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No.	Key Sentiments	Officer Response	Recommended change to MPS
<b>Clause 02.01 Context</b>			
1	<p>1) Reference should be made of when the Shire was established, state the key environmental landscapes that make up the Shire; 2) reference key environmental conservation reserves, wildlife corridors and their significance; 3)reference the climate emergency and impacts to biodiversity, population, water supply and natural hazards such as flooding and bushfire. These aspects should be mentioned first/upfront after Traditional Owners reference before continuing with other material.</p>	<p>1) to 3): The content and length of draft MPS Clause 02.01 ('Context') is consistent with the <a href="#">Ministerial Direction The Form and Content of Planning Schemes: Practitioner's guide to Victoria's planning scheme</a>, which identifies that the 'Context' is a concise half to one page description of the municipality in its regional setting providing a <u>very brief description</u> of the geographic, economic, environmental and demographic qualities of the municipality. These should represent both the opportunities and challenges that establish the key land use and development issues to be addressed in the subsequent MPS clauses, municipal 'Vision' (Clause 02.02) and Strategic Directions (Clause 02.03), with the latter clause providing the more extensive detail.</p> <p>The context should set the scene for what issues are important to the municipality and need to be addressed by the planning scheme. There is no need to provide extensive detail or state how the issue will be addressed in the context statement because this is the role of the strategic directions.</p> <p>Additionally, statements throughout the MPS are derived from a range of Council's adopted strategic plans and strategies, including (amongst others) <i>Council Plan 2021-2025</i>, <i>Climate Action Plan 2022-2032</i> and <i>Economic Development Strategy 2020-2030</i>, which provide even greater detail than the Strategic Directions at draft MPS Clause 02.03. Many of these Council plans and strategies inform planning policies throughout the Nillumbik Planning Scheme.</p>	<ul style="list-style-type: none"> <li>• Add to draft MPS Clause 02.02: <i>"Nillumbik Shire was formed in 1994 from the merger of parts of the Shires of Eltham, Diamond Valley, Healesville and the City of Whittlesea."</i></li> <li>• Add sentence to 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032: <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i></li> </ul>

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		<p>All of the MPS content is limited to a maximum of 5,000 words under <a href="#">Ministerial Direction The Form and Content of Planning Schemes: Practitioner's guide to Victoria's planning scheme</a> and planning scheme amendment templates from the Victorian Department of Transport and Planning (DTP).</p> <p>1) Consistent with the <a href="#">Ministerial Direction The Form and Content of Planning Schemes: Practitioner's guide to Victoria's planning scheme</a>, the MPS 'Context' can include establishment of a local government area.</p> <p>The current draft of the MPS 'Context' identifies the broader environmental landscapes, with greater detail on environmental landscapes and values (<a href="#">Clause 2.03-2</a>) identified in the draft MPS Strategic Directions.</p> <p>2) As noted above with regard to the role of 'Context' within the MPS, the key environmental conservation reserves and wildlife corridors are referred to in Strategic Directions at <a href="#">Clause 2.03-2</a> under Protection of biodiversity, Waterways and waterbodies and Landscapes, noting this clause identifies that faunal habitat and remnant vegetation is mapped at draft MPS <a href="#">Clause 2.04</a> .</p> <p>3) 'Context' identifies a key point of difference with regard to Nillumbik is that a large proportion of the Shire experiences high bushfire risk. This is a unique setting. State policy at <a href="#">Clause 11</a> of the Nillumbik Planning Policy Framework (PPF) identifies a key policy setting that <i>"planning is to recognise the need for, and as far as practicable contribute towards (among other matters) climate change adaptation and mitigation"</i>. The impacts of climate change are already identified in the</p>	

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		draft MPS at <a href="#">Clause 02.03-2</a> Protection of biodiversity and <a href="#">02.03-3</a> Climate change. Given the 'Vision' identifies that one of Nillumbik's planning related goals is to <i>enhance Nillumbik's sustainability and resilience to both climate change and bushfire</i> , it is considered reasonable that 'Context' should include a sentence with relation to climate change.	
2	Consideration should also be given to severe <b>earthquake hazards</b> and how structures throughout Nillumbik can be made to be more resilient to withstand such impacts.	Already generally addressed in State policy at Clause <a href="#">13.01-1S</a> Natural hazards and climate changes which identifies the objective to <i>minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning</i> , with supporting strategies including (among others) the key strategy to <i>site and design development to minimise risk to life, health, property, the natural environment and community infrastructure from natural hazards. Any specific address of earthquake hazards will be guided by any future specific State Government planning policy on this issue.</i>	No change to draft MPS based on this submission.
3	Much of the Shire still recovering from previous disasters and now has increased threats of species extinction and broken food chains. How does this fit into the Context of the MPS? Should be mentioned as a future challenge.	The Context at draft Clause 02.01 already states that Nillumbik's biodiversity is highly valued and that the green wedge supports several rare and endangered species. It would be useful to add ' <i>including conservation areas</i> ' after 'green wedge' at least once in the MPS to provide a statement that helps reconcile rural areas outside the Urban Growth Boundary (UGB) with the reality of the actual zoning, i.e. most of Nillumbik Shire is in the Rural Conservation Zone (RCZ) rather than the Green Wedge Zone (GWZ) in circumstances	<ul style="list-style-type: none"> <li>• Add '<i>including conservation areas</i>' after 'green wedge' in the second last paragraph at draft Clause 02.01.</li> </ul> <p>Changes to subsequent draft MPS clauses:</p> <ul style="list-style-type: none"> <li>• Expand and modify the second dot point at draft Clause 02.02 to read:  <i>"Enhance Nillumbik's sustainability and resilience to climate change, bushfire and threats to biodiversity."</i></li> </ul>

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		<p>where RCZ includes the purpose of protecting and enhancing biodiversity.</p> <p>Nillumbik's planning goals in the draft Vision at Clause 02.02, which responds to the Context, includes seeking to enhance Nillumbik's sustainability and resilience to climate change and bushfire. It would be appropriate to expand this statement to explicitly include threats to biodiversity, especially since the Commonwealth's most recent State of the Environment report (released July 2022) concluded that a general outlook is for a deteriorating environment as a result of increasing pressures from climate change, habitat loss, invasive species, pollution and resource extraction. Additionally, the Victorian Auditor General's report on Protecting Victoria's Biodiversity (tabled October 2021) referred to a statement in the previous 2018 State of Environment Report that <i>"a third of all of Victoria's terrestrial plants, birds, reptiles, amphibians, mammals, invertebrates and ecological communities are threatened with extinction."</i></p> <p>Draft Schedule to Clause 74.02 ('Further Strategic Work') already includes review of the environmental framework within the scheme to protect biodiversity outcomes.</p>	
4	<p>How does the this clause/MPS prevent fertile land being further developed and population pressure outstripping the infrastructure?</p>	<p>The strategic directions of the draft MPS will support existing state and regional planning scheme policies to protect agricultural land and to direct population growth to existing urban areas and settlements.</p> <p>For rural areas, the strategic directions under draft MPS <a href="#">Clause 02.03-1</a> ('Settlement and the Nillumbik Green Wedge') include to "Maintain non-urban breaks between existing urban areas and non-urban areas, and between rural</p>	<p>No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> <li>Amend last paragraph for Agriculture (draft MPS Clause 02-03-4) to remove <i>"such as permaculture and aquaponics"</i> and add a sentence as follows:</li> </ul>

