

NCS Engagement 2 – Written Response Analysis -

Sub. No.	Name/Organisation	Allocated Character Area	Officer Summary of Key Points Raised	Officer Response	Referred to Other Teams	Refer to Ethos? Yes/No	Ethos Response:
83.a	██████████ /	Bush Residential 2	Loss of vegetation and tree canopy due to development.	Taken as a statement.	No	No	
b			Burning off in residential areas.	Outside the scope of the NCS.	No	No	
c			What are the timeframes for Planning Permits?	<p>Taken that this query relates to when would the objectives/guidelines proposed in the draft NCS become enforceable through the planning scheme.</p> <p>The planning scheme amendment to implement NCS objectives and design guidelines is where specific ordinance will be drafted meeting the required rules of drafting that would effectively identify specific requirements that would meet the design response. Once the final NCS is adopted by Council which is programmed for late 2023, Officers would seek approval from Council to request formal Authorisation from the Minister pursuant to Section 8A of the <i>Planning and Environment Act 1987</i> to prepare and exhibit a planning scheme amendment to implement the NCS into the Nillumbik Planning Scheme. Planning scheme amendments generally take 12 to 18 months.</p>	No	No	
d			Permeable Surfaces appear to be disappearing with increased development.	<p>Taken as a statement noting the NCT for Bush Residential 1 at page 57 requires:</p> <ul style="list-style-type: none"> <i>The site area covered by buildings should not exceed 40 per cent.</i> <i>Provide at least 40% of the site as permeable surface.</i> 			
e			The Bush Residential 2 typology doesn't appear to suit the area after so much vegetation removal and development.	Refer to Ethos for a review of the identified NCT Bush Residential 2, noting preferred character areas are determined by analysis of existing character attributes in the area. The precincts are often aligned by the nature of development patterns with prior subdivision patterns and attributable built form of the time.	No	Yes – refer to survey submission 51 (same submitter) NCT Bush Residential 2 referred to Ethos	Bird Street & surrounds reviewed, no change required - streetscapes feature BR2 characteristics; bushy setting, predominantly post-war and modern dwellings, more formally landscaped gardens, sealed roads etc
84.a	██████████	n/a	How do the Design Guidelines respond to Environmental Sustainable Design and Climate Change?	<p>Council's adopted Climate Action Plan (2022) was reviewed in preparation of the draft NCS as acknowledged on page 28 of the draft NCS. Climate change is identified within the draft NCS at pages 28 and 20 (with regard to community values and expectations that mitigation and adaptation will be required).</p> <p>Responding to climate change and ESD is a multi-faceted area that is not addressed by one strategy or policy, and the NCS may only address some matters that contribute to ESD outcomes. ESD is built into the Victorian Building Code (e.g. 6 Star built form ratings) and is also imbedded into all planning schemes through the Rescode standards.</p> <p>The NCS works in conjunction with other planning scheme requirements and other council policy/strategy that sits outside the planning scheme to protect and retain vegetation. Example, the Significant Landscape Overlay and newly adopted Local Law 52 protect amenity trees on private land.</p> <p>Further priority actions are part of the current Council Plan also that seek to protect and enhance vegetation outcomes including:</p> <ol style="list-style-type: none"> Investigate measures to establish and enhance the urban tree canopy; Review Council's tree management policy and supporting guidelines; Investigate measures to protect wildlife across a range of settings, including roadsides. <p>The Draft Nillumbik Shire Neighbourhood Character Strategy (August,2022) Design Guidelines of each NCT address design responses that are interrelated to ESD and climate change adaptation and mitigation. Key objectives within the draft as identified in objectives for each NCT and through the corresponding design guidelines, require responses that not only contribute to advancing the preferred neighbourhood character and 'feel' of the area, but also result in outcomes that contribute to ESD outcomes e.g. increased tree canopy for shade</p>	No	Yes – review potential addition into draft NCS which highlights the interrelationship between the NCS objectives and design guidelines in meeting ESD and climate change adaptation (e.g. use of eaves, increased area provision and requirement for vegetation and tree canopy planting.	Discussion added in key issues and threats (Section 4.3), outlining role of landscaping in front v side setbacks. Discussion added in 4.10, discussing the interrelationship between NCS, climate change and ESD. Opportunities for further work also discussed in 8.5 in regard to ESD, vegetation and landscaping etc. ESO/vegetation and landscaping discussion enhanced section 2.4. Vegetation and landscaping guidelines amended for all precinct profiles - defining role of canopy and amenity trees.

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				<p>and temperature control and minimising urban heat island effect, increased permeability to allow for deep planting minimise runoff, reduced appearance and widths of driveways which again increases permeability and reduces heat island affect through lack of natural surfaces, use of eaves on dwellings assists with internal temperature controls by providing more shade to the dwelling.</p> <p>Environmentally Sustainable Development (ESD) policy directions are now imbedded in the planning scheme pursuant to Victorian Planning Policy (in various State level policies in the scheme) however with regard to building design at Clause 15.01 which includes strategies to:</p> <ul style="list-style-type: none"> • <i>Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.</i> • <i>Improve the energy performance of buildings through siting and design measures that encourage:</i> • <i>Passive design responses that minimise the need for heating, cooling and lighting.</i> • <i>On-site renewable energy generation and storage technology.</i> • <i>Use of low embodied energy materials.</i> • <i>Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.</i> • <i>Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical.</i> • <i>Encourage water efficiency and the use of rainwater, stormwater and recycled water.</i> • <i>Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.</i> <p>Council currently do not have a local policy with regard to ESD. Current Rescode standards and specific provisions within the planning scheme already require Environmentally Sustainable Development (ESD) outcomes (e.g. access to sunlight and ventilation), however given recent implementation of ESD policy settings into all planning schemes as identified above by the State government, more work is being currently being undertaken by the State Government which should eventuate in amended Rescode standards and other provisions that will effectively imbed ESD requirements into various assessment criteria for future dwellings. Refer to the State governments website for details on his current work program: Environmentally sustainable development of buildings and subdivisions (planning.vic.gov.au)</p> <p>Council will review the new State provisions once implemented to determine if there are any gaps that require a local response through the planning scheme.</p> <p>Refer to Ethos to review potential addition into draft NCS which highlights the interrelationship between the NCS objectives and design guidelines in meeting ESD and climate change adaptation (e.g. use of eaves, increased area provision and requirement for vegetation and tree canopy planting).</p>			
85.a		n/a	Neighbourhood Character should extend to demographic and cultural attributes of the area and be incorporated into the Neighbourhood Character Design Guidelines.	<p>The purpose of the Neighbourhood Character Strategy is to identify existing character types, their morphology and locations, along with providing guidance for any preferred changes to the Neighbourhood Character.</p> <p>The Housing Strategy has regard to the Neighbourhood Character Strategy in determining any change areas required to facilitate a local government areas growth, which is determined by demographic data and State policy directives, noting that Nillumbik is predicted to have a comparatively minimal population increase in the future and a new Housing Strategy (current Council Plan action) will plan for appropriately accommodating such.</p>	No	No	
86.a		Residential Bushland 2	Maintaining the existing character	Page 52 of the draft NCS identifies what is preferred character and how it is defined.	No	No	

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				<p>Planning Practice Note 43 provides guidance for applicants, the community and councils about:</p> <ul style="list-style-type: none"> • Understanding what is meant by neighbourhood character; and • Preparing or assessing a permit application for a residential development. <p>The PPN43 details the key attributes that cumulatively contribute to character. Importantly, PPN43 establishes that neighbourhood character is considered to be the cumulative impact of attributes in both the public and private realms. It is the relationship between these attributes, and how they physically appear on the ground, that is the most important consideration for neighbourhood character.</p> <p>Planning Practice Note 90 provides information and guidance about how to plan for housing growth and protect neighbourhood character. The PPN identifies that respecting character does not mean preventing change. In simple terms, respect for the character of a neighbourhood means that development should be designed in response to its context.</p> <p>The role of the NCS is therefore not prevent change, but to identify qualities of the public and private realm that contribute to neighbourhood character in Nillumbik Shire and identify design responses that future development will need to respond to in meeting objectives for that preferred neighbourhood character.</p>			
b			How will the NCS be implemented?	<p>The NCS provides strategic support / evidence to support future controls within the planning scheme. It sets the objectives to be achieved (neighbourhood character objectives) and then design responses that would implement those objectives.</p> <p>A planning scheme amendment would be required to implement NCS objectives and design guidelines. It is noted the objectives and design guidelines would need to be effectively drafted as planning scheme ordinance meeting the required rules of drafting such.</p> <p>Once the final NCS is adopted by Council which is programmed for late 2023, Officers would seek approval from Council to seek formal Authorisation from the Minister pursuant to Section 8A of the <i>Planning and Environment Act 1987</i> to prepare and exhibit a planning scheme amendment to implement the NCS into the Nillumbik Planning Scheme. Planning scheme amendments generally take 12 to 18 months.</p>	No	No	
c			Repercussions for buildings in breach of their planning permits.	<p>Once implemented into the Planning Scheme via a planning scheme amendment, the <i>Planning & Environment Act 1987</i> gives Council officers the power to investigate and prosecute matters, and Council is required by law to enforce a Planning Scheme. Upon identification of a potential breach or a complaint, enforcement action will be taken when there is a clear breach of the Planning regulations, planning permit conditions, unauthorised developments and illegal uses.</p>	No	No	
d			Installation of “out of character” bright yellow bike racks in the Eltham Town Centre.	<p>The study area for the Neighbourhood Character Strategy consistent with relevant Planning Practice Note, includes residential land in the following zones:</p> <ul style="list-style-type: none"> • General Residential Zone (GRZ) • Neighbourhood Residential Zone (NRZ) • Mixed Use Zone (MUZ) • Low Density Residential Zone (LDRZ) • Township Zone (TZ) <p>Development within Nillumbik’s Major Activity Centres (MAC’s) in Eltham and Diamond Creek is guided by the adopted Structure Plans for each which provides strategic justification for controls within the planning scheme for each centre, and particular design guidelines that support the character of the MAC.</p>	No	No	
e			Protection of Council / State owned reserves.	Not within the scope of the NCS.			


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f			Preference for larger setbacks and natural building materials.	<p>The draft NCS for the Bush Residential 2 NCT at page 57 identifies (among other matters):</p> <ul style="list-style-type: none"> • <i>Buildings should be set back a minimum of 4m from one side boundary to enable the planting of indigenous trees and understorey planting.</i> • <i>If more than one dwelling is proposed, provide sufficient separation between each dwelling to allow for the planting of indigenous/native trees and understorey vegetation.</i> • <i>Buildings should be sited to take into account the sharing of views corridors to the Diamond Creek, the Watsons Creek, the Yarra River, elevated ridgelines, vegetated areas and canopy trees.</i> • <i>Complement the building forms, natural materials such as mudbrick, earthy colour palette and siting of existing dwellings and articulate the front façades of buildings through the use of setbacks, recesses and windows</i> 	No	No	
g			State led projects and the major activity centre of Eltham not having enough local input and not respecting the Neighbourhood Character.	<p>The Planning and Environment Act 1987, and provisions within all planning schemes in Victoria allow for the Minister to be the decision-making authority on matters, including land use and development projects deemed to be of State significance, e.g. North East Link.</p> <p>The Major Activity Centre (MAC) Structure Plans for Eltham and Diamond Creek were adopted in 2020 and included a community engagement process as part of the preparing each, and are currently undergoing an amendment process to facilitate implementation into the Nillumbik Planning Scheme. It is noted the amendment process will also require further notification pursuant to the Planning and Environment Act, and present another opportunity for the community to provide feedback to implementation.</p> <p>With regard to MAC planning, Council must have regard to State policy that identifies the role and function of all Activity Centres. Local policy and provisions must be consistent with State policy.</p>	No	No	
h			Creation of a Community led project working group to aid in maintaining neighbourhood character and preferred urban design.	<p>Neighbourhood Character Strategies are prepared to provide evidence to support planning scheme controls that support preferred neighbourhood character outcomes.</p> <p>This Neighbourhood Character Strategy is being developed in response to an associated priority action within the current Nillumbik Council Plan 2021-2025 as well as to reflect changes to State Government policy and planning reforms over many years. It will replace the existing '<i>Neighbourhood Character Study: Residential Design Guidelines</i>' prepared in 2001 (amended in 2003).</p> <p>NCS's are typically updated every 10 – 15 years, but this varies depending on the Council area where growth Council's may need to update their strategies more frequently given greater growth and development pressures.</p> <p>Input from the community and stakeholders who live in and experience our unique residential areas is an essential part of developing the Nillumbik Neighbourhood Character Strategy.</p> <p>A first round of public engagement for the project, which was conducted in April-May 2022, aimed to capture what the community identifies as important contributing elements to neighbourhood character, noting the quantity of the feedback was substantial, comprising 332 written submissions, plus additional verbal feedback from a number of activities.</p> <p>Community feedback in the first round of engagement placed a strong emphasis on the importance of vegetation and landscape in defining the local neighbourhood character in Nillumbik and many suggestions were made regarding how to ensure future development supports particularly these aspects of local neighbourhood character.</p> <p>This most recent round of engagement (Phase 2 – Draft NCS) was specifically about seeking feedback on the draft Neighbourhood Character Strategy itself. It was also about informing and updating the community about where the project was up to and encouraging people to view the draft strategy as well as the</p>	No	No	

