obligations, including weed and pest control, fire-risk mitigation and conservation responsibilities. These obligations deliver public environmental benefits but are not reflected in the rating structure. The proposed differentials do not adequately recognise the environmental value of rural land or the costs borne by landholders in managing it.</p> <p>Request: That Council review the weighting of rural and conservation-related differentials to ensure they reflect the environmental and community benefits provided by these land uses.</p> <p>4. Removal of rebates reduces flexibility and may disadvantage some landholders The shift from rebates to differential rates may simplify administration, but it also removes flexibility for recognising unique land management circumstances. Some properties that previously qualified for rebates may not fit neatly into the new categories, particularly those with mixed agricultural and conservation uses.</p> <p>Request: That Council provide a clear pathway for landholders to seek recognition where their land delivers environmental outcomes not captured by the proposed categories.</p> <p>5 . Need for transparency in how differential rates support environmental outcomes The Plan introduces environmental-focused differentials but does not explain how the revenue raised will support environmental programs, land stewardship or biodiversity protection.</p> <p>Request: That Council outline how revenue from environmental differentials will be reinvested to support environmental management across the Shire, including on private land.</p>	<p>1. Section 69 conservation land Council acknowledges the role of Section 69 Agreements in supporting long-term biodiversity outcomes. The inclusion of such land is something that could be considered in future rating strategy reviews. Any changes would need to be balanced against the broader impact on general ratepayers.</p> <p>2. Recognition of environmental stewardship The proposed differentials for Sustainable Agriculture and Trust for Nature land represent an initial step toward recognising environmental benefits within the rating system. Broader definitions of conservation land, including other legally binding agreements, may be explored as part of future reviews.</p> <p>3. Rural land and rate burden Council recognises the important stewardship role undertaken by rural landholders, including land management and fire risk mitigation. The current differential structure seeks to balance these considerations with equity across all ratepayers. Feedback on the weighting of differentials will be considered as part of ongoing policy review.</p> <p>4. Transition from rebates to differential rates The proposed change is intended to improve transparency, consistency and alignment with property values. It is a relatively modest reform, replacing rebates with differential rates. More substantive changes, including additional categories or alternative forms of recognition for mixed or unique land uses, can be explored in future rating strategy reviews.</p> <p>5. Link between rates and environmental outcomes Rates are a general revenue source and are not allocated to specific programs. However, Council supports environmental outcomes through its broader budget, programs and strategic planning processes.</p> <p>All submissions received during the exhibition period will be considered before the Plan is finalised.</p>

Nillumbik Shire Council – Public submissions to the Draft Revenue and Rating Plan 2026-2029	
Submitter and Key Points	Officer Response
<p>Conclusion The Draft Revenue and Rating Plan 2026–2029 does not adequately recognise the environmental contributions of land protected under Section 69 Agreements, nor does it fully reflect the stewardship responsibilities carried by rural landholders. I respectfully request that Council broaden the conservation differential to include all legally binding conservation agreements, improve equity for rural landholders and ensure that the rating system aligns with Council’s environmental objectives.</p>	
<p>3. [REDACTED] Again too much revenue for a council. Cut rates and support people.</p>	<p>Council understands the cost-of-living pressures being experienced across the community and carefully considers the impact of rates each year. The proposed increase in rates is set in line with the Victorian Government’s rate cap, which limits how much councils can increase overall rate revenue.</p> <p>Rates are Council’s primary source of funding and are used to deliver essential services to the community, including waste management, roads, parks, libraries and community facilities. Council seeks to balance maintaining these services with keeping increases as low as possible.</p> <p>We also provide support for those experiencing financial hardship through payment plans and assistance options.</p>
<p>4. [REDACTED] The Draft Revenue and Rating Plan 2026–2029 does not reflect fair or balanced investment across the municipality. Wattle Glen residents are contributing through rates but are not seeing proportional reinvestment in our area. Basic needs such as safe pedestrian access, road improvements and community infrastructure remain unaddressed. This raises concerns about equity and prioritisation within Council planning.</p>	<p>Thank you for your submission and for raising concerns about equity of investment across the municipality, including in Wattle Glen.</p> <p>The Draft Revenue and Rating Plan 2026–2029 and the Draft Budget sets out how Council raises rates and how those funds are allocated across services and infrastructure for the whole municipality, rather than being linked to specific localities or suburbs. The Plans explain Council’s rating methodology and how revenue from rates is distributed across service areas to deliver outcomes for the broader community. As outlined in the Draft Budget, Council allocates expenditure across a wide range of services and infrastructure, with the allocation showing how every \$100 of rates collected is distributed across key service areas such as roads, footpaths, community facilities, environment, waste and recycling, and public safety.