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		<p>townships". This is consistent with the core State Green Wedge policy with regard to protection of Metropolitan Green Wedges at <a href="#">Clause 11.01-1R</a>.</p> <p>These directions would work in concert with the strategic directions for agriculture in draft MPS Clause 02.03-4 ('Natural resource management'), which include to protect and enhance agricultural land, and to <i>"Promote land use in rural areas in accordance with the capability and productive potential of the land"</i>.</p> <p>A recent report on the 'Future of Agriculture in Nillumbik' (FOAN) is consistent with this direction because it identifies land suitability in Nillumbik for a range of crops, including citrus, wine grapes, apples and raspberries. It would be appropriate to add the land suitability maps for these crops to the maps in draft MPS Clause 02-04 ('Strategic framework plan'). These plans should also be referred to in the text for 'Agriculture' under draft MPS Clause 02.03-4.</p> <p>The FOAN report emphasises the need to protect and enhance food security, both locally, and for a wider population. This could be inserted in the strategic direction to promote sustainable and regenerative agriculture to help highlight its importance.</p> <p>Additionally, the strategic directions respond to the Context in draft MPS Clause 02.01, which states that around <i>"91 per cent of Nillumbik is rural land that lies outside the Urban Growth Boundary and forms part of a metropolitan green wedge, providing a non-urban break between the Whittlesea urban growth corridor and the Lilydale urban area. The green wedge is an area of environmental, landscape and</i></p>	<p><i>"Refer to Strategic framework plans at Clause 02.04-5 identifying indicative land suitability."</i></p> <ul style="list-style-type: none"> <li>• Amend 4<sup>th</sup> dot point of Strategic directions for Agriculture (draft MPS Clause 02-03-4) to add reference to food security as follows: <i>"Promote sustainable and regenerative agriculture that preserves and enhances food security, and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment."</i></li> <li>• Add the land suitability maps for citrus, wine grapes, apples and raspberries from the 'Future of Agriculture in Nillumbik' (FOAN) report following the (updated) four maps in draft MPS Clause 02.04.</li> <li>• Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to: <i>"Identify Nillumbik's housing needs in a housing strategy."</i></li> <li>• Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs through the development of a housing strategy.</li> </ul>

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		<p><i>agricultural importance to both Nillumbik and the wider metropolitan region."</i></p> <p>For urban and residential areas, draft MPS Clause 02.03-1 also identifies that "<i>Nillumbik's key planning issue will be providing a diverse range of dwellings within the Urban Growth Boundary</i>", and that "<i>Areas identified as having further growth potential</i>" include (amongst other areas) the Eltham and Diamond Creek Major Activity Centres. Areas identified for growth are supported by the strategic directions for Development infrastructure under draft MPS Clause 02.03-9 ('Infrastructure'), which include to "<i>Facilitate efficient provision of infrastructure to areas designated for residential and low-density residential development</i>" and to "<i>Minimise infrastructure servicing demand in rural areas</i>". Clause 02.03-9 also highlights the importance of using development contributions in the funding of infrastructure "<i>for designated residential areas where the existing infrastructure cannot cater for the expected density increase</i>".</p> <p>The Draft Schedule to Clause 74.02 ('Further Strategic Work') refers to work that could be identified in 'the housing strategy'; however does not explicitly direct to undertake a housing strategy. Additionally, there is no reference to a housing strategy in any of the strategic directions of the draft MPS. A fourth dot point should be added to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to develop a Housing strategy that identifies Nillumbik's housing needs.</p> <p>A housing strategy could identify where higher densities could be increased, e.g. in relation to major activity centres that can provide a better</p>	



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		<p>range of services, including access to public transport.) This should also be identified as further strategic work in the Schedule to Clause 74.02. The additional explicit direction to undertake a housing strategy would support the current three dot point directions in draft MPS Clause 02.03-6 that seek to facilitate the provision and diversification of housing, medium density housing and affordable housing. The development of a housing strategy is an appropriate and conventional strategic approach in planning for housing, which also recognises the need to provide supporting physical and community infrastructure.</p>	

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5	<p>Reference to the Shire's bushfire risk in the first paragraph is an unnecessary overstatement and gives too much weight to the issue over other other risk and considerations that are important in the Shire - particularly related to broader issues like climate change and environmental degradation. The reference to bushfire in this paragraph should subsequently be removed, or if Council seeks to include the bushfire risk in this clause, it should be included holistically and objectively within the context of broader environmental risks such as climate change; habitat loss, land fragmentation, loss of biodiversity and wildlife/habitat impacts including the reduction of insect numbers and animal species caused by continuous encroachment of development, increase in invasive plant species and loss of landscape values.</p>	<p>The Ministerial Direction The Form and Content of Planning Schemes identifies that the context (within the MPS) should represent both opportunities and challenges that establish the key land use and development issues to be addressed in the municipal vision and strategic plan..</p> <p>'Context' identifies a key point of difference with regard to Nillumbik is that a large proportion of the Shire experiences high bushfire risk. This is a unique setting. State policy at <u>Clause 11</u> identifies a key policy setting that <i>planning is to recognise the need for, and as far as practicable contribute towards</i> (among other matters) <i>climate change adaptation and mitigation</i>. The impacts of climate change are already identified in the draft MPS at Clause 02.03-2 Protection of biodiversity and 02.03-3 Climate change. Given the 'Vision' identifies that one of Nillumbik's planning related goals is to <i>enhance Nillumbik's sustainability and resilience to both climate change and bushfire</i>, It would be appropriate to expand this statement to explicitly include threats to biodiversity, as per Officer response to submission No. 3. it is considered reasonable that 'Context' should include a sentence with relation to climate change.</p> <p>Nillumbik Shire is one of the highest bushfire risk areas in the world; it is an important context in Nillumbik. Bushfire Mitigation Strategy 2019 states, "the potential for bushfire to impact our lives cannot be underestimated. It has the potential to kill, injure and change our lives forever. This is why the community has significant concerns and rightfully demands a</p>	<p>No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> <li>Expand and modify the second dot point at draft Clause 02.02 to read:  <i>"Enhance Nillumbik's sustainability and resilience to climate change, bushfire and threats to biodiversity."</i></li> </ul>

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		<p>comprehensive mitigation strategy that respects their values and delivers improved safety. Our community is reasonably well-informed about their rights and obligations in relation to local issues, including bushfire risk. They generally take responsibility for bushfire safety but also hold others accountable. This highlights the importance of shared responsibility: we must collectively commit to mitigating, preparing for, responding to and recovering from bushfire"; therefore, it is necessary to include bushfire risk in the MPS context. The environmental risks already mentioned in Clause 02.03-1 Climate change.</p> <p>Clause 02.03-2 Protection of the biodiversity mentioned "the Shire contains extensive habitat links comprising of native vegetation and water courses. Given a large number of threatened native species and threatening processes occurring in the Shire, including climate change, [Climate Action Plan, pg9] planning needs to protect and conserve biodiversity, provide habitats for native flora and fauna, and control pest plants and animals. Importantly, significant remnant vegetation, conservation areas and environmentally significant areas are located on both public and private land. These areas are identified on the Faunal habitat and remnant vegetation plan in Clause 02.04." Also, MPS mentioned various environmental risks under Clause 02.03-3 Climate change.</p>	