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				<p>relevant draft Precinct Profiles for their neighbourhood and to provide feedback.</p> <p>The project proposes that a third round of engagement (close the loop) will be conducted in mid 2023 where a further revised draft of the NSC will be put out for further feedback as to whether the document has adequately captured the earlier feedback.</p> <p>Notably subject to adoption of the NCS a planning scheme amendment process would also include notification and allow for submissions. This may also result in assessment by an independent Panel, which is the open and transparent process that allows for objecting submitters to speak to their issues.</p>			
i			Planting of vegetation in naturestrips and new developments.	Refer to officer response to submission 84a with regard to future and interrelated work that works in conjunction with the NCS.			
j			Language including the use of the word ‘predominantly’ and suggesting that new development would be over two storeys.	<p>The NCS is a strategic document that provides strategic support/evidence to support future planning scheme controls such as Zone and Overlay schedules. Language selection in preparation of planning scheme ordinance must be consistent with requirements of the 'Practitioners Guide - Appendix 1' and Planning Practice Note 43 - Understanding Neighbourhood Character.</p> <p>Further investigation needs to be made as to areas of draft NCS where language could be more specific e.g. use of must where discretion may not be appropriate.</p> <p>The draft NCS does not propose or suggest that any dwellings should be greater than two storeys.</p> <p>With regard to statements in the draft NCS identifying a preferred character of 'predominantly' 1-2 stories, this is typical of any neighbourhood character strategy. For example if the prevailing character of an area is 3 –5 stories, then future controls would require that built form response is consistent with that character and it would be expected that buildings would be between 3 and 5 stories. A height proposed outside that prevailing character would not be consistent with preferred character. It is important that the strategy identify prevailing heights within the character precincts, just as it is important that it identifies other prevailing built form matters e.g. roof forms, setbacks, materiality. The role of the NCS is to describe the existing conditions and to identify if these existing conditions are the prevailing character that should be sought going forward. The NCS contains an analysis of planning scheme requirements that have contributed to the current neighbourhood character outcomes, however descriptions of existing and future conditions do not interpret existing controls, for example the zone may have a mandatory maximum height of 3 storeys or 11 metres which is the case for the General Residential Zone, however the role of the NCS is not to identify the existing control, it is to identify the prevailing characteristic heights. If it was to simply identify the height control – the NCS would identify a maximum height of 3 stories. Instead it is identifying that the characteristic is a mixture of 1 and 2 storey heights, and these contribute to the sense of built form recessing into the tree canopy.</p>	No	Yes - Further investigation needs to be made as to areas of draft NCS where language could be more specific e.g. use of must where discretion may not be appropriate.	Discussion has been added (7.1), relating to dwelling heights and Neighbourhood Character - explicitly outlining what NCS can and can't do with respect to building heights. A section has been added the Strategy (8.1) - addresses the role/limitations of language in the NCS.
87.a		Bush Residential 2	Proposed increase to the boundaries of the Bush Residential 2 area as identified in the supplied diagram.	Refer to Ethos for review of proposed Bush Residential 2 NCT.	No	Yes - Refer to Ethos – same feedback also provided to survey submission 23.	This has merit for review - NCT area between Park west road and Grove street, has been reallocated to Bush Residential 2 - area features predominantly post-war and modern dwellings in bushy settings, more formally landscaped gardens, sealed roads
88.a		Bush Residential 1, Bush Residential 2,	Proposed mapping changes, as per the submission.	Refer to Ethos for review of proposed Bush Residential 1, Bush Residential 2 and Garden Court 2 NCT's.	No	Yes - Refer to Ethos for review of proposed Bush Residential 1, Bush	Edward St, Wattle Glen - reflect Urban Canopy Residential 2 characteristics i.e. rollover curbs, curvilinear street pattern, lower (yet still


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		Garden Court 2				Residential 2 and Garden Court 2 NCT's in various streets identified in Wattle Glen.	medium - high) levels of vegetation in private gardens - no change required.
b			Removal of land near the Urban Growth Boundary from the NCS entirely due to being predominantly Rural properties.	<p>The study area for the Neighbourhood Character Strategy consistent with relevant Planning Practice Note, includes residential land in the following zones:</p> <ul style="list-style-type: none"> General Residential Zone (GRZ) Neighbourhood Residential Zone (NRZ) Mixed Use Zone (MUZ) Low Density Residential Zone (LDRZ) Township Zone (TZ) <p>Green Wedge is not located in the NCS study area.</p> <p>Areas in proximity to the Urban Growth Boundary located in the above zones have existing neighbourhood character attributes and benefit from existing controls within the planning scheme that advance objectives and requirements that ensure new development appropriately responds to preferred character.</p>	No	No	
89.a		Garden Residential	The inclusion of Housing Types and Land Uses into the NCS.	<p>The purpose of the Neighbourhood Character Strategy is to identify existing character types, their morphology and locations, along with providing guidance for any preferred changes to the Neighbourhood Character. The NCS does prescribe land use, noting consistent with relevant Planning Practice Note, a NCS relates to residentially zoned land (and there are limited land uses that permitted under the relevant zone schedules in the residential suite of zones).</p> <p>The Housing Strategy has regard to the Neighbourhood Character Strategy in determining any change areas required to facilitate a local government areas growth, noting that Nillumbik is predicted to have a comparatively minimal population increase in the future and a new Housing Strategy (current Council Plan action) will plan for appropriately accommodating such.</p>	No	No	
b			Objectives and Design Guidelines of the NCS should include social and environmental built for outcomes, such as 'supporting creation of a sense of community and social belonging through shared space and social interaction'	<p>Refer to Officer response to written submission 84A with regard to Environmentally Sustainable Development (ESD).</p> <p>Planning Practice Note 43 provides guidance for applicants, the community and councils about:</p> <ul style="list-style-type: none"> Understanding what is meant by neighbourhood character; and Preparing or assessing a permit application for a residential development. <p>The PPN43 details the key attributes that cumulatively contribute to character. Importantly, PPN43 establishes that neighbourhood character is considered to be the cumulative impact of attributes in both the public and private realms. It is the relationship between these attributes, and how they physically appear on the ground, that is the most important consideration for neighbourhood character.</p> <p>The Housing Strategy has regard to the Neighbourhood Character Strategy in determining any change areas required to facilitate a local government areas growth, which is determined by demographic data and State policy directives, noting that Nillumbik is predicted to have a comparatively minimal population increase in the future and a new Housing Strategy (current Council Plan action) will plan for appropriately accommodating such. It also provides guidance with regard to demographic forecasting on such matters as affordable housing and areas and where diversity of housing can be supported.</p>	No	No	
c			How will the objectives of the NCS be translated and implemented?	Refer to Officer response to written submission 86B above with regard to implementation process for the NCS once adopted.	No	No	

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d			<p>Not enough direction is provided in the NCS with regard to aging in place, placemaking, sense of belonging, social inclusion, community and climate resilience, liveability and wellbeing.</p>	<p>Refer to Officer response to written submission 89C above noting the role of the Housing Strategy.</p> <p>Page 13 of the draft NCS outlines: <i>The definition of neighbourhood character is drawn from Planning Practice Note 43 Understanding Neighbourhood Character, and has been adapted to reflect the local context of Nillumbik Shire. Neighbourhood Character in Nillumbik Shire Neighbourhood character is what visually differentiates a neighbourhood from another, and is the measure of a local identity. It encompasses the way a neighbourhood looks and feels. It is created by a combination of landscape, vegetation, the built environment, history and culture, and how they interact.</i></p> <p><i>Local character is distinctive. It influences the sense of belonging a person feels to that place, the way people respond to ambience, how it influences their mood, their emotional response, and the stories that come out of their relationship with that place.</i></p> <p><i>Neighbourhood character contains many different facets. It is important to understand character in a holistic way, which involves examining the relationship between people and the social, environmental and economic characteristics of place.</i></p> <p><i>Local character should guide how to manage a changing urban environment so that any changes are sympathetic to the valued characteristics and ultimately shape a preferred character for an area in the future.</i></p> <p><i>Neighbourhood character is underpinned by the following core concepts:</i></p> <ul style="list-style-type: none">• <i>Character is a combination of the public and private realms and how they relate to one another.</i>• <i>Every property, public place or piece of infrastructure makes a contribution, whether great or small.</i>• <i>It is the cumulative impact of all these contributions that establishes neighbourhood character.</i>• <i>The key to understanding character is being able to describe how the features of an area come together to give that area its own particular character.</i>• <i>All areas have a character in the same way that all people have a personality. In some areas the character may be more obvious, more unusual, or more attractive, but no area can be described as having no character.</i>• <i>The understanding of the key components of neighbourhood character ultimately informs the definition of statements of preferred character for the future.</i> <p><i>For Nillumbik Shire's residential areas, the key attributes that have been examined in order to evaluate neighbourhood character are drawn from Planning Practice Note 43 (PPN43), and include:</i></p> <ul style="list-style-type: none">• <i>Built Form</i>• <i>Setbacks and Siting</i>• <i>Fencing</i>• <i>Gardens</i>• <i>Nature Strips</i>• <i>Footpaths</i>• <i>Viewlines and Topography</i>• <i>Road Network</i> <p>Notably page 14 of the draft NCS identifies: <i>Amenity concerns aspects such as pleasantness, ambience and liveability of an area. Neighbourhood character is about sense of place and community value. Regardless of the character of an area there are standards of residential amenity that apply to all residential development. These basic amenity standards include overlooking, overshadowing and solar access. Sometimes,</i></p>	No	No	
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				<i>these amenity standards can have an effect on neighbourhood character, but as a general principle, neighbourhood character and amenity should be treated separately.</i>			
90.0a			Retention and planting of canopy trees including issues around bushfire policy.	<p>Across Nillumbik Shire, vegetation is extensive and is predominately informally planted with canopy trees, native trees and low lying bush/understorey. There also remains remnant native Ecological Vegetation Classes such as remnant Grassy Dry Forest, Valley Grassy Forest, Gully Woodland and other native species.</p> <p>As identified on page 38 of the draft NCS, <i>a key threat to Nillumbik Shire's neighbourhood character is the loss of vegetation in private gardens, and its replacement with larger developments or non-permeable hard-scaping, such as paving. Additionally, existing landscape character is undermined by contemporary infill builds which do not provide adequate garden space for planting of new vegetation, replanting of native species or canopy trees, which require deep soil and space for roots to grow.</i></p> <p>Much of Nillumbik Shire is located in the Bushfire Prone Area mapping, and significant areas are also covered by the Bushfire Management Overlay (BMO).</p> <p>Page 38 of the draft NCS identifies that <i>the threat of significant vegetation clearing is particularly relevant in Nillumbik Shire due to State-sanctioned permit exemptions within planning controls applying to a large portion of the Shire, which allow as-of-right removal of vegetation for bushfire management and maintenance. As most of Nillumbik Shire is within a designated Bushfire Prone Area (BPA), with a portion of the study area covered by the Bushfire Management Overlay (BMO), both the planning and building systems in Nillumbik Shire comprise of State-sanctioned exemptions which override all other planning triggers for the purposes of bushfire protection including vegetation and landscape protection controls.</i></p> <p>The NCS works in conjunction with other planning scheme requirements and other council policy/strategy that sits outside the planning scheme to protect and retain vegetation. Example, the Significant Landscape Overlay and newly adopted Local Law 52 protect amenity trees on private land.</p> <p>Further priority actions are part of the current Council Plan also that seek to protect and enhance vegetation outcomes including:</p> <ol style="list-style-type: none"> 1. Investigate measures to establish and enhance the urban tree canopy; 2. Review Council's tree management policy and supporting guidelines; 3. Investigate measures to protect wildlife across a range of settings, including roadsides. <p>Notably key objectives across all NCT's identified within the draft NCS identify objectives and design responses that seek to protect, retain and enhance tree canopy.</p>	No	No	
b			How does the NCS relate to Rescode standards and environmental overlays such as the SLO that are effectively governed by the State? How much control does Local Council have on these controls?	<p>The NCS provides strategic support / evidence to support future controls within the planning scheme. It sets the objectives to be achieved (neighbourhood character objectives) and then design responses that would implement those objectives. It is not the role of the strategy to identify specific ordinance language, rather to identify appropriate evidence to support such implementation into the scheme. The planning scheme amendment to implement the NCS objectives is where specific ordinance will be drafted meeting the required rules of drafting that would effectively identify specific requirements that would meet the design response.</p> <p>Provisions within the planning scheme to implement neighbourhood character objectives will likely be a mix of both discretionary and mandatory requirements to optimise character outcomes. For example, mandatory controls are better suited to zone schedules where a required variation to Rescode will be the applicable standard that must be met.</p>	No	No	

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				<p>Notably the Rescode standards are set by the State government, however as noted above, Council may seek through implementation of the NCS to vary those standards in the schedules to the zones (there are rules as to the extent this is allowed however).</p> <p>Currently, neighbourhood character outcomes are mostly implemented in the Nillumbik Planning Scheme through application of the Significant Landscape Overlay. Again the 'head clause' for the SLO is set by the State government, so it may only guide decision making with regard to particular matters.</p> <p>What is important is that the appropriate planning 'tool' is used to get the most appropriate outcome, and the suite of 'tool's available for Council to influence the planning scheme are varied.</p> <p>As noted above the appropriate planning control 'tool' will be determined in drafting the ordinance to implement in to the planning scheme noting different outcomes can be achieved utilising certain implementation methods (e.g. schedules to the zone or overlays).</p>			
91.a		Bush Residential 1	Why isn't 'Street Lighting' considered as an attribute to Neighbourhood Character?	<p>Refer to Officer response to written submission 89D noting, for Nillumbik Shire's residential areas, the key attributes that have been examined in order to evaluate neighbourhood character are drawn from Planning Practice Note 43 (PPN43), and include:</p> <ul style="list-style-type: none"> • Built Form • Setbacks and Siting • Fencing • Gardens • Nature Strips • Footpaths • Viewlines and Topography • Road Network 	No	No	
b			How are sealed and unsealed roads related to the NCS and why isn't their environmental impact and maintenance responsibilities considered?	<p>As above, the road network and its presentation is a consideration with regard to key attributes that inform neighbourhood character, consistent with PPN43.</p> <p>Maintenance issues in association with unmade roads and matters such as dust/condition are not within the scope of the NCS.</p>	No	No	
c			How is traffic management considered and the need/management for traffic calming?	<p>Issues related to traffic, on street parking, traffic connectivity and the movements of cars are not relevant to the assessment of neighbourhood character as defined in Planning Practice 43 Understanding Neighbourhood Character (refer page 14 of the draft NCS).</p>	No	No	
d			Native Vegetation controls and requirements for planting.	<p>With regard to Bush Residential 1 NCT the draft NCS at page 57 identifies the following design response for gardens and landscaping:</p> <ul style="list-style-type: none"> • <i>Retain existing <u>indigenous and native canopy trees and understorey vegetation</u> and replant wherever possible. If this cannot be achieved, or a tree is considered appropriate for removal, the site should provide adequate space for offset planting of <u>native trees</u> that will grow to a mature height similar to the mature height of the tree to be removed.</i> • <i>Prepare a landscape plan to accompany all applications for new dwellings that utilise appropriate native species as identified in the Nillumbik Live Local Plant Local Guide.</i> • <i>Provide significant <u>indigenous and native canopy trees</u> occurring at a density of one to every 50-100m2 across the site.</i> 	No	No	
e			Open language and the use of the word 'should' throughout the document.	<p>The NCS is a strategic document that provides strategic support/evidence to support future planning scheme controls such as Zone and Overlay schedules. Language selection in preparation of planning scheme ordinance must be consistent with requirements of the 'Practitioners Guide - Appendix 1' and Planning Practice Note 43 - Understanding Neighbourhood Character.</p> <p>Further investigation needs to be made as to areas of draft NCS where language could be more specific e.g. use of must where discretion may not be appropriate.</p>	No	Yes - Further investigation needs to be made as to areas of draft NCS where language could be more specific e.g. use of must where	A section has been added the Strategy (8.1) - addresses the role/limitations of language in the NCS.