</p> <p>Council recognises that different parts of the Shire experience different needs at different times. Investment decisions are therefore informed by a combination of factors, including asset condition and renewal requirements, safety and compliance obligations, service demand, strategic priorities set out in the Council Plan, and the availability of external funding such as grants. This means that expenditure is not always evenly distributed geographically in any single year but is planned to respond to priority needs across the municipality over time.</p> <p>Council also operates within a constrained financial environment and must balance many competing priorities while managing limited resources responsibly. The Draft Budget has been developed to address both mandated services (such as road and drainage maintenance and community safety) and non-mandated services, while maintaining long-term financial sustainability.</p> <p>Your feedback regarding pedestrian safety, road improvements and community infrastructure in Wattle Glen is important. All submissions received during the public exhibition period will be considered as part of Council’s budget deliberations before the Budget and Revenue and Rating Plan are finalised. Council will assess this feedback alongside other submissions and priorities to ensure decisions are made in the best interests of the entire Nillumbik community.</p>
<p>5. [REDACTED] The Draft Revenue and Rating Plan 2026–2029 does not reflect fair or balanced investment across the municipality. Wattle Glen residents are contributing through rates like any other Nillumbik suburb, but are not seeing proportional reinvestment in our area. Necessary needs, such as safe pedestrian access, road improvements and community infrastructure remain unaddressed. Has any thought been put into upgrading the Peppers Paddock playground and park? This is a great community hub for our locals with the General</p>	<p>Thank you for your submission and for highlighting concerns about investment in Wattle Glen.</p> <p>The Draft Revenue and Rating Plan 2026–2029 outlines how Council raises rates and allocates revenue across services and infrastructure for the entire municipality, rather than on a suburb-by-suburb basis. Rates are pooled to fund a wide range of services and capital works, with expenditure prioritised based on asset condition, safety, service demand, strategic priorities in the Council Plan, and available funding.</p>

Nillumbik Shire Council – Public submissions to the Draft Revenue and Rating Plan 2026-2029	
Submitter and Key Points	Officer Response
<p>Store next door. This raises concerns about equity and prioritization within Council planning. Wattle Glen is part of your council!!!!</p>	<p>Council recognises that Wattle Glen residents contribute through rates like all Nillumbik residents, and that local needs such as pedestrian safety, roads and community infrastructure are important. Investment across the Shire is not evenly distributed in every year, as priorities can change depending on assessed need and timing of renewal or upgrade works.</p> <p>With respect to Peppers Paddock and its facilities, Council has recently replaced the existing brick BBQ with a new stainless steel accessible BBQ through this year's Open Space Renewal Program. To compliment this work, the 2026-27 Open Space Renewal Program will include the upgrade of the existing picnic setting to a new accessible picnic setting. While the Peppers Paddocks playground has not been prioritised for renewal in 2026-27, it will be considered for 2027-28 as part of the annual budget process.</p> <p>Council must balance many competing priorities with limited resources and make decisions in the best interests of the whole Nillumbik community. All submissions received will be considered before the Budget and Revenue and Rating Plan are finalised.</p>
<p>6. [REDACTED]</p> <p>The following is feedback on the proposal to change the support provided for owners of land with a Trust for Nature Conservation Covenant from a rate rebate to a differential rate.</p> <p>Nillumbik Biodiversity Strategy 2024-2034 – page 6: “</p> <p>Our biodiversity and its character are strongly valued by Council and our community:</p> <ul style="list-style-type: none"> • Our indigenous flora and fauna are precious and are in our safekeeping. • Our natural environment is at the very heart of our lifestyle and is fundamental to the beauty of our landscape, our neighbourhood character, our economy, culture and our health and wellbeing” <p>The strategy goes on to express ‘Goal 1 – biodiversity in Nillumbik is healthy’ with the target of ‘Achieve a net gain in the overall extent, connectivity and condition of habitat by 2036’ (page 32)</p> <p>The habitat that supports Nillumbik’s biodiversity is primarily in the form of the remnant native vegetation that occurs across Nillumbik.</p> <p>Of the total 29,296 hectares of native vegetation across Nillumbik, 20,256 hectares occurs on private land (69%), meaning that protection of Nillumbik’s biodiversity is heavily dependent upon the protection and management of habitat on private land.</p> <p>Nillumbik Biodiversity Strategy 2024-2034 – page 43: “Objective 3.1: Protect and improve the condition, extent and connectivity of habitat. Supporting strategy (d): Support people to protect and enhance biodiversity on private land — including through targeted outreach, advice and grant programs, land management plans, and by supporting voluntary covenants or on-title agreements.”</p> <p>The Nillumbik Biodiversity Strategy 2024-2034 – Year 2 Implementation Plan (2025 26) includes the following action in support of achieving Objective 3.1: Action 28: Review Council’s Trust for Nature rate rebate incentive</p> <p>So the origins of this proposed change to the rate rebate for covenanted land is in the context of supporting people to protect and enhance biodiversity on private land to help achieve the target of net gain in overall extent, connectivity and condition of habitat. Therefore, it is the area of land protected that is most important to achieving this target, rather than the value of that land.</p> <p>A Trust for Nature conservation covenant is a legal agreement between the Trust and the landowner that sits on title and permanently protects and conserves private land with natural, cultural or scientific values. It restricts activities that may damage native habitat on the land, such as clearing, intensive farming or subdivision.