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6	<p>The statement about the Wurundjeri Woi-wurrung ownership of the land in Nillumbik is a vital inclusion but needs adjustment to reflect the fact that indigenous heritage is the foundation on which Nillumbik has been recently established and acknowledges their ongoing relationship with the lands and waterways. They are are fundamental part of the Shire and shouldn't be seen as simply contributing to the Shire's character. One example could be: 'Today's Shire of Nillumbik is located on the traditional lands of the Wurundjeri Woi-wurrung people, whose history dates back millennia. The significance of their understanding and care for this country in their every day is not widely embraced yet presents a strong foundation to shape the future of Nillumbik'. This statement more accurately reflects where we are today. This revised statements should also appear in the first paragraph given its importance.</p>	<p>The statement about the Wurundjeri Woi-wurrung ownership of the land in Nillumbik is already mentioned in the MPS. Clause 02.01 states, "the Wurundjeri Woi-wurrung people are the Traditional Owners of the Country on which Nillumbik is located. The significance of their history and connection with the landscape are essential elements of the shire's unique character." Clause 02.03-5 Heritage stated, "the Wurundjeri Woi-wurrung people are the Traditional Owners of the land Nillumbik is located on. A large number of existing Aboriginal archaeological sites that contribute to the cultural heritage of the region have been identified. "</p> <p>Consider adding '<i>and heritage</i>' to the title of draft MPS Clause 02.03-5 ('Built environment'), which would be consistent with both, the DTP template for the MPS, and the title of PPF Clause 15. Please Note that in the PPF, 'HERITAGE' is identified with the separate sub-clause 15.03 to distinguish it from sub-clause 15.01 'BUILT ENVIRONMENT'.</p>	<p>No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> <li>Consider adding '<i>and heritage</i>' to the title of draft MPS Clause 02.03-5 ('Built environment') to be consistent with both, the DTP template for the MPS, and the title of existing PPF Clause 15, i.e. 'BUILT ENVIRONMENT AND HERITAGE').</li> </ul>

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7	There is a need to reflect Nillumbik's status as a "Conservation Shire" first and foremost. Paragraph 5 about the Shire's rural and conservation areas needs include greater emphasis on Nillumbik being a 'Conservation Shire' with the Green Wedge as its strategic focus. Rewording should give 'conservation' primacy.	Clause 02.01 Context stated, "much of Nillumbik is rural and is used for a combination of agriculture, rural living and conservation purposes." Clause 02.02 Vision stated the Nillumbik Community Vision 2040 emphasises that community and the Nillumbik Green Wedge are at the heart of the Shire. As mentioned above, the MPS already emphasises the importance and focus of the Green Wedge. Could add ' <i>including conservation areas</i> ' after 'green wedge' in the second last paragraph at draft Clause 02.01, as per Officer response to submission No. 3.	Add ' <i>including conservation areas</i> ' after 'green wedge' in the second last paragraph at draft Clause 02.01.
8	Suggested that the second last paragraph about the Shire's biodiversity be mentioned earlier, preferably as the second paragraph, following the statement about the Wurundjeri Woi-Wurrung relationship to the lands and waters of the Shire.	Third paragraph of Context (draft Clause 02.01) states that 91% of Nillumbik is green wedge, which has environmental importance beyond Nillumbik. The current references to biodiversity and environment in draft Clause 02.01 sufficiently describe Nillumbik's 'Context' to help inform subsequent draft MPS clauses.	No change to draft MPS based on this submission.
9	Both bushfire and biodiversity loss are related to climate change and this connection should be mentioned.	Climate Action Plan 2022-2032 has mentioned the connection between climate change, bushfires, and biodiversity. Climate Action Plan (p7) stated: "the Victorian government has identified climate change as one of the biggest threats to the future of the state; with warmer and drier conditions projected to have negative consequences for health, infrastructure, agriculture, water and biodiversity." Climate Action Plan (p44) stated, "a change in the pattern of weather (e.g. temperature, wind and rainfall), and the related changes on land and in oceans, occurring over time. These changes in weather patterns increase the occurrence, severity and distribution of events such as drought, flooding, heatwaves, bushfire and rising sea levels". In Clause 02.03-3 Climate change, negative	No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> <li>Expand and modify the second dot point at draft Clause 02.02 to read: <p><i>"Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire and threats to biodiversity."</i></p> </li> </ul>

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		<p>impacts caused by climate change, including longer fire seasons, flooding, etc., have been mentioned.</p> <p>Under the Practitioner's Guide (p23), a provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions. Therefore, no further action is needed.</p> <p>The 'Vision' (draft Clause 02.02) identifies that one of Nillumbik's planning related goals is to <i>enhance Nillumbik's sustainability and resilience to both climate change and bushfire</i>. It would be appropriate to expand this statement to include threats to biodiversity, as per Officer response to submission No. 3.</p>	
10	<p>The significance of Nillumbik's Green Wedge is not captured by simply saying: 'much of Nillumbik is rural'. The majority of this rural land has a zone purpose which prioritises conservation. The Shire was established to be, 'the Conservation Shire' with the Green Wedge as its strategic focus i.e. conservation was the intent from the beginning, so conservation must be given greater emphasis in this section.</p>	<p>Clause 02.01 Context stated, "much of Nillumbik is rural and is used for a combination of agriculture, rural living and conservation purposes". Clause 02.02 Vision states the Nillumbik Community Vision 2040 emphasises that community and the Nillumbik Green Wedge are at the heart of the Shire. As mentioned above, the MPS already emphasises the importance and focus of the Green Wedge in Nillumbik.</p> <p>The recommended changes outlined in Officer response to submission No. 3 will help to highlight the conservation function of the green wedge.</p>	<ul style="list-style-type: none"> <li>• Add '<i>including conservation areas</i>' after 'green wedge' in the second last paragraph at draft Clause 02.01.</li> </ul> <p>Changes to subsequent draft MPS clauses:</p> <ul style="list-style-type: none"> <li>• Expand and modify the second dot point at draft Clause 02.02 to read:  <i>"Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire and threats to biodiversity."</i></li> </ul>

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11	The statement in the second last paragraph ("Nillumbik's natural beauty, diverse landscapes and biodiversity...") must appear earlier in the clause, immediately after the paragraph describing the significance of First Nations/Wurundjeri Woi-wurrung people to reflect Nillumbik's status as a 'Conservation Shire' first and foremost. The wording must give primacy to the word 'conservation' This suggested revision would subsequently link back to the prominent mention of the Green Wedge in the first paragraph.	The recommended changes outlined in Officer response to submission No. 3 will help to highlight the conservation function of the green wedge, including the recommended change to add ' <i>including conservation areas</i> ' after 'green wedge' in the second last paragraph at draft Clause 02.01	Noted. Add ' <i>including conservation areas</i> ' after 'green wedge' in the second last paragraph at draft Clause 02.01.
12	Supportive of acknowledgement of rural residents, rural communities and rural living - these residents are what sustain the Nillumbik Green Wedge.	Noted. Rural residential development is specifically addressed in draft MPS Clause 02.03-6 ('Housing').	No change to draft MPS based on this submission.
13	The Nillumbik Green Wedge is not a wilderness. It incorporates diverse and dynamic rural places where people live, raise their families, work, play and enjoy their varied lifestyles	Noted. The Green Wedge Management Plan (p7) mentioned that "The values of the rural landscape - our green wedge - as a place to live, work or visit have grown in importance over the past few decades", which shows that the green wedge incorporates diverse and dynamic rural places. The draft MPS sufficiently acknowledges the diversity within the green wedge.	No change to draft MPS based on this submission.
14	Support that there is a realistic and factual acknowledgement that large areas of the Shire have high bushfire risk.	Noted.	No change to draft MPS based on this submission.
15	Paragraph 5 - The settlement of Yarrambat is missing.	Yarrambat is a rural area, not a major established urban areas; however Yarrambat is identified as an area suitable for rural residential development in draft MPS Clause 02.03-6 ('Housing').	No change to draft MPS based on this submission.