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						discretion may not be appropriate.	
f			Reduce the development of native bushland areas and reduce the amount of hard/non-permeable surfaces.	<p>With regard to Bush Residential 1 NCT the draft NCS at page 57 identifies the following design response with regard to hard/non permeable surfaces:</p> <ul style="list-style-type: none"> • <i>The site area covered by buildings should not exceed 40 per cent.</i> • <i>Provide at least 40% of the site as permeable surface.</i> • <i>Minimise paving in front yards, including the driveway.</i> • <i>Provide only one vehicular crossover per typical site frontage.</i> • <i>Limit the width of vehicle accessways and minimise hard paving within the front setback.</i> 	No	No	
92.a		Bush Residential 2	Is 'formally landscaped' an appropriate description for Bush Residential 2?	<p>Key attribute identified on page 65 of the draft NCT for Bush Residential 2 is: <i>Formally landscaped gardens, comprising a mix of native and non-native plants, and remnant indigenous trees.</i></p> <p>Refer to Ethos for advice as to the meaning of the word 'formal' in this context.</p>	No	Yes - Refer to Ethos for advice as to the meaning of the word 'formal' in the context of 'formally landscaped garden' with context of this NCT Bush Residential 2.	As per survey response 2.0, this has merit and has been amended to the bush residential 2 character attributes accordingly.
b			The Bush Residential 2 Design Guidelines ask for a landscape plan with appropriate 'native' species. As the Nillumbik guide is for indigenous species, the word indigenous should be included as well or instead of native.	Refer to Ethos review use of 'native' when referring to the Nillumbik Live Local Plant Local Guide .	No	Yes - Refer to Ethos review use of 'native' when referring to the Nillumbik Live Local Plant Local Guide in all Design Guidelines.	Amended bush residential 2 guidelines accordingly - specifies both indigenous and native species.
c			The Strategy and the language used doesn't appear to pertain to a particular outcome.	<p>Unclear as to exactly what this response is seeking however, with regard to language and how the NCS would be translated into the planning scheme, the NCS is a strategic document that provides strategic support/evidence to support future planning scheme controls such as Zone and Overlay schedules. Language selection in preparation of planning scheme ordinance must be consistent with requirements of the 'Practitioners Guide - Appendix 1' and Planning Practice Note 43 - Understanding Neighbourhood Character.</p> <p>The draft NCS identifies a preferred character, objectives and design guidelines that would implement identified objectives in supporting preferred character.</p> <p>Further investigation needs to be made as to areas of draft NCS where language could be more specific e.g. use of must where discretion may not be appropriate.</p>	No	Yes - Further investigation needs to be made as to areas of draft NCS where language could be more specific e.g. use of must where discretion may not be appropriate.	A section has been added the Strategy (8.1) - addresses the role/limitations of language in the NCS.
d			Statements concerning vegetation are only aesthetic and don't consider environmental and biodiversity values.	<p>Although the NCS in advancing neighbourhood character outcomes may support environmentally beneficial outcomes (e.g. retaining and enhancing native tree canopy), the purpose of the Neighbourhood Character Strategy is to identify existing character types, their morphology and locations, along with providing guidance for any preferred changes to the Neighbourhood Character. It does not include scope or analysis of any biodiversity/environmental assessments.</p> <p>There are other relevant planning controls within the planning scheme however such as the Environmental Significance Overlay which is applied to many areas within Nillumbik Shire where the purpose of that control is to identify areas where the development of land may be affected by environmental constraints and to ensure that development is compatible with identified environmental</p>	No	No	

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				<p>values, Notably strategic work must be undertaken to support application of the ESO, and as noted this out of scope for a NCS.</p> <p>However, the NCS also works in conjunction with other planning scheme requirements and other council policy/strategy that sits outside the planning scheme to protect and retain vegetation. Example, the Significant Landscape Overlay and newly adopted Local Law 52 protect amenity trees on private land.</p> <p>Further priority actions are part of the current Council Plan also that seek to protect and enhance vegetation outcomes including:</p> <ol style="list-style-type: none"> 1. Review the Biodiversity Strategy; 2. Investigate measures to establish and enhance the urban tree canopy; 3. Review Council's tree management policy and supporting guidelines; 4. Investigate measures to protect wildlife across a range of settings, including roadsides. 			
e			Canopy trees are well documented in the Plan but what about understorey?	<p>With regard to Bush Residential 2 NCT the draft NCS at page 57 identifies the following design response for gardens and landscaping:</p> <ul style="list-style-type: none"> • <i>Retain existing indigenous and native canopy trees and understorey vegetation and replant wherever possible. If this cannot be achieved, or a tree is considered appropriate for removal, the site should provide adequate space for offset planting of native trees that will grow to a mature height similar to the mature height of the tree to be removed.</i> • <i>Prepare a landscape plan to accompany all applications for new dwellings that utilise appropriate native species as identified in the Nillumbik Live Local Plant Local Guide.</i> • <i>Provide large indigenous and native canopy trees occurring at a density of one to every 100m2 across the site.</i> 	No	No	
f			Has there been any work undertaken to determine whether the previous Neighbourhood Character Plan was successful?	<p>Refer to Section 5 (page 46) of the draft NCS which outlines in detail performance of existing settings in the planning scheme (informed by the previous neighbourhood character strategy) that the drafting of the new NCS has had regard to. Notably however in order to inform appropriate future planning provisions for this Neighbourhood Character Strategy (as part of future strategic work), the key character issues applicable to the study area need to be considered in conjunction with performance of existing controls.</p> <p>These threats are explored at Section 4 of the draft NCS (page 36) The following themes have been identified as the key issues and threats:</p> <ul style="list-style-type: none"> • <i>Poor Quality Contemporary Infill</i> • <i>Removal of Vegetation & Landscaping</i> • <i>Subdivision of Larger Lots</i> • <i>Retirement Villages, Aged Care, Medical & Other Services</i> • <i>Dominant Fencing Styles</i> • <i>Siting & Scale</i> • <i>Car Access & Storage</i> • <i>Colours & Materials</i> • <i>Viewlines</i> • <i>Bushfire Management</i> 	No	No	
g			With existing neighbourhood characters in Nillumbik slipping, how will the new Plan and its typologies be implemented and enforced?	<p>Refer to Officer response to written submission 86B with regard to implementation of the NCS into the planning scheme.</p> <p>Once implemented into the Planning Scheme via a planning scheme amendment, the <i>Planning & Environment Act 1987</i> gives Council officers the power to investigate and prosecute matters, and Council is required by law to enforce a Planning Scheme. Upon identification of a potential breach or a complaint, enforcement action will be taken when there is a clear breach of the Planning regulations, planning permit conditions, unauthorised developments and illegal uses.</p>	No	No	
h			Do prospective buyers and residents of Nillumbik have access to the NCS and what is being done to promote and educate people as to Nillumbik's Neighbourhood Character?	Notwithstanding the breadth of community engagement and consultation affiliated with the preparation of this draft NCS, and the availability of online tools and resources associated with the engagement available on Council's	No	No	

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				<p>Participate Nillumbik page, Council offer a range of education materials and free services that assist applicants in understanding the planning permit process, and also matters that need to be considered as part of an application (including neighbourhood character). Information including video's is available on Council's webpage with regard to processes and also our free planning pre application service: https://www.nillumbik.vic.gov.au/Develop/Planning/1-The-planning-permit-process</p> <p>Council also provides advice on its webpage with regard to current neighbourhood character and the controls that are in place in the planning scheme, including a suburb search function: https://www.nillumbik.vic.gov.au/Develop/Planning-for-Nillumbiks-future/Neighbourhood-character</p>			
i			What are the timeframes for finalising and implementing the NCS?	Once the final NCS is adopted by Council which is programmed for late 2023, Officers would seek approval from Council to request formal Authorisation from the Minister pursuant to Section 8A of the <i>Planning and Environment Act 1987</i> to prepare and exhibit a planning scheme amendment to implement the NCS into the Nillumbik Planning Scheme. Planning scheme amendments generally take 12 to 18 months.	No	No	
93.a		Garden Court 2	New residential development should be planned around existing Major Activity Centres.	<p>The purpose of the Neighbourhood Character Strategy is to identify existing character types, their morphology and locations, along with providing guidance for any preferred changes to the Neighbourhood Character. The NCS does prescribe land use, noting consistent with relevant Planning Practice Note, a NCS relates to residentially zoned land (and there are limited land uses that permitted under the relevant zone schedules in the residential suite of zones).</p> <p>The Housing Strategy has regard to the Neighbourhood Character Strategy in determining any change areas required to facilitate a local government areas growth, noting that Nillumbik is predicted to have a comparatively minimal population increase in the future and a new Housing Strategy (current Council Plan action) will plan for appropriately accommodating such.</p>			
b			Garden Court 2 does not appear to facilitate child care centres, residential aged care, nor new development that would not compromise native vegetation.	<p>As noted above in the Officer response to written submission 93A, the NCS does not prescribe land use, which is consistent with requirement of the relevant Planning Practice Note. It is the zones themselves which identify permitted and prohibited land uses. Notably in residential areas child care centres and residential aged care facilities are generally permitted land uses and the NCS cannot change that consideration in the zone.</p> <p>Page 40 of the draft NCS with regard to key issues and threats identifies a key threat to neighbourhood character is larger scale development – retirement villages, aged care, medical and other.</p> <p>The draft NCS in protecting neighbourhood character with regard to these types of land uses, introduces design guidelines which prioritise the retention of significant vegetation and the provision of ample space for canopy trees and to treat/setback upper level setbacks to existing residential uses.</p>	No	No	
c			<p>Design guidelines amended to include:</p> <ul style="list-style-type: none"> 4m side setbacks to be consistent with the word “spacious” 35% permeable surface requirement to accommodate meaningful landscaping Maintain & reinforce the predominant rhythm of dwelling spacing within the streetscape. Side by side development would not be consistent with this principle. Front fencing should provide no or low open style of up to 0.5metres [not 0.8] in height & the only brick construction fence acts as a retaining wall. Delete – May be constructed up to 1.8metres when located on a main rd. For Apollo Parkways purposes this is Plenty River Drive & the standard of 0.5 metres should also apply. 	<p>Design Guidelines for NCT Garden Court 2 at page 83 identify (among other matters):</p> <ul style="list-style-type: none"> <i>Set back dwellings at least 3m from one side boundary.</i> <i>Storeys above ground level should be recessed to minimise impact on the streetscape.</i> <i>Orient dwellings parallel to the street.</i> <i>Provide at least 30% of the site as permeable surface.</i> <i><u>In the case of multi-dwellings on a lot, design the front dwelling to present as one dwelling to the street through the use of roof forms, materials and design detail.</u></i> <i>Buildings should be sited to take into account the sharing of views of vegetated areas, tree-canopy coverage, elevated ridgelines and Metropolitan Melbourne.</i> 	No	Yes - Refer to Ethos to provide review and response as to proposed Design Guidelines amendments for Garden Court 2.	No change required - these standards are considered appropriate considering the nature of the area that they apply to.