</p> <p>In 2003, Nillumbik laudably introduced a rate rebate for properties that had a Trust for Nature conservation covenant to support landowners who had made such a significant commitment to protecting Nillumbik’s biodiversity. It provides an important incentive to landowners considering entering into a covenant.</p> <p>The rebate was based on the area of land under covenant, with landowners receiving \$50 per hectare, with a minimum of \$200 and maximum of \$500.</p>	<p>Council notes your concern that incentives for covenanting should be based on the area of land protected rather than property value, and your view that an area-based rebate provides a clearer and more direct link to biodiversity outcomes. Council also notes your comments regarding the longevity of the existing rebate and its real value over time.</p> <p>In considering the proposed change, Council notes that the current Trust for Nature rebate represents approximately 11 per cent of applicable rates in aggregate, and that the proposed differential rate would increase this level of support to approximately 15 per cent. It is also noted that, as the proposed support mechanism is linked to general rates, the value of the concession would increase over time in line with movements in rates, rather than remaining fixed.</p> <p>All submissions will be carefully considered as part of Council’s deliberations, including the intent and effectiveness of the proposed approach, its alignment with the Biodiversity Strategy and Implementation Plan, and the balance between financial sustainability and biodiversity outcomes.</p>

Nillumbik Shire Council – Public submissions to the Draft Revenue and Rating Plan 2026-2029	
Submitter and Key Points	Officer Response
<p>The proposal to change how landowners who have made the commitment to apply a covenant on their land to a differential rate (ie based on the property value rather than the area of habitat protected) is not sound as a means of incentivising the protection of habitat needed to meet the biodiversity strategy target.</p> <p>The incentive formula therefore should be based on area covenanted rather than property value.</p> <p>There is a total of 636 hectares under 65 covenants in Nillumbik, and a rebate at \$50/hectare represents a total investment of \$31,800 (a meagre 0.027% of the proposed total expenditure in the draft 2026-27 budget).</p> <p>The quantum of the rebate has remained unchanged since 2003, so in effect has been reducing in value for twenty-three years. According to the Reserve Bank of Australia inflation calculator the equivalent value in 2025 would be \$57,425.</p> <p>The permanent protection of good quality habitat by placing it under a Trust for Nature covenant is one of the most effective means of protecting biodiversity in Nillumbik that a landholder can do. Therefore, it stands that one of the most important things Nillumbik Shire Council can do to encourage covenanting to protect habitat is to increase the financial incentive rather than potentially reduce it.</p> <p>I therefore ask that Council retains a financial incentive for covenanting that is area based, and that it be at least doubled to a minimum of \$100/hectare under covenant.</p>	
<p>7. [REDACTED]</p> <p>Most rate payers are not seeing a 2.5% rise in their after-tax income so i think the proposed rate rise up to the State government cap is excessive. To help alleviate the proposed rise in waste collection charges please introduce a cut rate for rate payers who opt for a red bin which is half the size of the current smaller red bin available as i rarely fill the smallest size available. The revenue neutral drop in landfill charges should be factored into a corresponding drop in the waste levy then payable. This also maps well to the Sustainability strategy.</p>	<p>Council levies rates and charges under the Local Government Act 1989 in order to fund, deliver, and maintain essential community infrastructure and services. The increase to rates is in compliance with the rate-capping framework established by the Victorian State Government and is reflective of the continued provision of services, which have been maintained at existing levels, and capital works program delivery.</p> <p>The feedback regarding the option of a red-lidded bin smaller than 80 litres is noted. Council's bin collection service is designed around standard bin sizes that are compatible with side-arm collection vehicles, lifting mechanisms, safety requirements and service contracts.</p> <p>While Council acknowledges and commends residents who generate very small amounts of residual waste, bins smaller than 80 litres are not currently feasible as a kerbside option. The 80-litre red-lidded bin attracts a reduced waste charge, reflecting its lower disposal capacity while maintaining a safe and efficient collection service.</p> <p>Feedback regarding reduced waste generation, service flexibility and associated costs will be considered as part of future waste service reviews.</p>
<p>8. [REDACTED]</p> <p>Given the current economic situation and Nillumbik rates being amongst the highest in the state a lower rate increase or graduated increase over 3 years would better support the community. Also nothing here about cost savings to offset reduced rates through improved governance of spending including productivity and efficiency dividends.</p>	<p>Council recognises the cost-of-living challenges being experienced by many residents and acknowledges concerns about rate levels and the timing of increases. Council is mindful that rates are a significant household expense and seeks to balance affordability with the need to maintain essential services and infrastructure relied upon by the community.</p> <p>Council provides a wide range of essential services, facilities and infrastructure that support community wellbeing, safety and amenity. The cost of delivering these services continues to increase at a rate significantly higher than the annual rate cap.</p> <p>In response to these pressures, Council is actively reviewing all services and expenditure to identify opportunities for efficiencies, productivity improvements and cost savings. This includes assessing service delivery models, governance arrangements and operational practices to ensure resources are used effectively while maintaining current service levels.</p> <p>Council will continue to carefully consider community feedback, financial sustainability and service impacts as part of its budget deliberations.</p>