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16	Paragraph 6 - There description only states that 'Nillumbik is heavily vegetated...' which only partly describes the landscape. A more accurate description would include wording such as: "In rural areas, native vegetation is dispersed with existing grazing land and treed pastures which are highly valued for supporting diverse rural activities".	Section 2.6.3 Agricultural land use in Nillumbik Biodiversity Strategy (p11) stated, "agriculture can result in the gradual degradation of remnant vegetation. The causes include competition from nonindigenous plants, grazing pressure, compaction and erosion. Vegetation clearance or modification of the land for agriculture can replace indigenous with nonindigenous flora and greatly reduce the value of the land as a habitat for indigenous fauna. Poor land management can result when owners with a non-agricultural background have little understanding of the stock-carrying capacity of Nillumbik's poor soils". There is a conflict between natural resources protection and agriculture development. Therefore, there is no further action needed. The 'Context' description in draft Clause 02.01 adequately outlines the various components that comprise the Nillumbik Shire. The diversity within the green wedge is made more apparent in subsequent draft MPS clauses.	No change to draft MPS based on this submission.
17	There is no mention made of diverse rural activity on the 80% privately owned Green Wedge land. Preserving farming, agriculture and diverse rural activities is important and retains rural 'country' character that is a big part of the appeal of the Green Wedge to both residents and visitors.	Nillumbik Shire Council is required to prepare a plan to manage green wedge land under section 46AE(1) of the <i>Planning and Environment Act 1987</i> . Green Wedge Management Plan (p7) states, " <i>decision making will reflect the green wedge as a place for environment and biodiversity conservation, agriculture, recreation, tourism and rural living. This will also ensure that the rural character, values, landscapes, townships, natural environments and lifestyles that are so cherished, are identified, preserved and enhanced</i> " which shows the importance of rural character protection  Section 2.6.3 Agricultural land use in Nillumbik Biodiversity Strategy (p11) stated, "agriculture	No change to draft MPS Clause 02.02 ('Vision') based on this submission.



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		<p><i>can result in the gradual degradation of remnant vegetation. The causes include competition from nonindigenous plants, grazing pressure, compaction and erosion. Vegetation clearance or modification of the land for agriculture can replace indigenous with nonindigenous flora and greatly reduce the value of the land as a habitat for indigenous fauna. Poor land management can result when owners with a non-agricultural background have little understanding of the stock-carrying capacity of Nillumbik's poor soils". There is a conflict between natural resource protection and agriculture protection.</i></p> <p>The draft MPS sufficiently acknowledges the diversity within the green wedge, including through reference to the Green Wedge Management Plan, (insert reference?) which states (on page 7):</p> <p><i>" decision making will reflect the green wedge as a place for environment and biodiversity conservation, agriculture, recreation, tourism and rural living. This will also ensure that the rural character, values, landscapes, townships, natural environments and lifestyles that are so cherished, are identified, preserved and enhanced".</i></p> <p>References to the management plan could be inserted wherever the green wedge is referred to throughout draft MPS clauses, e.g. 02.03-1 ('Settlement and the Nillumbik Green Wedge'), 02.03-4 ('Natural resource management'), 02.03-6 ('Housing') and 02.03-7 ('Economic development'). However, not including the above plan would be consistent with not including other adopted Council plans and strategies in the MPS.</p>	

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No.	Key Sentiments	Officer Response	Recommended change to MPS
18	Some commentary about Nillumbik's extensive off-road, shared trail network that links townships, rural communities and neighbouring municipalities would be appropriate.	<p>These details are mentioned in Clause 02.03-9 Open space and recreational facilities and Clause 02.04-3.</p> <p>The strategic direction for linking trails and open space at draft Clause 02.03-9 is adequate. These directions are supported by the current and draft general direction to review the 'Open Space Strategy' under 'Further strategic work' in the draft Schedule to Clause 74.02 of the Nillumbik Planning Scheme's Operational Provisions, which is linked to the MPS. However, the 'Open space and recreation facilities plan' at draft Clause 02-04-3 (MPS) should show more public open space areas and Crown Land to be more consistent with the plan title and to better inform the context for development of trails and open space linkages. This plan will be further updated as further open space plans and strategies are completed and approved, e.g. 'Northern Region Trails Strategy'.</p>	<p>No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> <li>• No change to the text and strategic direction for linking trails and open space at draft Clause 02.03-9 based on this submission.</li> <li>• Update map at draft Clause 02-04-3, 'Open space and recreation facilities plan', to show more public open space areas and Crown Land in order to be more consistent with the map title and to better inform trails context.</li> <li>• Update all the maps at draft Clause 02.04 to better show the boundaries between neighbouring municipalities that abut Nillumbik Shire boundaries.</li> </ul>
19	Support the mentioning of how much Nillumbik's natural beauty, diverse landscapes and biodiversity are highly valued, both locally and regionally.	Noted	No change to draft MPS based on this submission.
20	The statement, "A large proportion of the shire experiences high bushfire risk" is inappropriate because fire is an important part of Victorian nature and needed for many plants to reproduce. Having a sentence like this only sets the wrong scene and creates anxiety.	<p>The Ministerial Direction The Form and Content of Planning Schemes identifies that the context (within the MPS) should represent both opportunities and challenges that establish the key land use and development issues to be addressed in the municipal vision and strategic plan.</p> <p>'Context' identifies a key point of difference with regard to Nillumbik is that a large proportion of the Shire experiences high bushfire risk. This is</p>	<p>As per Officer recommendation for submission No. 1:</p> <ul style="list-style-type: none"> <li>• Add sentence to 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032:</li> </ul> <p><i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a</i></p>

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>a unique setting. State policy at <u>Clause 11</u> identifies a key policy setting that <i>planning is to recognise the need for, and as far as practicable contribute towards</i> (among other matters) <i>climate change adaptation and mitigation</i>. The impacts of climate change are already identified in the draft MPS at Clause 02.03-2 Protection of biodiversity and 02.03-3 Climate change. Given the 'Vision' identifies that one of Nillumbik's planning related goals is to <i>enhance Nillumbik's sustainability and resilience to both climate change and bushfire</i>, it is considered reasonable that 'Context' should include a sentence with relation to climate change.</p> <p>Nillumbik Shire is one of the highest bushfire risk areas in the world; it is an essential context in Nillumbik. The Bushfire Mitigate Strategy 2019 states, "the potential for bushfire to impact our lives cannot be underestimated. It has the potential to kill, injure and change our lives forever. This is why the community has significant concerns and rightfully demands a comprehensive mitigation strategy that respects their values and delivers improved safety. Our community is reasonably well-informed about their rights and obligations in relation to local issues, including bushfire risk. They generally take responsibility for bushfire safety but also hold others accountable. This highlights the importance of shared responsibility: we must collectively commit to mitigating, preparing for, responding to and recovering from bushfire"; therefore, it is necessary to include bushfire risk in the MPS context.</p> <p>Additionally, bushfire risk is high in Nillumbik [Municipal Emergency Management Plan 2020-2023]. The Climate Action Plan (p14) states,</p>	<p><i>Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i></p> <p>As per Officer recommendation for submission No. 3:</p> <ul style="list-style-type: none"> <li>• Add '<i>including conservation areas</i>' after 'green wedge' in the second last paragraph at draft Clause 02.01.</li> </ul> <p>Changes to subsequent draft MPS clauses:</p> <ul style="list-style-type: none"> <li>• Expand and modify the second dot point at draft Clause 02.02 to read:  <i>"Enhance Nillumbik's sustainability and resilience to climate change, bushfire and threats to biodiversity."</i></li> </ul>