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				<ul style="list-style-type: none"> • <i>If more than one dwelling is proposed, provide sufficient separation between each dwelling to allow for the planting of native vegetation and understorey vegetation.</i> • <i>Retain remnant indigenous understorey vegetation and existing native vegetation and trees, where possible and replant where appropriate.</i> • <i>Provide high canopy indigenous and native trees occurring at a density of one to every 200m2 across the site.</i> • <i>Prepare a landscape plan to accompany all applications for new dwellings that utilise appropriate native species as identified in the Nillumbik Live Local Plant Local Guide.</i> • <i>The site area covered by buildings should not exceed 50 per cent.</i> • <i>Fencing should be set back from the front site boundary to allow for landscaping in front</i> • <i>of the fence.</i> • <i>A front fence within 3 metres of a street:</i> • <i>should provide no or a low, open style of up to 0.8m in height or 0.5m in height if constructed in brick.</i> • <i>may be constructed up to 1.8m when located on a main road where they provide at least 25% permeability.</i> <p>Refer to Ethos to provide review and response as to proposed guideline amendments with regard to identified attributes and preferred character and strategic justification for such.</p>			
d			The addition of controls requiring the retention of indigenous & native canopy trees & understorey veg, along with replanting wherever possible and replacement of removed indigenous vegetation within the lot.	<p>Design guidelines at page 83 for Garden Court 2 NCT with regard to vegetation and landscaping identify:</p> <ul style="list-style-type: none"> • <i>If more than one dwelling is proposed, provide sufficient separation between each dwelling to allow for the <u>planting of native vegetation and understorey vegetation.</u></i> • <i><u>Retain remnant indigenous understorey vegetation and existing native vegetation and trees, where possible and replant where appropriate.</u></i> • <i><u>Provide high canopy indigenous and native trees occurring at a density of one to every 200m2 across the site.</u></i> • <i>Prepare a landscape plan to accompany all applications for new dwellings that <u>utilise appropriate native species</u> as identified in the Nillumbik Live Local Plant Local Guide.</i> 	No	No	
94.a		Bush Residential 1	Mandatory maximum building height of 7.5m	<p>Also see Officer response to written submission 90B.</p> <p>Provisions within the planning scheme to implement neighbourhood character objectives will likely be a mix of both discretionary and mandatory requirements to optimise character outcomes. For example, mandatory controls are better suited to zone schedules where a required variation to Rescode will be the applicable standard that must be met.</p> <p>It is noted mandatory controls are not supported within overlay schedules (consistent with relevant department drafting guidelines) where instead a general requirement is identified and any variation to such requires appropriate justification to argue for such.</p> <p>This is where discretion is appropriate as the requirement may have an acceptable variation based on specific circumstances, but this must be demonstrated with regard to the character objectives being sought. This is the case for the current planning scheme control guiding neighbourhood character objectives for bush and semi-bush residential areas (currently in the planning scheme), the Significant Landscape Overlay (Schedule 2) for example, which has a general requirement where: <i>A permit is not required to construct a building or carry out works for an outbuilding or structure other than a tennis court, normal to a dwelling or the extension of a dwelling where the height of any part of the outbuilding, structure or extension is no more than 7.5 metres above the natural surface of the ground directly below it.</i></p> <p>This is not a 'mandatory height requirement'. It is a general requirement that contains a permit trigger if the requirement cannot be met. The intent of the</p>	No	No	

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				ordinance drafted this way is to capture any building above 7.5 metres in height as although a height of 11m is allowable in the General Residential Zone (for example) it is more likely to be in conflict with the intent of objectives for neighbourhood character particularly with regard to appearance of the built form above tree canopy, and building forms that compliment preferred neighbourhood character.			
b			Properties over 0.75 acres should have a 50% permeable surface requirement	Refer to Ethos for comment.	No	Yes – Ethos to review permeability figure.	Not appropriate, consideration needs to be given to the other requirements with regard to permeability outcomes.
c			Front fences to have a 90% transparency requirement.	<p>Refer to Ethos for comment – noting 90% transparency would be post and wire and any areas where the Environmental Significant Overlay applies (all Schedules contain this requirement) have the following permit requirement:</p> <p><i>A permit is required to construct a fence. This does not apply:</i></p> <ul style="list-style-type: none"> <i>If the fence is of post and wire construction or other open ‘rural type’ fencing.</i> <i>If the fence is a vermin control fence.</i> <i>For temporary fencing for construction sites.</i> 	No	Yes – Ethos to provide advice re proposed fence transparency and NCT attributes – may need to highlight areas where the ESO applies and therefore fencing requirement would be imposed via the ESO over and above the NCS guideline.	Covered in current guidelines, no change required - ESO control stands alone and provides greater restriction.
95.a		Bush Residential 1	Subdivision and development causing a loss of native vegetation and tree canopy.	Taken as a statement.	No	No	
b			Consideration of minimum subdivision size controls in areas that are heavily vegetated.	<p>The purpose of the Neighbourhood Character Strategy is to identify existing character types, their morphology and locations, along with providing guidance for any preferred changes to the Neighbourhood Character. The NCS does prescribe land use or minimum subdivision requirements, that is the role of the zone (and sometimes specific overlays) as justified through such strategic documents as the Housing Strategy (identifying suitable locations for housing growth) and other strategic work that effectively evidences particular land use constraints that would limit subdivision e.g. land capacity and environmental assessments.</p> <p>The Housing Strategy has regard to the Neighbourhood Character Strategy in determining any change areas required to facilitate a local government areas growth, noting that Nillumbik is predicted to have a comparatively minimal population increase in the future and a new Housing Strategy (current Council Plan action) will plan for appropriately accommodating such.</p>	No	No	
c			Definition and application of ‘Garden Area’ is inadequate to provide for sufficient planting of native vegetation and canopy trees.	<p>The design guidelines for the NCT Bush Residential 2 at page 57 with regard to gardens and landscaping identify:</p> <ul style="list-style-type: none"> <i>Retain existing indigenous and native canopy trees and understorey vegetation and replant wherever possible. If this cannot be achieved, or a tree is considered appropriate for removal, the site should provide adequate space for offset planting of native trees that will grow to a mature height similar to the mature height of the tree to be removed.</i> <i>Prepare a landscape plan to accompany all applications for new dwellings that utilise appropriate native species as identified in the Nillumbik Live Local Plant Local Guide.</i> <i>Provide significant indigenous and native canopy trees occurring at a density of one to every 50-100m2 across the site.</i> <i>The site area covered by buildings should not exceed 40 per cent. Provide at least 40% of the site as permeable surface.</i> 	No	No	

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				It is unclear which measure as outlined above are not providing sufficient planting space for native vegetation and canopy trees given that is the intent of the guidelines.			
d			Consideration of adopting the concept of 'Biodiversity Sensitive Design'.	<p>'Biodiversity Sensitive Design' essentially incorporates ecological knowledge into urban planning, design and development to achieve onsite biodiversity benefits. It is a challenging matter in particularly established urban residentially zoned areas to implement controls flexible enough to achieve biodiversity and urban development objectives, as they are often competing.</p> <p>Although the NCS in advancing neighbourhood character outcomes may support environmentally beneficial outcomes (e.g. retaining and enhancing native tree canopy), the purpose of the Neighbourhood Character Strategy is to identify existing character types, their morphology and locations, along with providing guidance for any preferred changes to the Neighbourhood Character. It does not include scope or analysis of any biodiversity/environmental assessments.</p> <p>There are other relevant planning controls within the planning scheme however such as the Environmental Significance Overlay which is applied to many areas within Nillumbik Shire where the purpose of that control is to identify areas where the development of land may be affected by environmental constraints and to ensure that development is compatible with identified environmental values, Notably strategic work must be undertaken to support application of the ESO, and as noted this out of scope for a NCS.</p> <p>However, the NCS works in conjunction with other planning scheme requirements and other council policy/strategy that sits outside the planning scheme to protect and retain vegetation. Example, the Environmental Significance Overlay and newly adopted Local Law 52 protect amenity trees on private land.</p> <p>Further priority actions are part of the current Council Plan also that seek to protect and enhance vegetation outcomes including:</p> <ol style="list-style-type: none"> 1. Review the Biodiversity Strategy; 2. Investigate measures to establish and enhance the urban tree canopy; 3. Review Council's tree management policy and supporting guidelines; 4. Investigate measures to protect wildlife across a range of settings, including roadsides. 	No	No	
96.a		Bush Residential 1	How is this plan implemented and enforced?	<p>Refer to Officer response to written submission 86B with regard to implementation of the NCS into the planning scheme.</p> <p>Once implemented into the Planning Scheme via a planning scheme amendment, the <i>Planning & Environment Act 1987</i> gives Council officers the power to investigate and prosecute matters, and Council is required by law to enforce a Planning Scheme. Upon identification of a potential breach or a complaint, enforcement action will be taken when there is a clear breach of the Planning regulations, planning permit conditions, unauthorised developments and illegal uses.</p>	No	No	
b			How does the Housing Strategy relate to the NCS? Can one undermine the other?	<p>The purpose of the Neighbourhood Character Strategy is to identify existing character types, their morphology and locations, along with providing guidance for any preferred changes to the Neighbourhood Character.</p> <p>The Housing Strategy has regard to the Neighbourhood Character Strategy in determining any change areas required to facilitate a local government areas growth, which is determined by demographic data and State policy directives, noting that Nillumbik is predicted to have a comparatively minimal population increase in the future and a new Housing Strategy (current Council Plan action) will plan for appropriately accommodating such.</p>	No	No	

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				Page 26 of the draft NCS outlines the interrelationship between the Housing Strategy and the Neighbourhood Character Strategy.			
c			How does the NCS relate to the Biodiversity Strategy?	<p>The NCS works in conjunction with other planning scheme requirements and other council policy/strategy that sits outside the planning scheme to protect and retain vegetation and protect biodiversity. Example, the Environmental Significance Overlay and newly adopted Local Law 52 protect amenity trees on private land.</p> <p>Further priority actions are part of the current Council Plan also that seek to protect and enhance vegetation outcomes including:</p> <ol style="list-style-type: none"> 1. Review the Biodiversity Strategy; 2. Investigate measures to establish and enhance the urban tree canopy; 3. Review Council's tree management policy and supporting guidelines; 4. Investigate measures to protect wildlife across a range of settings, including roadsides. <p>The Biodiversity Strategy informs a number of actions which include some matters that can be implemented through the planning scheme and many which are not. The strategic work undertaken in a Biodiversity Strategy is most likely to be implemented (where deemed to be suitable through the planning scheme) in implementation tools such as environmental overlays. Consistent with relevant drafting guidelines for planning schemes, particular provisions within the planning scheme have particular purposes and are therefore the most appropriate tools of implementation. For example land use is generally determined through zoning of land e.g. industrial, commercial or residential allowing for consideration or land uses consistent with the intent of that zoning.</p>	No	No	
d			Naming of locations could be more accurate to relate to neighbourhood character. Lower photo on p.54 (Stanhope Street, Eltham) is not typically referred to as Eltham North. Locals refer to this as Harcourt Hill or Stanhope Estate.	Point taken with regard to local knowledge and references. However the NCS can only use official titles for localities, rather than what they are informally referred to as.	No	No	
e			For Bush Residential 1 - Native Canopy Trees 1/50-100m2. For Bush Residential 2 - Native Canopy Trees 1/100m2. (Figures from the strategy). I acknowledge that these are "design responses" Are these densities to be realized as previously mentioned? And will this create a stark difference between the two typologies?	Refer to Ethos for comment with regard to planting densities.	No	Yes - Refer to Ethos for comment with regard to planting densities and the desired outcomes in Bush Residential 1 and 2 NCT's.	No change required - This is a direct response to the character assessment. Greater depth been added to this guideline through the specification of canopy and amenity tree planting - across all precinct profiles.
f			What controls are there to retain canopy trees?	<p>With regard to Bush Residential 1 NCT the draft NCS at page 57 identifies the following design response for gardens and landscaping:</p> <ul style="list-style-type: none"> • Retain existing indigenous and native canopy trees and understorey vegetation and replant wherever possible. If this cannot be achieved, or a tree is considered appropriate for removal, the site should provide adequate space for offset planting of native trees that will grow to a mature height similar to the mature height of the tree to be removed. • Prepare a landscape plan to accompany all applications for new dwellings that utilise appropriate native species as identified in the Nillumbik Live Local Plant Local Guide. • Provide significant indigenous and native canopy trees occurring at a density of one to every 50-100m2 across the site. <p>Refer to Officer response to written submission 86B with regard to implementation of the NCS into the planning scheme.</p>	No	No	
g			How does the SLO2 stack up at VCAT when compared with the SLO3?	Refer to Section 5 (page 46) of the draft NCS which outlines in detail performance of existing settings that the drafting of the new NCS has had regard to. Notably however in order to inform appropriate future planning provisions for this Neighbourhood Character Strategy (as part of future strategic	No	No	

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				<p>work), the key character issues applicable to the study area need to be considered in conjunction with performance of existing controls.</p> <p>These threats are explored at Section 4 of the draft NCS (page 36) The following themes have been identified as the key issues and threats:</p> <ul style="list-style-type: none"> • <i>Poor Quality Contemporary Infill</i> • <i>Removal of Vegetation & Landscaping</i> • <i>Subdivision of Larger Lots</i> • <i>Retirement Villages, Aged Care, Medical & Other Services</i> • <i>Dominant Fencing Styles</i> • <i>Siting & Scale</i> • <i>Car Access & Storage</i> • <i>Colours & Materials</i> • <i>Viewlines</i> • <i>Bushfire Management</i> 			
h			Is there a control buffering the ESO4 and providing for vegetation around the edges of the ESO4?	Schedule 4 to Clause 42.01 Environmental Significance Overlay relates to waterways. The purpose of the overlay is to protect waterways from inappropriate development. There are no controls within the planning scheme that act as 'buffers' to areas affected by the ESO4.	No	No	
97.a		Bush Residential 1	The use of the words 'should' and 'guidelines' leaves scope for abuse and circumvention.	<p>The NCS is a strategic document that provides strategic support/evidence to support future planning scheme controls such as Zone and Overlay schedules. Language selection in preparation of planning scheme ordinance must be consistent with requirements of the 'Practitioners Guide - Appendix 1' and Planning Practice Note 43 - Understanding Neighbourhood Character. Further investigation needs to be made as to areas of draft NCS where language could be more specific e.g. use of must where discretion may not be appropriate.</p>	No	Yes - Further investigation needs to be made as to areas of draft NCS where language could be more specific e.g. use of must where discretion may not be appropriate.	A section has been added the Strategy (8.1) - addresses the role/limitations of language in the NCS.
b			The NCS should be explicit about the impact of sealing gravel roads and the consequences for the NCT. Weighing neighbourhood character against design and safety considerations should be a matter for an independent arbiter rather than being left to the judgement of engineers who are guided by precise mechanical 'standards' that often operate against the interests of neighbourhood character.	There are varying views with regard to sealing of unmade roads. With arguments based on safety, nuisance and character. The NCS identifies the key attributes of existing character (which may include unsealed roads) and then identifies preferred character objectives. This does not include recommendations as to sealing or unsealing of roads as this falls outside the scope of the NCS.	No	No	
c			No reference to street lighting and traffic calming as features of neighbourhood character.	<p>Refer to Officer response to written submission 89D noting, for Nillumbik Shire's residential areas, the key attributes that have been examined in order to evaluate neighbourhood character are drawn from Planning Practice Note 43 (PPN43), and include:</p> <ul style="list-style-type: none"> • Built Form • Setbacks and Siting • Fencing • Gardens • Nature Strips • Footpaths • Viewlines and Topography • Road Network <p>Issues related to traffic, onstreet parking, traffic connectivity and the movements of cars are not relevant to the assessment of neighbourhood character as defined in Planning Practice 43 Understanding Neighbourhood Character (refer page 14 of the draft NCS).</p>	No	No	
d			Council-owned 'nature strips' are commonly used for car parking or temporary storage of building materials, including mulch. This is inappropriate in BR1 neighbourhoods and should be reflected in the document, monitored, and enforced.	Enforcement of inappropriate or illegal use of Council road reserves it not within the scope of the NCS.	No	No	
e			Power companies need to be respectful of native/indigenous species. How is safety and preservation of neighbourhood character balanced?	Out of scope of the NCS.	No	No	

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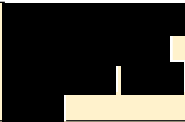
			The removal of vegetation by power companies is becoming excessive and Council needs to play a stronger role in liaising with the power companies.	Power lines are not mentioned in the Draft Nillumbik Shire Neighbourhood Character Strategy (August,2022) . Such infrastructure is not mandated by Council, these are the responsibility of utility providers as mandated by the State government and fall under a separate Act.			
f			Prohibition of Lawns and non-native/non-indigenous, incompatible additions. Also, replanting of removed vegetation required.	<p>Refer to Officer response to written submission 86B with regard to implementation of the NCS into the planning scheme.</p> <p>With regard to Bush Residential 1 NCT the draft NCS at page 57 identifies the following design response for gardens and landscaping:</p> <ul style="list-style-type: none"> • <i>Retain existing indigenous and native canopy trees and understorey vegetation and replant wherever possible. If this cannot be achieved, or a tree is considered appropriate for removal, the site should provide adequate space for offset planting of native trees that will grow to a mature height similar to the mature height of the tree to be removed.</i> • <i>Prepare a landscape plan to accompany all applications for new dwellings that utilise appropriate native species as identified in the Nillumbik Live Local Plant Local Guide.</i> • <i>Provide significant indigenous and native canopy trees occurring at a density of one to every 50-100m2 across the site.</i> 	No	NO	
g			Removal of vegetation as part of development should not be allowed.	<p>The purpose of land inside the Urban Growth Boundary, zoned for residential use is to provide for use for residential purposes (a dwelling). A key purpose of the residential zones generally is also to encourage development that respects the neighbourhood character of the area. There may be circumstances where vegetation removal cannot be avoided to facilitate use of the land for its underlying zoned purpose. The NCS cannot seek to implement a control that would prohibit development that sought removal of vegetation. Rather it is a balance of allowing for a residential use, but retaining neighbourhood character attributes.</p> <p>With regard to Bush Residential 1 NCT the draft NCS at page 57 identifies the following design response for gardens and landscaping:</p> <ul style="list-style-type: none"> • <i>Retain existing indigenous and native canopy trees and understorey vegetation and replant wherever possible. If this cannot be achieved, or a tree is considered appropriate for removal, the site should provide adequate space for offset planting of native trees that will grow to a mature height similar to the mature height of the tree to be removed.</i> • <i>Prepare a landscape plan to accompany all applications for new dwellings that utilise appropriate native species as identified in the Nillumbik Live Local Plant Local Guide.</i> • <i>Provide significant indigenous and native canopy trees occurring at a density of one to every 50-100m2 across the site.</i> 	No	No	
h			Increased permeability and density for significant indigenous vegetation in the Design Guidelines	<p>With regard to Bush Residential 1 NCT the draft NCS at page 57 identifies the following design response in increasing permeability and area for canopy tree planting:</p> <ul style="list-style-type: none"> • <i>The site area covered by buildings should not exceed 40 per cent. Provide at least 40% of the site as permeable surface.</i> • <i>Buildings should be set back a minimum of 4m from one side boundary to enable the planting of indigenous trees and understorey planting.</i> • <i>If more than one dwelling is proposed, provide sufficient separation between each dwelling to allow for the planting of indigenous/native trees and understorey vegetation.</i> 	No	No	
i			Road sealing requirements (i.e. 60% of residents) needs to also reflect the NC.	Refer to Officer response to written response 97B above.	No	No	
98.a	██████	Rural Residential 2	Building height and form appears to be contrary to other Council policy including Bushfire, Climate Change and Aging Well	This is a broad statement and it is unclear how the proposed building height and form for NCT Bush Residential 2 is inconsistent with Council policy with regard to bushfire, climate change and 'ageing well' noting design guidelines for building height and form at page 68 identify:	No	No	

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				<ul style="list-style-type: none"> • <i>New development should complement the 1-2 storey building height and simple building forms of existing dwellings.</i> • <i>Buildings should not penetrate the native and/or indigenous tree canopy, where a canopy is present.</i> • <i>Buildings should be designed to follow the topography of the land, and minimise the need for cut and fill throughout the site.</i> • <i>New buildings at or near ridgelines should be designed and sited below the height of trees along the ridgeline.</i> • <i>Complement the building forms, natural materials, muted colour palette and siting of existing dwellings and articulate the front façades of buildings through the use of setbacks, recesses and windows.</i> • <i>Buildings should provide a pitched roof with prominent eaves.</i> 			
b			How will a policy contrary to many other policies and imposing a uniform character in an already varied area be enforced?	<p>Noted above it is unclear how the draft NCS proposes anything inconsistent with current council policy.</p> <p>Refer to Officer response to written submission 86B with regard to implementation of the NCS into the planning scheme.</p> <p>Once implemented into the Planning Scheme via a planning scheme amendment, the <i>Planning & Environment Act 1987</i> gives Council officers the power to investigate and prosecute matters, and Council is required by law to enforce a Planning Scheme. Upon identification of a potential breach or a complaint, enforcement action will be taken when there is a clear breach of the Planning regulations, planning permit conditions, unauthorised developments and illegal uses.</p>	No	No	

c			Planners should be more concerned with climate action and bushfire risk mitigation than neighbourhood character.	<p>Taken as a statement, noting Council and planners are concerned with all risks and issues as they relate to land use planning.</p> <p>Much of Nillumbik Shire is located in the Bushfire Prone Area mapping, and significant areas are also covered by the Bushfire Management Overlay (BMO). State policy with regard to bushfire planning is located at Clause 13.02. Council provides critical information and services to assist the community with regard to bushfire preparedness.</p> <p>Council's adopted Climate Action Plan (2022) was reviewed in preparation of the draft NCS as acknowledged on page 28 of the draft NCS. Climate change is identified within the draft NCS at pages 28 and 20 (with regard to community values and expectations that mitigation and adaptation will be required).</p>	No	No	
99.a		Garden Residential	The allocation of Garden Residential from the existing Bush Residential is contributing to the deterioration of the Eltham character.	Refer to Ethos – has the subject land changed NCT type from Bush Residential? If so commentary on changing attributes that have led to this outcome.	No	Yes - Refer to Ethos – has ■■■ Helene Street Eltham and surrounds changed NCT type from Bush Residential? If so commentary on changing attributes that have led to this outcome.	As per submission 23.0 - This submission has merit and the NCT area between Park west road and Grove street (which encompasses Helene St), has been reallocated to Bush Residential 2. This area features predominantly post-war and modern dwellings in bushy settings, more formally landscaped gardens, sealed roads etc.
b			Pockets of Leanne Drive, Collabah Drive, Diosma Court and Gum Hill Crescent have incorrectly assigned NCT's.	Refer to Ethos for review re NCT's assigned for Leanne Drive, Diosma Court and Gum Hill crescent.	No	Refer to Ethos for review re NCT's assigned for Leanne Drive, Diosma Court and Gum Hill crescent Eltham	Leanne Drive, Coolabah Drive, Diosma Rd and Gum Hill Crescent reviewed, no change required - streetscapes feature BR2 characteristics; bushy setting, predominantly post-war and modern dwellings, more formally landscaped gardens, sealed roads
c			Strong opposition to 3 storeys included in the guidelines.	With regard to Garden Residential NCT the draft NCS at page 95 the guidelines do not identify 3 storeys, the design guidelines identify with regard to building height:	No	No	

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				<ul style="list-style-type: none"> New development should complement the 1-2 storey building height of existing dwellings. 			
d			The guideline to ‘Use contemporary design details that do not mimic older architectural styles’ will promote ‘cookie-cutter’ developments and cheapen the look of the area.	<p>This guideline needs to be considered in broader context with the other design guidelines. Interrelated, the design guidelines work together in informing an intended built form outcome – one guidelines can be used in isolation in determining an outcome, e.g. of other guidelines in the Garden Residential typology that need to be considered for broader context:</p> <ul style="list-style-type: none"> Complement the simple building forms, neutral materials such as brick and weatherboard, and the siting of older, original dwellings. Use non-reflective materials and finishes for walls, roofs and windows. Articulate the front façades of buildings through the use of recesses, balconies, porch entrances, windows and doorways. Use contemporary design details that do not mimic older architectural styles. Buildings should provide a pitched roof with prominent eaves. In cases where eaves are not provided, alternative techniques to articulate the dwelling should be introduced, which may include window shading, window shrouds, and other architectural features. Buildings should be designed to follow the topography of the land, and minimise the need for cut and fill throughout the site. 	No	No	
e			More landscaping requirements and advocacy is required.	<p>With regard to Garden Residential NCT the draft NCS at page 95 identifies with regard to landscaping:</p> <ul style="list-style-type: none"> Prepare a landscape plan to accompany all applications for new dwellings that utilise appropriate native species as identified in the Nillumbik Live Local Plant Local Guide. Retain indigenous and native canopy trees and other vegetation where possible. Provide large canopy indigenous and/or native trees occurring at a density of one to every 200-300m2 across the site. <p>It is unclear what is meant by ‘advocacy’ with regard to landscaping, where the final NCS as implemented would support requirements for landscaping not ‘advocacy’.</p>	No	No	
f			Dwelling orientation should be more varied and setbacks larger.	Refer to Ethos for response.	No	Yes – Ethos to provide a response.	Based on adopted methodology, no change required.
g			Reduce red tape for nature strip planting and provide more guidance on appropriate planting.	Out of scope of the draft NCS, noting Council’s road reserves (including nature strips) are regulated under the Road Management Act 2004, and Council have separate policy with regard to such including the Road Management Plan 2021 and Roadside Management Plan 2012.	No	No	
h			More community engaged and led plans for open space and reserves.	Outside the scope of the draft NCS.			
100.a		n/a	Cover photo is inappropriate for Nillumbik shire and needs to include more native and indigenous vegetation and canopy trees.	Refer to Officer response to survey submission 1C – matter of cover photo referred to Council and Ethos.	No	Yes – as per 1C	Cover photo updated - Bush Residential 1 area in Eltham
b			Colours and Materials are inconsistent and require more guidance.	Unclear as to the view colours and materials are ‘inconsistent’, however further clarity is required with regard to ‘muted tones’ and materiality – potentially further guidelines outside the NCS that can be updated accordingly. Refer to Ethos.	No	Yes - further clarity is required with regard to ‘muted tones’ and materiality – potentially further guidelines outside the NCS that can be updated accordingly. Refer to Ethos.	Muted colours have since been defined - preferred character statements, objectives, guidelines across all precinct profiles have been amended accordingly. Appendix added showing examples of dwellings which apply muted colour palette of earth and bush tones across Nillumbik Discussion in key issues and threats (4.9) has been enhanced - inconsistent colours & materials.
c			Language should be ‘tighter and more prescriptive, in particular action words need to be strengthened to give stronger emphasis.	The NCS is a strategic document that provides strategic support/evidence to support future planning scheme controls such as Zone and Overlay schedules. Language selection in preparation of planning scheme ordinance must be consistent with requirements of the ‘Practitioners Guide - Appendix 1’ and Planning Practice Note 43 - Understanding Neighbourhood Character.	No	Yes - Further investigation needs to be made as to areas of draft NCS where language	Further work (8.6) been added - guidelines for dwelling materiality, roofing and colour palette.