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p><i>"planning to reduce the risks of bushfire is a priority, along with responding to localised flooding and the impacts of drought and heat"</i>. It shows bushfire risk mitigation is one of the priorities in Nillumbik council.</p> <p>Environmental Education Strategy 2012 (p7) states the importance of raising awareness of complex environmental issues.</p>	
21	<p>The statement in second last paragraph "..... including several indigenous, rare and endangered....." is poorly worded. It reads that there are only a selected number of indigenous species that are of significance to Nillumbik. There are in fact many great indigenous species with in the Green Wedge, only some of which are rare or endangered. It also talks about the Shire being heavily vegetated, but it should also mention that the Shire contains degraded areas of native vegetation and that there are large areas of non-native vegetation in addition to the relativley intact/healhy areas of native vegetation. Need to provide the full context.</p>	<p>The words "<i>several indigenous, rare and endangered species</i>" should be read within the context of the whole sentence, which states: <i>"The green wedge supports a diverse range of species and their habitats, including several indigenous, rare and endangered species."</i></p> <p>The words "<i>several indigenous, rare and endangered species</i>" could be replaced with examples of threatened species in Nillumbik such as the 'vulnerable' Powerful Owl, 'endangered' Southern Toadlet and the 'critically endangered' Eltham Copper Butterfly, which are included in the Threatened List under the Victorian <i>Fauna and Flora Guarantee Act 1988</i> ('the FFG Act'). This approach would retain reference to the diversity of species in Nillumbik and simultaneously highlight threatened species that need to be protected under the FFG Act and the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> ('the EPBC Act').</p> <p>The reference to Green Wedge could also add '<i>including conservation areas</i>' to be consistent with the Rural Conservation Zone, which applies to more areas of the Green Wedge than the Green Wedge Zone.</p> <p>Threats to biodiversity in Nillumbik could also be included in the planning goal to enhance</p>	<ul style="list-style-type: none"> <li>• Add '<i>including conservation areas</i>' after 'green wedge' in the second last paragraph at draft Clause 02.01.</li> <li>• Replace the words "<i>several indigenous, rare and endangered species</i>" with "<i>the 'vulnerable' Powerful Owl, 'endangered' Southern Toadlet and the 'critically endangered' Eltham Copper Butterfly</i>" in the second last paragraph at draft Clause 02.01.</li> </ul> <p>Changes to subsequent draft MPS clauses:</p> <ul style="list-style-type: none"> <li>• Expand and modify the second dot point of Strategic directions at draft Clause 02.02 to read:  <i>"Enhance Nillumbik's sustainability and resilience to climate change, bushfire and threats to biodiversity."</i></li> </ul>

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>Nillumbik's sustainability in the second dot point of subsequent draft MPS Clause 02.02 ('Vision') to better reflect Nillumbik's obligations under the FFG Act, the EPBC Act and the general environmental duty under section 25(1) of the Victorian <i>Environment Protection Act 2017</i>, which applies to all Victorians and businesses operating in Victoria. Sub-section 4(b) of section 25 includes to (so far as reasonably practical) "<i>use and maintain systems for identification, assessment and control of risks of harm to human health and the environment from pollution and waste that may arise in connection with the activity, and for the evaluation of the effectiveness of controls</i>".</p> <p>Revegetation of degraded areas can be addressed in an open space strategy, the development of an urban tree canopy strategy and in a review of the environmental framework within the scheme, which are all identified as part of 'Further Strategic Work' in the draft Schedule to Clause 74.02.</p>	
22	Supportive of Paragraph 5 about Nillumbik's rural areas and townships.	Noted	No change to draft MPS based on this submission.
23	Further mention of Shire's high bushfire prone areas is needed.	It is not warranted to expand beyond a brief outline of planning issues in draft Clause 02.01 ('Context'). Bushfire risk is addressed further in the Strategic Directions under draft MPS Clause 02.03-3 ('Environmental risks and amenity'). Bushfire prone areas have also been	No change to draft MPS based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		identified through application of Clause 44.06 Bushfire Management Overlay in the Nillumbik Planning Scheme.	
24	<p>The first paragraph should highlight the wonderful geographical benefits of the municipality and not draw focus to environmental hazards. With the reference to high bushfire risk, some may think Nillumbik is 'an environmental disaster waiting to happen'. Subsequently it should be amended to clearly remove the line 'a large proportion of the Shire experiences high bushfire risk'. The paragraph predominately describes the important geographical location of the municipality. Adding a statement about bushfires and being an environmental risk for the Shire has no relevance to how the municipality sits geographically within the state of Victoria. Further, this statement negates the significant environmental and conservation qualities of the municipality mentioned further below, instils a fear of bushfire amongst the community and only encourages the ongoing extraordinary loss of canopy trees, mid and lower storey vegetation that is occurring within the Shire.</p>	<p>The Ministerial Direction The Form and Content of Planning Schemes identifies that the context (within the MPS) should represent both opportunities and challenges that establish the key land use and development issues to be addressed in the municipal vision and strategic plan..</p> <p>'Context' identifies a key point of difference with regard to Nillumbik is that a large proportion of the Shire experiences high bushfire risk. State policy at <u>Clause 11</u> of the Nillumbik Planning Scheme identifies a key policy setting that <i>planning is to recognise the need for, and as far as practicable contribute towards</i> (among other matters) <i>climate change adaptation and mitigation</i>. The impacts of climate change are already identified in the draft MPS at Clause 02.03-2' Protection of biodiversity' and 02.03-3 'Climate change'. The 'Vision' at draft MPS Clause 02.02 states that one of Nillumbik's planning related goals is to <i>enhance Nillumbik's sustainability and resilience to both climate change and bushfire</i>.</p> <p>Nillumbik Shire's high bushfire risk is reflected in the Bushfire Mitigate Strategy 2019 which states, "<i>the potential for bushfire to impact our lives cannot be underestimated. It has the potential to kill, injure and change our lives forever</i>".</p> <p>Nillumbik Shire's high bushfire risk is also reflected in the Municipal Emergency Management Plan 2020-2023 and the Climate Action Plan, which states (p 14), "<i>planning to reduce the risks of bushfire is a priority, along</i></p>	No change to draft MPS based on this submission.

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p><i>with responding to localised flooding and the impacts of drought and heat".</i></p> <p>The Black Saturday fires that engulfed Kinglake National Park in Nillumbik's north-east in 2009 and almost completely destroyed the neighbouring settlement of Kinglake in Murrindindi Shire, with great loss of life, provide a reminder of the potentially devastating impacts and ever present threat of bushfire. Forest Fire Management Victoria mapping indicates that the 2009 fires spanned across the entire northern part of Nillumbik Shire and extended almost as far south as the township of Saint Andrews.</p> <p>Downplaying the significance of the bushfire risk in the draft MPS is at odds with the preface of the 2009 Victorian Bushfires Royal Commission Final Report, which states, "<i>The bushfires of Black Saturday, 7 February 2009, caused the death of 173 people. Black Saturday wrote itself into Victoria's history with record-breaking weather conditions and bushfires of a scale and ferocity that tested human endurance</i>". Climate change is envisaged to result in rising temperatures and prolonged periods of drought that will exacerbate Nillumbik's bushfire risk.</p> <p>The Commission's Summary Report states on page 6, "<i>To be effective these changes (i.e. to bushfire planning) need to be part of a well-designed long-term community education program that captures people's attention, makes allowance for local needs and circumstances, and is regularly evaluated and improved. Municipal councils should take a more active role in planning for bushfire</i>".</p>	

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>Consequently to the above, it is appropriate to include bushfire risk in the MPS 'Context' and not to downplay its significance.</p> <p>Environmental Education Strategy 2012 (p7) states the importance of raising awareness of complex environmental issues, and more detail on Nillumbik's environmental issues is located in the Strategic directions under draft MPS Clause 02.03.</p>	