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				Further investigation needs to be made as to areas of draft NCS where language could be more specific e.g. use of must where discretion may not be appropriate.		could be more specific e.g. use of must where discretion may not be appropriate.	
d			ECAG queries the basis for the preferred character having more than two storey dwellings in all precincts	Refer to Officer response to survey submission 1B and 1C – same matter addressed and responded to noting the draft NCS does not identify more than two storey dwellings in all precincts.	No	No	
e			Clarification is required around ‘identified for increased housing growth’. Are there any areas outside the ACZ identified for future housing growth or do these statements only refer to the ACZ areas?	<p>Refer to page 26 of the draft NCS which identifies Planning Practice Note 90 highlights the interrelationship between a Housing Strategy and Neighbourhood Character Strategy. The Practice Note in preparing a Housing Strategy introduces the concept of minimal, incremental and substantial change areas, when planning for housing change. The identification of character types and precincts in this Neighbourhood Character Strategy helps to inform and guide the location of likely housing change areas.</p> <p>The purpose of the Neighbourhood Character Strategy is to identify existing character types, their morphology and locations, along with providing guidance for any preferred changes to the Neighbourhood Character.</p> <p>As noted the Housing Strategy has regard to the Neighbourhood Character Strategy in determining any change areas required to facilitate a local government areas growth, noting that Nillumbik is predicted to have a comparatively minimal population increase in the future and a new Housing Strategy (current Council Plan action) would direct more intensive change areas to the Activity Centres, consistent with State Activity Centres policy.</p>	No	No	
f			More weight has been given to ResCode in the past. The NCS needs more statutory weight. What is being done to amend the particular provisions?	<p>Refer to Officer response to survey submission 1 and written submission response 90b above – same matter addressed and responded to noting use of the schedules to the zones to vary Rescode standards to achieve neighbourhood character objectives can be useful in removing discretion where appropriate.</p> <p>Refer to page 26 of the draft NCS which identifies proposed Rescode Reforms under consideration by the State government.</p>	No	No	
g			The phrase ‘predominantly 1-2 storey dwellings’ is disputed and it is extremely unlikely that the majority of Eltham residents, from Eltham South to Eltham North, said their preference was for some dwellings of more than two storeys in their street. What does ‘complement’ mean? What does ‘reflect’ mean? Do they allow for more than 2 storeys? What does ‘predominant’ mean?	Refer to Officer response to survey submission 1 – same matter addressed and responded to noting the use of ‘predominantly’ describes the ‘most’ of something and it is term used consistently when describing neighbourhood character attributes.	No	No	
h			Apart from Bush Residential 1 there is no mention of a colour palette in the Character Description of other precincts. This needs to be remedied. Earthy tones are an important aspect of all precincts. ‘Muted tones and colours’, included in BR1 Character Description is vague. What are muted tones? Could they be soft, greyed pinks, blues, yellows? The current term ‘Earthy tone and colours’ has been effective and needs to be restated in the draft document.	Refer to Ethos – review and advice re colour and materiality objectives in all NCT’s as per submission query – potential guidelines outside the NCS to support.	No	Yes - Refer to Ethos – review and advice re colour and materiality objectives in all NCT’s	See response above
i			There is no mention at all of rear setbacks.	Refer to Ethos to provide comment.	No	Yes – Ethos to review appropriateness of incorporating rear setbacks – see PWG commentary particularly for more than one dwelling on a lot.	Discussion has been enhanced in key issues & threats (4.3) & further work (8.6) relating to the loss of vegetation in rear setbacks, the scope of Neighbourhood Character & recommendations for further work regarding provisions for rear setback canopy trees.
j			‘If more than one dwelling is proposed, provide sufficient separation between each dwelling to allow for the planting of...’ This statement, included in the guidelines for each precinct, needs to be more prescriptive. Indigenous and or native should be specified for all areas. A more specific width of separation needs to be included.	Refer to Ethos to review	No	Yes – Ethos to review as per survey submission responses – role of all setbacks and the	Guidelines pertaining to gardens and landscaping and siting and setbacks have been amended within all precinct profiles, tightening recommendations in regard to species and canopy trees.

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						applicable species selection – role will identify required height/canopy cover.	Glossary defines canopy and amenity tree. Discussion relating to canopy v amenity trees & role of planting in setbacks has been amended in key issues & threats (4.3).
k			The Garden Residential NCT is inaccurate. A considerable portion of GR has narrow roadways and no footpaths, paved or otherwise. York St, John St, Franklin St and Napoleon St (ie every second street between the ACZ and Eltham Primary School) are narrow and have no footpaths.	Refer to Ethos to review Garden Residential NCT York St, John St, Franklin St and Napoleon St	No	Yes - Refer to Ethos to review Garden Residential NCT York St, John St, Franklin St and Napoleon St Eltham for attributes 'narrow roadways and no footpaths'.	The prevailing character of York St, John St, Franklin St is consistent with the allocated Garden Residential characteristics - despite pockets where character deviates, NCT has been applied on an 'overall' basis - garden setting, more formal street layout, low-medium levels of vegetation in public & private realm, increasing prevalence of contemporary infill development.
l			The properties on Metery Rd and Mt Pleasant Rd between Eltham Primary School and the Shell service station are very heavily vegetated with numerous extremely large eucalypts. Their style and presentation to the street makes them a better fit for Bush Residential 1 or 2 than the Garden Residential precinct in which they have been placed.	Refer to Ethos to review properties on Metery Rd and Mt Pleasant Rd between Eltham Primary School and the Shell service station.	No	Yes - Refer to Ethos to review allocated NCT Garden Residential for properties on Metery Rd and Mt Pleasant Rd between Eltham Primary School and the Shell service station.	Residential strip between Napoleon and Dalton St - reallocated as BR1, mirroring the character of residential blocks further south (between Dalton, Metery and Mount Pleasant Road) which have been reallocated to BR1.
101.a		Bush Residential 2	The NC objectives for BR2 does not rule out there being 3 storey dwellings in the area.	Refer to Officer response to survey submission 1C – same matter addressed and responded to.	No	No	
b			The wording throughout the NCS needs to be strengthened if the NCS is to be used at VCAT to protect our neighbourhood character.	Refer to Officer response to survey submission 1 – same matter addressed and responded to.	No	No	
c			Zig-zag Road and Artist Hill are both within the Bush Residential 2 character areas but have no footpaths, and have the character of Bush Residential 1.	Refer to Ethos review NCT Zig-zag Road and Artist Hill.	No	Yes - Refer to Ethos review NCT of Bush Residential 2 for Zig-zag Road and Artist Hill Eltham.	Reviewed Zig-zag Road & Artist Hill, no change required - attributes which differentiate bush residential BR1 & BR2. The character of these streetscapes predominantly reflects BR2 characteristics; predominantly post-war and modern dwellings in a bushy setting, more formally landscaped gardens, sealed roads etc.
d			There is no mention of setback from the road. Road setback to be equal to or greater than that of existing dwellings in the area.	<p>The design guidelines for the NCT Bush Residential 2 identify for building height and form: <i>Complement the building forms, natural materials, muted colour palette and siting of existing dwellings and articulate the front façades of buildings through the use of setbacks, recesses and windows.</i></p> <p>The draft NCS would not identify a blanket front setback as they would be different for individual areas (covered by the same NCT) depending on when the subdivision pattern was created and the setbacks associated with the built form of that time. In recognition of current character attributes and preferred character, front setbacks would be different in different areas (same NCT), this is why the guidelines are seeking a design response consistent with existing dwellings in the area. Setbacks are identified from the property boundary and not from the road, again as these may be different in various areas the NCT is applied to.</p> <p>Also note that Rescode standards also apply where the front setback must meet the standard and be consistent with adjoining allotments (e.g. Clause 54.03)</p>	No	No	
e			Bushfire risk should be taken into consideration.	Threats to neighbourhood character are explored at Section 4 of the draft NCS (page 36) noting bushfire management is a key threat.	No	No	

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				<p>Much of Nillumbik Shire is located in the Bushfire Prone Area mapping, and significant areas are also covered by the Bushfire Management Overlay (BMO). State policy with regard to bushfire planning is located at Clause 13.02.</p> <p>The draft NCS at page 47 reviews the implications of Nillumbik's high bushfire risk status, and the implications of such on neighbourhood character objectives and risk.</p>			
f			<p>Provision of canopy trees and vegetation is meaningless when state provisions allow for the removal of vegetation within 10m of a dwelling. And what happens when plantings approved on a landscape plan die or are removed?</p>	<p>Much of Nillumbik Shire is located in the Bushfire Prone Area mapping, and significant areas are also covered by the Bushfire Management Overlay (BMO).</p> <p>Page 38 of the draft NCS identifies that <i>the threat of significant vegetation clearing is particularly relevant in Nillumbik Shire due to State-sanctioned permit exemptions within planning controls applying to a large portion of the Shire, which allow as-of-right removal of vegetation for bushfire management and maintenance. As most of Nillumbik Shire is within a designated Bushfire Prone Area (BPA), with a portion of the study area covered by the Bushfire Management Overlay (BMO), both the planning and building systems in Nillumbik Shire comprise of State-sanctioned exemptions which override all other planning triggers for the purposes of bushfire protection including vegetation and landscape protection controls.</i></p> <p>The NCS works in conjunction with other planning scheme requirements and other council policy/strategy that sits outside the planning scheme to protect and retain vegetation. Example, the Significant Landscape Overlay and newly adopted Local Law 52 protect amenity trees on private land.</p> <p>Further priority actions are part of the current Council Plan also that seek to protect and enhance vegetation outcomes including:</p> <ol style="list-style-type: none"> 1. Investigate measures to establish and enhance the urban tree canopy; 2. Review Council's tree management policy and supporting guidelines; 3. Investigate measures to protect wildlife across a range of settings, including roadsides. <p>Notably key objectives across all NCT's identified within the draft NCS identify objectives and design responses that seek to protect, retain and enhance tree canopy.</p>	No	No	
g			<p>Are Statutory Planners aware of Strategic Policies and why aren't we employing local people at Council?</p>	<p>Out of scope of draft NCS, however council's statutory planners are aware of the land use policy settings within the Nillumbik Planning Scheme, and strategies under preparation that will influence future policy context within the planning scheme.</p>	No	No	
102.a		n/a	<p>The strategy has attempted to address the major issues of vegetation loss and amenity, as well as development pressure but it is very similar to the previous strategy and fails to put meaningful actions to deal with these issues.</p>	<p>Taken as a statement as no specific matters have been identified.</p>	No	No	
b			<p>Side setbacks appear to enable developments to be built hard up against each other on one side. This does not seem characteristic of 'Bush Residential'.</p>	<p>Design guidelines for the NCT of Bush Residential 1 at page 57 identify with regard to setbacks:</p> <ul style="list-style-type: none"> • <i>Buildings should be set back a minimum of 4m from one side boundary to enable the planting of indigenous trees and understorey planting.</i> • <i>If more than one dwelling is proposed, provide sufficient separation between each dwelling to allow for the planting of indigenous/native trees and understorey vegetation.</i> • <i>Buildings should be sited to take into account the sharing of views corridors to the Diamond Creek, the Watsons Creek, the Yarra River, elevated ridgelines, vegetated areas and canopy trees.</i> <p>Design guidelines for the NCT of Bush Residential 2 identify at page 68 with regard to setbacks:</p> <ul style="list-style-type: none"> • <i>Buildings should be set back a minimum of 4m from one side boundary to enable the planting of indigenous and native trees and understorey planting.</i> 	No	No	

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				<ul style="list-style-type: none"> <i>If more than one dwelling is proposed, provide sufficient separation between each dwelling to allow for the planting of medium indigenous/native trees and understorey vegetation.</i> <i>Buildings should be sited to take into account the sharing of views corridors to the Diamond Creek, the Watsons Creek, the Yarra River, elevated ridgelines, vegetated areas and canopy trees.</i> 			
c			Language needs to be stronger and clearer, particular terms such as ‘canopy trees’ and ‘sufficient separation’ need to be defined. Objectives need to be written in plain English.	<p>The NCS is a strategic document that provides strategic support/evidence to support future planning scheme controls such as Zone and Overlay schedules. Language selection in preparation of planning scheme ordinance must be consistent with requirements of the 'Practitioners Guide - Appendix 1' and Planning Practice Note 43 - Understanding Neighbourhood Character. Further investigation needs to be made as to areas of draft NCS where language could be more specific e.g. use of must where discretion may not be appropriate.</p>	No	Yes - Further investigation needs to be made as to areas of draft NCS where language could be more specific e.g. use of must where discretion may not be appropriate.	Glossary defines canopy and amenity tree. Where a term is not defined, it takes its ordinary and general meaning; consistent with the Ministerial Direction for Form and Content of Planning Schemes.
d			Developments should not be prioritised over the retention of vegetation.	<p>Refer to page 26 of the draft NCS which identifies Planning Practice Note 90 highlights the interrelationship between a Housing Strategy and Neighbourhood Character Strategy. It introduced the concepts of minimal, incremental and substantial change areas, when planning for housing change. The identification of character types and precincts in this Neighbourhood Character Strategy helps to inform and guide the location of likely housing change areas.</p> <p>The purpose of the Neighbourhood Character Strategy is to identify existing character types, their morphology and locations, along with providing guidance for any preferred changes to the Neighbourhood Character.</p>	No	No	
e			Design Guidelines of Garden Court NCT's describe multi-dwellings on a lot as connected and separated. This is confusing.	<p>Not clear which Garden Court NCT this relates to (1, 2 or 3) or the source of the reference to ‘connected and separated’, however Design Guidelines located at page 77 of the draft NCS with regard to siting and setbacks for Garden Court 1 states:</p> <ul style="list-style-type: none"> <i>Buildings should be set back a minimum of 1m from one side boundary and 2m from the other side boundary.</i> <i>Storeys above ground level should be recessed to minimise impact on the streetscape.</i> <i>Orient dwellings parallel to the street.</i> <i>In the case of multi-dwellings on a lot, design the front dwelling to present as one dwelling to the street through the use of roof forms, materials and design detail. If more than one dwelling is proposed, provide sufficient separation between each dwelling to allow for the planting of canopy trees and other native vegetation.</i> <p>On page 83, for Garden Court 2, the Design Guidelines identify:</p> <ul style="list-style-type: none"> <i>Set back dwellings at least 3m from one side boundary.</i> <i>Storeys above ground level should be recessed to minimise impact on the streetscape.</i> <i>Orient dwellings parallel to the street.</i> <i>Provide at least 30% of the site as permeable surface.</i> <i>In the case of multi-dwellings on a lot, design the front dwelling to present as one dwelling to the street through the use of roof forms, materials and design detail.</i> <i>Buildings should be sited to take into account the sharing of views of vegetated areas, tree-canopy coverage, elevated ridgelines and Metropolitan Melbourne.</i> <i>If more than one dwelling is proposed, provide sufficient separation between each dwelling to allow for the planting of native vegetation and understorey vegetation.</i> <p>And on page 90, Design Guidelines for Garden Court 3 identify:</p> <ul style="list-style-type: none"> <i>Set back dwellings at least 3m from one side boundary.</i> 	No	No	