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No.	Key Sentiments	Officer Response	Recommended change to MPS
25	No other Green Wedge council highlights within their MSS/MPS that expanses of the municipality experiences high bushfire risk. Therefore why does Nillumbik?	<p>The Ministerial Direction The Form and Content of Planning Schemes identifies that the context (within the MPS) should represent both opportunities and challenges that establish the key land use and development issues to be addressed in the municipal vision and strategic plan.</p> <p>Also see Officer response to submission No. 24, including reference to the 2009 Black Saturday fires, which affected the northern part of Nillumbik Shire. Downplaying the significance of the bushfire risk in the draft MPS is at odds with the 2009 Victorian Bushfires Royal Commission Final Report and a number of Council's adopted plans and strategies, including the Bushfire Mitigate Strategy 2019, Municipal Emergency Management Plan 2020-2023 and the Climate Action Plan 2022-2032.</p>	No change to draft MPS based on this submission.
26	Good overarching and broad description of the municipality, with its main geographical features.	Noted	No change to draft MPS based on this submission.
27	Supportive that population distribution is noted and that it is not expected to increase substantially.	Noted	No change to draft MPS based on this submission.
28	Reference to the National State of the Environment Report 2022 should be referenced towards the end after the second last paragraph, after the sentence, "Nillumbik also contains several regional and national parks, valued both for their environmental and recreational functions."	The Commonwealth's most recent (2021) and 2018 State of the Environment reports are referred to in the explanation of proposed changes regarding conservation areas (in draft MPS Clause 02.01) and threats to biodiversity (in draft MPS Clause 02.02) in the Officer response to submission No. 3. It is more important to reflect or be consistent with the directions of the reports rather than quote the	No change to draft MPS based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		names of the reports in the draft MPS; otherwise this would unnecessarily soak up the 5,000 word count limit for the MPS under the Ministerial Direction 'The Form and Content of Planning Schemes'.	
29	In the first paragraph, instead of giving significance to the Shire's bushfire risk as the most distinguishing feature of the Shire, it is suggested for the paragraph to be reworded to reference the 12 Green Wedges of Melbourne and that the Nillumbik Green Wedge is the most intact of them all. E.g. "Nillumbik Shire is the Green Wedge Shire, the lungs of Melbourne. Of the 12 "Green Wedges" of Melbourne, it is the most intact".	Clause 02.02 stated, "the Nillumbik Community Vision 2040 emphasises that community and the Nillumbik Green Wedge is at the heart of the Shire". This shows the Green Wedge's importance in Nillumbik.  Downplaying the significance of the bushfire risk in the draft MPS is at odds with the 2009 Victorian Bushfires Royal Commission Final Report and a number of Council's adopted plans and strategies, including the Bushfire Mitigate Strategy 2019, Municipal Emergency Management Plan 2020-2023 and the Climate Action Plan 2022-2032 (refer Officer response to submission No. 24).	No change to draft MPS based on this submission.
30	In the second paragraph, it is suggested that the following sentence, "The significance of their history and connection with the landscape are essential elements of Shire's unique character" be replaced with, "The significance of their understanding and stewardship for Country to date has not been widely embraced since colonisation, yet it presents a strong foundation to shape the future of Nillumbik."	The Ministerial Direction 'The Form and Content of Planning Schemes' identifies that the 'Context' (within the MPS) should represent both opportunities and challenges that establish the key land use and development issues to be addressed in the municipal vision (Clause 02.02) and Strategic directions (Clause 02.03). All of the issues must be accommodated within the 5,000 word count limit prescribed in the Ministerial Direction for the MPS.	No recommendation to change the wording in draft MPS Clause 02.01 based on this submission.
31	Support that the clause provides a description about the demographics and landscape of the Shire. This is needed.	Noted	No change to draft MPS based on this submission.
32	There is no context/strategic direction provided about what should be occurring in each part of the Shire and the challenges that each area faces. The MPS should mention what is	The Ministerial Direction 'The Form and Content of Planning Schemes' identifies that the 'Context' (within the MPS) should represent both opportunities and challenges that establish	No change to draft MPS based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
	important within the different areas of the Shire and the future direction that the Council should take going forward.	the key land use and development issues to be addressed in the municipal vision (Clause 02.02) and Strategic directions (Clause 02.03). Draft Clause 02.03 ('Strategic Directions') addresses many specific parts of the shire, e.g. Eltham and Diamond Creek Activity Centres, low density and rural residential areas, preserving non-urban breaks between townships, agricultural areas and conservation areas (e.g. river corridors).	
33	The protection of the Green Wedge and the consolidation of small lots in rural areas should be mentioned as it is important that going forward this becomes our focus due to climate change.	Draft MPS Clause 02.02 'Vision' states a planning goal is to protect the Shire's green wedge.  The second dot point of Strategic directions for 'Development infrastructure' under Clause 02.03-9 ('Infrastructure') states to <i>"Facilitate the consolidation of rural lots to create larger lots capable of containing effluent on site"</i> .	No change to draft MPS based on this submission.
34	It is important that key policies within the MPS are built around climate change and conservation and this clause should highlight our goals and direction and what we as a Council believe.	Draft MPS Clause 02.01 'Context' outlines opportunities and challenges that establish the key land use and development issues to be addressed in the municipal vision (Clause 02.02) and Strategic directions (Clause 02.03). Draft Clause 02.02 Vision and Clause 02.03-3 Climate change.  Nillumbik's planning goals in Clause 02.02 'Vision' include to <i>"Enhance Nillumbik's sustainability and resilience to both climate change and bushfire"</i> .  Strategic directions for Climate change in draft MPS Clause 02.03-3 ('Environmental risks and amenity') include to <i>"Encourage use and development that mitigate and adapt to the impacts of climate change and seek to minimise its negative impacts"</i> and <i>"Protect and enhance the tree canopy across Nillumbik"</i> .	As per Officer recommendation for submission No. 1: <ul style="list-style-type: none"><li>• Add sentence to 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032: <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i></li></ul> As per Officer recommendation for submission No. 3:

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		Refer Officer response to submissions No. 1 and No. 3.	<ul style="list-style-type: none"> <li>Add '<i>including conservation areas</i>' after 'green wedge' in the second last paragraph at draft Clause 02.01.</li> </ul> <p>Changes to subsequent draft MPS clauses:</p> <ul style="list-style-type: none"> <li>Expand and modify the second dot point at draft Clause 02.02 to read:  <i>"Enhance Nillumbik's sustainability and resilience to climate change, bushfire and threats to biodiversity."</i></li> </ul>
35	The clause is very clear.	Noted	No change to draft MPS based on this submission.
36	What are the endangered indigenous species are as mentioned in Paragraph 6?	<p>Section 13 of the Victorian <i>Flora and Fauna Guarantee Act 1988</i> ("the FFG Act") states the category of threat to species as: 'extinct'; 'extinct in the wild'; 'critically endangered'; 'endangered'; 'vulnerable'. These categories are reflected in Column 4 of the table (Category of Threat) in The Threatened List, which must be maintained by the Governor in Council under section 10 of the FFG Act. The following fauna species found in Nillumbik shire are on the current Threatened List (September 2022), including associated 'Category of Threat':</p> <ul style="list-style-type: none"> <li>Powerful Owl (Vulnerable)</li> <li>Southern Toadlet (Endangered)</li> <li>Eltham Copper Butterfly (Critically Endangered)</li> </ul> <p>The above examples could be added to paragraph 6 in draft MPS Clause 02.01 to reflect Nillumbik's obligations to protect threatened species and the environment under the FFG Act, the Commonwealth <i>Environment Protection and Biodiversity Conservation Act</i></p>	<p>Modify the second last sentence in the 6<sup>th</sup> paragraph of draft Clause 02.01 to read:</p> <ul style="list-style-type: none"> <li><i>"The green wedge, including conservation areas, supports a diverse range of species and their habitats, including the 'vulnerable' Powerful Owl, 'endangered' Southern Toadlet and the 'critically endangered' Eltham Copper Butterfly".</i></li> </ul>