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				<ul style="list-style-type: none"> • Storeys above ground level should be recessed to maintain the appearance of low scale street frontages when viewed from the street • Orient dwellings parallel to the street. • In the case of multi-dwellings on a lot, design the front dwelling to present as one dwelling to the street through the use of roof forms, materials and design detail. • Buildings should be sited to take into account the sharing of views corridors to the Plenty River, the Diamond Creek, elevated ridgelines, vegetated areas and canopy trees. • If more than one dwelling is proposed, provide sufficient separation between each dwelling to allow for the planting of canopy trees and other native vegetation. 			
f		Garden Court 2	Garages should be positioned behind buildings in Garden Court 2.	<p>Design Guidelines with regard to garage storage for the NCT Garden Court at page 83 identify:</p> <ul style="list-style-type: none"> • <u>Locate garages and carports behind the line of the front dwelling façade, ensuring that they are integrated with the design of the dwelling.</u> <p>This requirement locates car storage at least behind existing building front wall projection and is consistent with character attributes in the Garden Court NCT.</p>	No	No	
		Garden Residential	Objective 4, Garden Residential p.94 is unclear. Needs to be re-written. Doesn't make sense and appears to be two different objectives concerning dominance of the streetscape and minimising parking access and structures, but is written as one that doesn't relate properly.	<p>Objectives for NCT's should not be read in isolation, rather they work as a whole approach to achieve neighbourhood character outcomes as neighbourhood character is multi-faceted.</p> <p>Identified objectives for NCT Garden Residential at page 94 are:</p> <ol style="list-style-type: none"> 1. To ensure new development reflects the preferred built form, characterised by predominately 1-2 storey dwellings with a mixture of architectural styles that utilise natural materials and simple building forms. 2. To maintain and reinforce the predominant building alignment along the street, characterised by setbacks that contribute to the sense of openness. 3. To encourage space for increased indigenous and native vegetation planting and canopy trees within the private realm, to strengthen the garden setting of dwellings and contribute to the enhancement of the public realm. 4. To ensure new development does not dominate the streetscape but minimises the dominance of car parking access and structures instead. 5. To maintain the openness of the streetscape, characterised by absent front fences. <p>It is considered the wording of objective 4 is appropriate – however Ethos to provide comment.</p>	No	Yes - Refer to Ethos to provide review/commentary re wording of objective 4 Garden Residential.	Agreed with officer comment - reviewed guideline, no change required.
			The word 'limit' is used in the Design Guidelines – Garden Residential but no limit is defined or suggested.	Words are used in with regard to their general meaning. Ethos to provide further commentary on use of the word and intent – noting in general terms limit is defined as: <i>restriction on the size or amount of something permissible or possible.</i>	No	Yes – Refer to Ethos to provide commentary in regard to intent of words e.g. 'limit'.	Where a term is not defined, it takes its ordinary and general meaning; consistent with the Ministerial Direction for Form and Content of Planning Schemes. This has been noted in the definitions section of the draft NCS for clarification.
			Eaves must be a requirement for all new developments due to climate change.	All NCT Design Guidelines identify that roofs should provide prominent eaves. The only exception is Garden Court 3. Ethos to provide review.	No	Yes – refer to Ethos requirement for eaves in Garden Court 3 NCT.	Urban Canopy Residential 3 guidelines have been amended accordingly.
			Two areas need to be reviewed. The area bordering Sheffield Street in Eltham and the area between Mount Pleasant Road and Dalton Street and behind the Dalton Street School and Mount Pleasant Road. Both areas should be included in Bush Residential. Also Napoleon Street in Eltham is lined with a significant vegetation as well.	Refer to Ethos review NCT area bordering Sheffield Street in Eltham and the area between Mount Pleasant Road and Dalton Street and behind the Dalton Street School and Mount Pleasant Road and Napoleon Street Eltham.	No	Yes – Ethos review NCT area bordering Sheffield Street in Eltham and the area between Mount Pleasant Road and Dalton Street and behind the Dalton	As per submission 23.0, NCT area bordering Sheffield street has been reallocated to Bush Residential 2. Area features predominantly post-war and modern dwellings in bushy settings, more formally landscaped gardens, sealed roads etc.

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						Street School and Mount Pleasant Road and Napoleon Street Eltham.	As per submission 1, NCT area between Dalton St & MT pleasant road reallocated to Bush Residential 1. Area characterised by lots that are heavily vegetated, dwellings are often obscured by planting, lack of formal streetscape infrastructure.
103.a		Bush Residential 2	Steady decline in canopy trees and spaces for planting vegetation, including canopy trees.	Taken as a statement.			
			No more cut and fill responses to topographically challenging lots.	<p>All NCT's within the respective design guidelines in the current draft of the NCS identify that <i>buildings should be designed to follow the topography of the land, and minimise the need for cut and fill throughout the site.</i></p> <p>In the case of Rural Residential NCT's the design response is identified as: <i>Buildings should be designed to follow the contours of the site or step down the site.</i></p> <p>The requirement is slightly altered for this NCT as the underlying sites are LDRZ and generally much larger than the other NCT's and therefore there are less constraints with regard to siting of a dwelling.</p>	No	No	
			I would like to see Council advocate vigorously to the State Government to reconsider those aspects of the state planning scheme that override the decisions Council makes in favour of opposition to unsuitable development.	<p>It is unclear from this statement what particular State government provisions are considered by the submitter to 'override' the council's decisions on planning applications. One area of contention however are exemptions to clear vegetation under the defensible space provisions (these are State level provisions).</p> <p>Refer to Officer response to written submission 90A with regard to this matter. Notably Council has advocated to the State government along with other local governments and the Municipal Association of Victoria for review of the exemption provisions with regard to impacts on the environment and neighbourhood character.</p>	No	No	
104.a		n/a	A population policy is required to circumvent the increased pressures on the Shire.	<p>The purpose of the Neighbourhood Character Strategy is to identify existing character types, their morphology and locations, along with providing guidance for any preferred changes to the Neighbourhood Character.</p> <p>The Housing Strategy has regard to the Neighbourhood Character Strategy in determining any change areas required to facilitate a local government areas growth, which is determined by demographic data and State policy directives, noting that Nillumbik is predicted to have a comparatively minimal population increase in the future and a new Housing Strategy (current Council Plan action) will plan for appropriately accommodating such. Notably Nillumbik is not identified in State policy as a growth council.</p> <p>It is noted that local planning policy cannot override State policy with regard to accommodating population growth.</p>	No	No	
			Abolish the Urban Growth Boundary. Have a single, intact Green Wedge.	Taken as a statement. Out of scope of NCS.	No	No	
105.a		n/a	The NCS appears to be at odds with Climate Change policy and will make it harder for developments to be sited and designed for reduced carbon emissions.	<p>Refer to Ian Culbard for further clarification as to how the draft NCS 'appears at odds' with Council's Climate Change policy.</p> <p>Council's adopted Climate Action Plan (2022) was reviewed in preparation of the draft NCS as acknowledged on page 28 of the draft NCS. Climate change is identified within the draft NCS at pages 28 and 20 (with regard to community values and expectations that mitigation and adaptation will be required).</p> <p>Responding to climate change and ESD is a multi-faceted area that is not addressed by one strategy or policy, and the NCS may only address some matters that contribute to ESD outcomes. ESD is built into the Victorian Building Code (e.g. 6 Star built form ratings) and is also imbedded into all planning schemes through the Rescode standards.</p> <p>The NCS works in conjunction with other planning scheme requirements and other council policy/strategy that sits outside the planning scheme to protect</p>	No	Yes – as per 84A	Discussion added in key issues and threats (Section 4.3), outlining role of landscaping in front v side setbacks. Discussion added in 4.10, discussing the interrelationship between NCS, climate change and ESD. Opportunities for further work also discussed in 8.5 in regard to ESD, vegetation and landscaping etc. ESO/vegetation and landscaping discussion enhanced section 2.4. Vegetation and landscaping guidelines amended for all precinct profiles - defining role of canopy and amenity trees. Guideline added across all precinct profiles relating to the use of

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				<p>and retain vegetation. Example, the Significant Landscape Overlay and newly adopted Local Law 52 protect amenity trees on private land.</p> <p>Further priority actions are part of the current Council Plan also that seek to protect and enhance vegetation outcomes including:</p> <ol style="list-style-type: none">1. Investigate measures to establish and enhance the urban tree canopy;2. Review Council’s tree management policy and supporting guidelines;3. Investigate measures to protect wildlife across a range of settings, including roadsides. <p>The Draft Nillumbik Shire Neighbourhood Character Strategy (August,2022) Design Guidelines of each NCT address design responses that are interrelated to ESD and climate change adaptation and mitigation. Key objectives within the draft as identified in objectives for each NCT and through the corresponding design guidelines, require responses that not only contribute to advancing the preferred neighbourhood character and ‘feel’ of the area, but also result in outcomes that contribute to ESD outcomes e.g. increased tree canopy for shade and temperature control and minimising urban heat island effect, increased permeability to allow for deep planting minimise runoff, reduced appearance and widths of driveways which again increases permeability and reduces heat island affect through lack of natural surfaces, use of eaves on dwellings assists with internal temperature controls by providing more shade to the dwelling.</p> <p>Environmentally Sustainable Development (ESD) policy directions are now imbedded in the planning scheme pursuant to Victorian Planning Policy (in various State level policies in the scheme) however with regard to building design at Clause 15.01 which includes strategies to:</p> <ul style="list-style-type: none">• <i>Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.</i>• <i>Improve the energy performance of buildings through siting and design measures that encourage:</i>• <i>Passive design responses that minimise the need for heating, cooling and lighting.</i>• <i>On-site renewable energy generation and storage technology.</i>• <i>Use of low embodied energy materials.</i>• <i>Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.</i>• <i>Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical.</i>• <i>Encourage water efficiency and the use of rainwater, stormwater and recycled water.</i>• <i>Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.</i> <p>Council currently do not have a local policy with regard to ESD. Current Rescode standards and specific provisions within the planning scheme already require Environmentally Sustainable Development (ESD) outcomes (e.g. access to sunlight and ventilation), however given recent implementation of ESD policy settings into all planning schemes as identified above by the State government, more work is being currently being undertaken by the State Government which should eventuate in amended Rescode standards and other provisions that will effectively imbed ESD requirements into various assessment criteria for future dwellings. Refer to the State governments website for details on his current work program: Environmentally sustainable development of buildings and subdivisions (planning.vic.gov.au)</p> <p>Council will review the new State provisions once implemented to determine if there are any gaps that require a local response through the planning scheme.</p>			non- reflective materials & finishes for walls, roofs and windows.
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				Refer to Ethos to review potential addition into draft NCS which highlights the interrelationship between the NCS objectives and design guidelines in meeting ESD and climate change adaptation (e.g. use of eaves, increased area provision and requirement for vegetation and tree canopy planting).			
b			Supporting native and indigenous planting appears to be unsupportive of rooftop solar generation and the capacity of residents to produce their own food.	<p>The purpose of the Neighbourhood Character Strategy is to identify existing character types, their morphology and locations, along with providing guidance for any preferred changes to the Neighbourhood Character.</p> <p>As noted above, the NCS works in conjunction with other planning scheme requirements and other council policy/strategy that sits outside the planning scheme to protect and retain vegetation. Notably the NCS objectives are not necessarily consistent with intent of policy around bushfire, given the focus on retention of vegetation around built environment. Within land use planning there are often 'tensions' that are not fully resolvable, as one objective/decision may compromise another set of objectives for another matter, as is the case in this situation. The use of native and indigenous planting does not negate the ability for dwellings to accommodate rooftop solar or have vegetable gardens / grow food, however there may be areas of constraint where canopy trees may inhibit such, which would be expected in areas with a heavily vegetated landscape such as Nillumbik.</p> <p>Refer to Ethos to provide further commentary re retention of vegetation and key character attributes that are driving NC objectives, and the relationship to ESD.</p>	No	Yes - Refer to Ethos to provide further commentary re retention of vegetation and key character attributes that are driving NC objectives, and the relationship to ESD.	Discussion added in key issues and threats (Section 4.3), outlining role of landscaping in front v side setbacks. Discussion added in 4.10, discussing the interrelationship between NCS, climate change and ESD. Opportunities for further work also discussed in 8.5 in regard to ESD, vegetation and landscaping etc. ESO/vegetation and landscaping discussion enhanced section 2.4. Vegetation and landscaping guidelines amended for all precinct profiles - defining role of canopy and amenity trees. Glossary defines canopy and amenity tree.
106.a		Bush Residential 2	N/A – cover email noting 'refer attached submission' which is included below at 107 from same submitter.	N/a	No	No	
107.a		Bush Residential 2	The statements, objectives and guidelines need to be clear and precise.	The NCS is a strategic document that provides strategic support/evidence to support future planning scheme controls such as Zone and Overlay schedules. Language selection in preparation of planning scheme ordinance must be consistent with requirements of the 'Practitioners Guide - Appendix 1' and Planning Practice Note 43 - Understanding Neighbourhood Character . Further investigation needs to be made as to areas of draft NCS where language could be more specific e.g. use of must where discretion may not be appropriate.	No	Yes - Further investigation needs to be made as to areas of draft NCS where language could be more specific e.g. use of must where discretion may not be appropriate.	A section has been added the Strategy (8.1) - addresses the role/limitations of language in the NCS and implementation.
b			Colour palette guidance needs to be more precise. The lack of precise colours and materials in the BR2 compared with the BR1 is likely to cause a stark contrast in colour palettes between the two NCT's.	Refer to Officer response to written response 100H - refer to Ethos – review and advice re colour and materiality objectives in all NCT's	No	Yes – see response to written submission 100H - refer to Ethos review and advice re colour and materiality objectives in all NCT's	Muted colours have since been defined - preferred character statements, objectives, guidelines across all precinct profiles have been amended accordingly. Appendix added showing examples of dwellings which apply muted colour palette of earth and bush tones across Nillumbik. Discussion in key issues and threats (4.9) has been enhanced - inconsistent colours & materials. Further work (8.6) been added - guidelines for dwelling materiality, roofing and colour palette.
c			The word predominantly suggests that there is allowance for and existing examples of dwellings over 2 storeys. I believe that this is not the case.	Refer to officer response to survey submission 1.	No	No	
d			The word 'complement' to describe how new developments should relate to the 1-2- storey building height would be better changed to 'consistent' to ensure that development preserves the current low rise dwellings that mainly sit beneath the tree canopy.	Refer to officer response to survey submission 1.	No	No	
			Typo on p.68 (and every other page with the same sentence) Design Guidelines – Garage storage and vehicular access, dot-point 6. Extra 'the' in the sentence.	<p>Refer to Ethos review all NCT design guidelines and if typo there – amend, noting NCT Design Guidelines at page 68 for Bush Residential 2 identifies:</p> <ul style="list-style-type: none"> Provide landscaping and plantings to the soften the appearance of driveways. 	No	Yes – review and amend typo page 68 (and check other NCT design guidelines)	Amended all guidelines to correct typo.