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		1999 and the Victorian <i>Environment Protection Act 2017</i> .	
37	Support the emphasis on the Green Wedge and the value of Nillumbik's unique vegetation and animals and the importance of preserving these in the face of development.	Noted	No change to draft MPS based on this submission.
38	Support the distinction the clause mentions between the surrounding urban growth corridors and the value that the environmental setting of Nillumbik provides.	Noted	No change to draft MPS based on this submission.
39	Support that the clause mentions the environmental significance of the Shire but also the balance between concentrated urban areas and the more rural, low-density areas.	Noted	No change to draft MPS based on this submission.
40	The statement that each settlement area comprises their own identity and heritage is accurate and something that Nillumbik residents value.	Noted	No change to draft MPS based on this submission.
41	Support that the Shire needs to be heavily vegetated.	Noted	No change to draft MPS based on this submission.
42	Urban areas also need to be heavily vegetated with biodiversity.	One of the strategic directions for 'Protection of biodiversity' in draft MPS Clause 02.03-2 ('Environmental and landscape values') is to " <i>Protect and enhance the environmental, landscape and habitat values of roadside vegetation in the Shire</i> ", which includes the Nillumbik urban area. The draft schedule to Clause 74.02 ('Further Strategic Work') includes to develop an urban tree canopy strategy.	No change to draft MPS based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
43	Support that the clause articulates the philosophy of the Green Wedge and strategic separation of categories of land use.	Noted	No change to draft MPS based on this submission.
44	Support for the description of Green Wedge and richness of ecology.	Noted	No change to draft MPS based on this submission.
45	Strong community support to keep Nillumbik's natural beauty, fauna and flora for next generations and to respect the uniqueness of the Nillumbik community. This should be further emphasised.	Nillumbik's planning related goals in Clause 02.02 'Vision' include to " <i>Strengthen Nillumbik's identity by protecting and enhancing its natural environment, heritage, arts and culture</i> ". Draft MPS Clause 02.03-2 addresses Nillumbik's 'Environmental and landscape values' in more detail.	No change to draft MPS based on this submission.
46	The clause covers everything about the Nillumbik area, especially the important environmental aspects.	Noted	No change to draft MPS based on this submission.
47	There is no mention of the transport system - the linkages, the capacity limits for rail, bus and road. Reference to the usage of each mode for journey to work utilising the 2021 census data would be helpful in this clause.	Draft MPS Clause 02.03-8 is entirely dedicated to 'Transport', which identifies major transport links such as the Hurstbridge railway line and the Western Ring Road. This clause provides general direction with regard to improving access to sustainable transport options, links to key activity centres and the safety and efficiency of road links.	No change to draft MPS based on this submission.
48	Historical population growth rate should be quoted - not a general statement that population is "not expected to grow substantially".	Draft MPS Clause 02.03-1 ('Settlement and the Nillumbik Green Wedge') states that Nillumbik does not form part of a designated growth corridor. Consequently, the population is "not expected to grow substantially". Figures on population growth can be addressed in a housing strategy – see Officer response to submission No. 4 and associated recommendations.	No change to draft MPS based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
49	Support that Nillumbik forms part of the Green Wedge and provides a non-urban break between the Whittlesea urban growth corridor and Lilydale.	Noted	No change to draft MPS based on this submission.
50	The clause states that the population is not expected to increase substantially. How is that defined?	According to Id.community, since the previous year, the population has declined by 1.22%. Additionally, Nillumbik is not part of Melbourne's designated growth corridors. ABS indicates that, although Nillumbik had population decrease of 0.8% in 2020-21, experienced an increase of 0.3% in 10-year average growth. ABS mapping indicates a similar scenario for other metropolitan councils [e.g. Yarra Ranges had short term decline of 0.7% and 10-year average growth of 0.6%]. The 2020-21 decline in Nillumbik's internal migration [-1.0%] was greater than the natural increase of 0.4%. The overall decline was reflective of a general short-term pattern of people moving from metropolitan Melbourne to regional Victoria, which experienced a corresponding population increase of around 1%. This pattern coincided with the outbreak of Covid-19. Longer term growth could be fuelled by overseas immigration and any determination of the State Government to contain Melbourne's metropolitan growth within the existing Urban Growth Boundary. This could result in pressure to achieve higher residential densities within existing urban areas rather than lower density outward expansion. A housing strategy could identify where higher densities could be increased, e.g. in relation to major activity centres that can provide a better range of services, including access to public transport. The Housing Strategy would utilise the most recent ABS data on population figures and any	No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> <li>• Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to identify Nillumbik's housing needs in a housing strategy.</li> <li>• Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs through the development of a housing strategy.</li> </ul>

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		State Government projections for expected growth in Nillumbik over the longer term.	
51	It is excellent that this clause identifies the Green Wedge as an area of environmental, landscape and agricultural importance to both Nillumbik and the wider metropolitan region.	Noted	No change to draft MPS based on this submission.
52	The clause say that much of Nillumbik is rural and is used for a combination of agriculture, rural living and conservation purposes. This statement is accurate but highlights a problem for future land use and development in that raises the issue of new residential development being as defined by 'rural living'. The primary focus in this clause must be the vital role of the Green Wedge in protecting rural land use for conservation and broad acre soil-based agriculture as per the purpose of Nillumbik's Green Wedge zoning (being the Green Wedge Zone [GWZ] & Rural Conservation Zone [RCZ].	Clause 02.01 Context should provide a very brief description of the geographic, economic, environmental and demographic qualities of the municipality (Practitioner's guide to Victoria's planning scheme, p70). Therefore, instead of focusing on particular zones, the Clause must focus on the whole council. Additionally, Clause 02.03-1 'Settlement and the Nillumbik Green Wedge' mentioned, <i>"the Nillumbik Green Wedge is of significant value to the Shire and wider region, particularly for its biodiversity, natural beauty, visitor experiences, agriculture and other non-urban values"</i> .	No change to draft MPS based on this submission.
53	Climate change, human development and tree canopy loss must be mentioned as contributing factors regarding bushfire risk in the Shire.	The draft schedule to Clause 74.02 ('Further Strategic Work') includes to develop an urban tree canopy strategy.	No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> <li>Expand and modify the second dot point at draft Clause 02.02 to read: <i>"Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire and threats to biodiversity."</i></li> </ul>
54	Support the reference regarding the role of buffers between urban and rural areas, emphasising the Green Wedge and the reference to supporting fauna habitats.	Noted	No change to draft MPS based on this submission.



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No.	Key Sentiments	Officer Response	Recommended change to MPS
55	Reference to the gold mining history and early European settlement of Nillumbik should also be referenced in this clause in addition to having more specific details regarding to aboriginal groups that lived in the area.	Gold mining is referred to in relation to historic sites under the 'Heritage' heading in draft MPS Clause 02.03-5, which also contains a strategic direction to protect and enhance sites of Aboriginal heritage significance.  Consider adding 'and heritage' to the title of Clause 02.03-5 to make it more transparent that this clause addresses heritage in addition to 'Built environment'.	No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> <li>• Add 'and heritage' to the title of Clause 02.03-5 'Built environment'.</li> </ul>
56	Support the focus on maintaining the Green Wedge and the diversity of wildlife & vegetation.	Noted	No change to draft MPS based on this submission.
57	Support maintaining low density development within the Shire, to maintain its character and prevent further population pressures on the already straining infrastructure.	Noted	No change to draft MPS based on this submission.
58	This clause/MPS should take account of changing population cycles over time. It is to be expected that a region's population will be cyclic in nature i.e. a population will age before being replaced with younger residents. Given this, is it necessary to state in the MPS that, "Nillumbik has an estimated population of 65,369 people (Nillumbik Shire Council, 2021). This is not expected to increase substantially; however, an overall ageing of the population is expected"?	Inclusion of population figures in draft Clause 02.01 'Context' is conventional in planning. Description of an ageing population is appropriate because it has implications in planning for housing, services, community infrastructure and transport. These issues and projected population characteristics can be addressed in a housing strategy.	No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> <li>• Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to identify Nillumbik's housing needs in a housing strategy.</li> <li>• Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs through the development of a housing strategy.</li> </ul>
59	Nillumbik has a long tradition of agricultural land use, fruit growing and viticulture and also animal husbandry which has become more diverse as properties have shrunk in size. This clause needs to recognise this.	A recent report on the 'Future of Agriculture in Nillumbik' (FOAN) identifies land suitability in Nillumbik for a range of crops, including citrus, wine grapes, apples and raspberries. It would be appropriate to add the land suitability maps for these crops to the maps in draft MPS Clause 02-04 ('Strategic framework plan').	Refer Officer response to submission No. 4:  No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> <li>• Amend last paragraph for Agriculture (draft MPS Clause 02-03-4) to remove "such as</li> </ul>