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e			<p>Minimising paving (which would be better described as ‘hard surfaces’) is not practical on sites that are steep. Loose material such as those used for permeable driveways would just wash away.</p>	<p>The Design Guidelines presented in the draft NCS for the NCT Bush Residential 2 identify with regard to garage storage and vehicle access:</p> <ul style="list-style-type: none"> • <i>Locate garages and carports behind the line of the front dwelling façade, ensuring that they are integrated with the design of the dwelling.</i> • <i>Minimise paving in front yards, including the driveway.</i> • <i>Provide only one vehicular crossover per typical site frontage.</i> • <i>Where a side by side development occurs, space the vehicle crossovers to retain the existing rhythm of the street.</i> • <i>Provide landscaping and plantings to the soften the appearance of driveways.</i> <p>Noted there will be instances where on steep sites unmade surfaces will not be practicable for example on a driveway. This is why the design guidelines are multi-faceted and it is not only one response that contributes to neighbourhood character objectives, but rather they work in combination.</p> <p>Discretion would need to be applied in meeting this design response as other matters (e.g. steep topography of a particular parcel) will mean that the design response cannot necessarily effectively met. This would put more emphasis on other objectives in the design response – e.g. provide more landscaping and planting to soften the appearance of driveways. So, if for safety given the slope of a parcel of land, the design response could not include an unmade driveway, then a suitable design response would be to increase the level of landscaping/planting to reduce the visual impact of the driveway. Notably, other objectives e.g. for this NCT to provide at least 40% of the site for permeable surface would also guide the design response noting the requirement for a made driveway may mean a reduction is required to the building footprint or other proposed hard surfaces as ‘balance of approach’ in meeting the required neighbourhood character objectives.</p>	No	No	
f			<p>How is neighbourhood character enforced when a planning permit is not required? How will the NCS create stricter ResCode Standards and will the SLO3 be amended when implementing the new NCS?</p>	<p>Where there are no planning permit triggers for a new development within the planning scheme, the approval pathway is under the Building Act. A proposed development would need to comply with the relevant standards including report and consent against applicable Rescode standards.</p> <p>Refer to Officer response to survey submission 1B with regard to implementation of the NCS into the planning scheme and drafting of planning scheme ordinance.</p>	No	No	
g			<p>For the current SLO3, what is stopping people from removing a tree within 5m of a new development when it can be removed under bushfire provisions?</p>	<p>Much of Nillumbik Shire is located in the Bushfire Prone Area mapping, and significant areas are also covered by the Bushfire Management Overlay (BMO).</p> <p>Page 38 of the draft NCS identifies that <i>the threat of significant vegetation clearing is particularly relevant in Nillumbik Shire due to State-sanctioned permit exemptions within planning controls applying to a large portion of the Shire, which allow as-of-right removal of vegetation for bushfire management and maintenance. As most of Nillumbik Shire is within a designated Bushfire Prone Area (BPA), with a portion of the study area covered by the Bushfire Management Overlay (BMO), both the planning and building systems in Nillumbik Shire comprise of State-sanctioned exemptions which override all other planning triggers for the purposes of bushfire protection including vegetation and landscape protection controls.</i></p> <p>The NCS works in conjunction with other planning scheme requirements and other council policy/strategy that sits outside the planning scheme to protect and retain vegetation. Example, the Significant Landscape Overlay and newly adopted Local Law 52 protect amenity trees on private land.</p> <p>Further priority actions are part of the current Council Plan also that seek to protect and enhance vegetation outcomes including:</p> <ol style="list-style-type: none"> 1. Investigate measures to establish and enhance the urban tree canopy; 2. Review Council’s tree management policy and supporting guidelines; 	No	No	

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				<p>3. Investigate measures to protect wildlife across a range of settings, including roadsides.</p> <p>Notably key objectives across all NCT's identified within the draft NCS identify objectives and design responses that seek to protect, retain and enhance tree canopy.</p>			
108.a		n/a	Allow for a wider range of land uses to promote and support native and indigenous land holdings. These would include Bed and Breakfast, low impact tourism and service type land uses such as wineries, restaurants and coffee shops.	The purpose of the Neighbourhood Character Strategy is to identify existing character types, their morphology and locations, along with providing guidance for any preferred changes to the Neighbourhood Character. The NCS does not prescribe land use, noting consistent with relevant Planning Practice Note, a NCS relates to residentially zoned land (and there are limited land uses that are permitted under the relevant zone schedules in the residential suite of zones).	No	No	
b			Education of the community around our unique flora and fauna needs to be increased, including more full-time education offers, information packs for new residents and more funding for the Edendale Farm.	Out of scope of NCS noting the purpose of the Neighbourhood Character Strategy is to identify existing character types, their morphology and locations, along with providing guidance for any preferred changes to the Neighbourhood Character.	No	No	
c			Public transport needs to be improved in the Shire. Lobby the State Government and fund a local bus line in the short term.	Out of scope of NCS noting the purpose of the Neighbourhood Character Strategy is to identify existing character types, their morphology and locations, along with providing guidance for any preferred changes to the Neighbourhood Character.	No	No	
			The Shire should employ or contract its own arborists and charge a fixed price for them.	Out of scope of NCS noting the purpose of the Neighbourhood Character Strategy is to identify existing character types, their morphology and locations, along with providing guidance for any preferred changes to the Neighbourhood Character.	No	No	
			The Shire should employ its own energy raters and rate every new building.	Out of scope of NCS noting the purpose of the Neighbourhood Character Strategy is to identify existing character types, their morphology and locations, along with providing guidance for any preferred changes to the Neighbourhood Character.	No	No	
			The Shire should inspect every building at every stage – foundation, frame, lock-up, insulation, wet area, practical completion. The "Private Inspector" system is formalised and institutionalised conflict of interest and plainly open to corruption.	Out of scope of NCS noting the purpose of the Neighbourhood Character Strategy is to identify existing character types, their morphology and locations, along with providing guidance for any preferred changes to the Neighbourhood Character.	No	No	
			Grant owner builders a 4 year permit with a 4 year extension as an automatic right. Owner builders often do most of the work themselves while working at other professions.	Out of scope of NCS noting the purpose of the Neighbourhood Character Strategy is to identify existing character types, their morphology and locations, along with providing guidance for any preferred changes to the Neighbourhood Character.	No	No	
			Employ a chief planner with design experience and give them a wide brief to give council sound, in-house advice. (Rob Adam's 30+ year tenure at the Melbourne City Council is a good example.) This will be especially important with further high-density development applications and construction in future years.	<p>Out of scope of NCS Out of scope of NCS noting the purpose of the Neighbourhood Character Strategy is to identify existing character types, their morphology and locations, along with providing guidance for any preferred changes to the Neighbourhood Character.</p> <p>Council do employ a Senior Urban Designer who provides planning application referral advice.</p>	No	No	
			Create an award system whereby great design is acknowledged and celebrated. We have the Nillumbik Art Prize which is widely celebrated, why not building? As stated, The Shire is known throughout Australia for its unique buildings, these should be celebrated. The Shire should establish a building prize for the best building built in the Shire.	Out of scope of NCS noting the purpose of the Neighbourhood Character Strategy is to identify existing character types, their morphology and locations, along with providing guidance for any preferred changes to the Neighbourhood Character.	No	No	
109.a		Garden Residential	Old miners cottages in the area (south of Eltham Activity Centre) which need acknowledgement in the character description (not just post war).	<p>With regard to heritage, the draft NCS outlines at page 14 that:</p> <p><i>In defining neighbourhood character, it is important to understand the differences between neighbourhood character and places of heritage significance that are generally recognised in the planning scheme. While all areas have a history, not all areas are of heritage significance. Heritage significance is determined by recognised criteria set by Commonwealth, State and local agencies, with reference to the Burra Charter. In Victoria, heritage places and areas are recognised by application of the Heritage Overlay in planning schemes or inclusion on the Victorian Heritage Register. Cultural heritage is largely embodied in the underlying values and the broader physical context of a building or place. It is important to manage and retain this fabric and setting to retain the cultural significance of a place. Heritage significance can't be improved, but the fabric of a place can be improved, restored or</i></p>	No	No	

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				<i>reinterpreted. In many areas building style is important to setting the character of the area. This includes not just typical form and massing, but may also include architectural details, materials and colours. Buildings do not need to be old or historically significant to have a character that is important to people's understanding and enjoyment of an area.</i>			
b			Roof form requirements for flat or lows pitch will prevent mid-century sympathetic architecture and favour 'hamptons style' which is kitsch.	The requirement for roof form would be a discretionary requirement based on prevailing neighbourhood character attributes. For example, where a proposal is to extend or alter an existing dwelling with mid-century characteristics, consideration would need to be given to roof forms that are sympathetic to that style of architecture.	No	No	
c			Many streets are narrow and don't have footpaths e.g. York St, John St, Franklin St and Napoleon St.	Refer to Ethos – review character attributes/NCT Garden Residential	No	Refer to Ethos – review character attributes/NCT Garden Residential	The prevailing character of York St, John St, Franklin St is consistent with the allocated GR characteristics - despite pockets where character deviates, NCT has been applied on an 'overall' basis - garden setting, more formal street layout, low-medium levels of vegetation in public & private realm, increasing prevalence of contemporary infill development. Residential strip between Napoleon and Dalton St - reallocated as BR1 as mirror the character of blocks further south (between Dalton, Metery & Mount Pleasant Road) which have been reallocated to BR1.
d			Pockets of this area are very sloped e.g. Macaulay Court – some garages below are practical in this area.	Refer to Ethos – response garages under (likely to result in 3 storey response)	No	Refer to Ethos – response garages under buildings in areas of significant slope (likely to result in 3 storey response)	Discussion has been added (7.1), relating to dwelling heights and Neighbourhood Character - explicitly outlining what NCS can and can't do.
e			There is the odd house that isn't parallel to the street. The siting setback saying dwellings should be parallel seems unnecessary.	Refer to Ethos for response	No	Refer to Ethos for response with regard to parallel siting of buildings to the street (generally) and approach to this with regard to NCS outcomes.	Reflects predominant character, no change required.
f			Very happy with landscaping parts of the garden residential section of the strategy, however retain 'other vegetation' risks privileging the retention of weeds – removal of weeds should be encouraged.	Design Guidelines at Page 95 of the draft NCS identify the following requirements: <ul style="list-style-type: none"> • <i>Prepare a landscape plan to accompany all applications for new dwellings that utilise appropriate native species as identified in the Nillumbik Live Local Plant Local Guide.</i> • <i>Retain indigenous and native canopy trees and other vegetation where possible.</i> • <i>Provide large canopy indigenous and/or native trees occurring at a density of one to every 200-300m2 across the site.</i> <p>With regard to retained vegetation, where a planning permit is required for a development in the residential zone, planning would typically not require the removal of existing vegetation that is proposed to be retained.</p> <p>Instead Council encourage not planting and replacement of weed species providing resources and education on our webpage (and through education</p>	No	No	

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				<p>programs in partnership with for example Friends of and Landcare group) in regard to this matter: https://www.nillumbik.vic.gov.au/Explore/Environment/Natural-environment/Plants-and-trees/Weeds</p> <p>This is not the case for Green Wedge properties where conditioned land management plans would require removal of noxious weeds as part of maintenance. Green Wedge is outside the scope of the NCS.</p>			
			<p>Establishment of indigenous trees could be stressed more and requirement density should be at least 'one stem per 200m2'. The mention of 300m2 is pointless and developers will go for the lower end.</p>	<p>Design Guidelines at Page 95 of the draft NCS identify the following requirements:</p> <ul style="list-style-type: none">• <i>Provide large canopy indigenous and/or native trees occurring at a density of one to every 200-300m2 across the site.</i> <p>The ratio is set at a range within the Design Guideline to allow for consideration of parcel size which in the Garden Residential NCT will vary and can be constrained. Identifying 200m2 only could inadvertently provide a ratio that is unattainable for some properties.</p>	No	No	