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>These plans should also be referred to in the text for 'Agriculture' under draft MPS Clause 02.03-4.</p> <p>The FOAN report emphasises the need to protect and enhance food security, both locally, and for a wider population. This could be inserted in the strategic direction to promote sustainable and regenerative agriculture to help highlight its importance.</p>	<p><i>permaculture and aquaponics</i>" and add a sentence as follows:</p> <p><i>"Refer to Strategic framework plans at Clause 02.04-5 identifying indicative land suitability."</i></p> <ul style="list-style-type: none"> <li>• Amend 4<sup>th</sup> dot point of Strategic directions for Agriculture (draft MPS Clause 02-03-4) to add reference to food security as follows: <i>"Promote sustainable and regenerative agriculture that preserves and enhances food security, and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment."</i></li> <li>• Add the land suitability maps for citrus, wine grapes, apples, and raspberries from the 'Future of Agriculture in Nillumbik' (FOAN) report following the (updated) four maps in draft MPS Clause 02.04.</li> </ul>
60	Acknowledgement of the environmental threats of the climate emergency and present and future biodiversity loss is considered important and should be further referenced in this clause.	<p>Already mentioned in Clause 02.03-2 Protection of biodiversity and Clause 02.03-3 Climate change. However, appropriate to add sentence to 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032:</p> <p><i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i></p>	<ul style="list-style-type: none"> <li>• Add sentence to 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032: <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i></li> </ul> <p>Also refer Officer response to submission No. 3:</p>

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
			<ul style="list-style-type: none"> <li>• Add <i>'including conservation areas'</i> after 'green wedge' in the second last paragraph at draft Clause 02.01.</li> </ul> <p>Changes to subsequent draft MPS clauses:</p> <ul style="list-style-type: none"> <li>• Expand and modify the second dot point at draft Clause 02.02 to read:  <i>"Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire and threats to biodiversity."</i></li> </ul>

No.	Key Sentiments	Officer Response	Recommended change to MPS
Clause 02.02 Vision			
1	If the Vision is to focus on issues to do with 'land use and development', why are there references in the draft to broad, vague, abstract notions such as: 'health, well-being, culture...'; 'community being at the heart of the shire'; 'pressure on liveability'; and, 'a sustainable and resilient Shire'?	The Vision is not only focused on 'land use and development, but it also focuses on the liveability and sustainability of social and environmental. The strategic directions also focus on improving public health and well-being, urban sustainability, etc.	No change to draft MPS based on this submission.

No.	Key Sentiments	Officer Response	Recommended change to MPS
2	<p>The MPS Vision should be in line with the values and goals expressed in the Nillumbik Community Vision 2040. In the Council survey conducted for 'Our People, Our Place, Our Future', the three main priorities of the community were: 1) Preservation of the Green Wedge (not just in the context of planning), 2) Protection of environment and biodiversity, 3) Action on climate change. The MPS Vision must must incorporate the three key priorities which have 'land use and development' implications.</p>	<p>All these aspects are already mentioned in MPS.</p> <p>1)"Preservation of the Green Wedge" already mentioned in 02.03-1 'Settlement and the Nillumbik Green Wedge'.</p> <p>2) "Protection of environment and biodiversity" have been mentioned in clause 02.03-2 'Protection of biodiversity'.</p> <p>3) The actions on climate change have been mentioned in Climate Action Plan. More detailed information is contained in relevant strategies that inform the MPS, which provides broad strategic direction, local policies in the Nillumbik Planning Scheme's Planning Policy Framework (PPF) and local planning provisions throughout the planning scheme. However, the strategic directions of climate change are mentioned in 'Climate change' under draft MPS Clause 02.03-3 ('Environmental risks and amenity').</p> <p>Also refer to Officer recommendation in response to submission No. 1 on draft MPS Clause 02.01 'Context' to add reference to Climate Emergency from Council's adopted Climate Action Plan.</p>	<ul style="list-style-type: none"> <li>Expand and modify the second dot point at draft Clause 02.02 to read:  <i>"Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire and threats to biodiversity."</i></li> </ul> <p>Changes to other draft MPS clauses:</p> <ul style="list-style-type: none"> <li>Add sentence to 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032:  <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i></li> </ul>
3	<p>The last Council removed biodiversity and landscape protection actions from the previously approved Green Wedge Management Plan. This was done in the face of widespread community opposition. The new actions saw vague notions of 'community well being', 'liveability', and 'resilience'. It's time to reflect what the broader community wants and this should be reflected in the new vision for the MPS.</p>	<p>Biodiversity and landscape protection are already mentioned in draft MPS Clause 02.03-2 ('Environmental landscapes and values').</p> <p>Nillumbik Shire Council is required to prepare a plan to manage green wedge land under section 46AE(1) of the <i>Planning and Environment Act 1987</i>. The biodiversity and landscape protection actions haven't been removed from Council's Green Wedge Management Plan 2019, (see p15 and p19): Council will <i>"give priority to conserving and enhancing the landscape ahead of residential development in the Rural Conservation Zone"</i></p>	<p>No change to draft MPS Clause 02.02 ('Vision') based on this submission.</p>

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		and "encourages biodiversity conservation and responsible land management on public and private land by multiple actions."	
4	Reference to the protection of environment and biodiversity in the fourth dot point should be a stand alone dot point. Protection of the environment and work on restoring and protecting biodiversity is much more than about identity alone. This reference being in the fourth dot point tied with Nillumbik's identity subsequently limits its importance and significance. Given its importance/significance, this separate dot point should also be reorded to dot point 2 to give it a higher priority to emphasise the community's position on this matter.	The strategic directions in MPS has no priorities. Including protecting and enhancing the natural environment with protecting and enhancing heritage, arts and culture in the fourth dot point does not diminish the importance of the environment (or biodiversity).The second dot point in draft Clause 02.02 ('Vision') has been recommended for change to include 'threats to biodiversity' in Officer response to submission No. 3 on draft MPS Clause 02.01 ('Context').	<ul style="list-style-type: none"> <li>Expand and modify the second dot point at draft Clause 02.02 to read:  <i>"Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire and threats to biodiversity."</i> </li> </ul>
5	Given Nillumbik's recent acknowledgement of the climate emergency, reference to climate change mitigation and the ultimate goal in having a carbon neutral Shire should be included and emphasised in the MPS Vision.	<p>The second dot point in draft Clause 02.02 ('Vision') states to enhance Nillumbik's sustainability and resilience to climate change and bushfire. Officer response to submission No. 3 ('Context') recommends to also include 'threats to biodiversity' in the above statement.</p> <p>Already mentioned in Clause 02.03-3 Climate change: <i>"Council has a target of net zero emissions across Nillumbik by 2035"</i>.</p> <p>Also refer to Officer recommendation in response to submission No. 1 on draft MPS Clause 02.01 'Context' to add reference to</p>	<ul style="list-style-type: none"> <li>Expand and modify the second dot point at draft Clause 02.02 to read:  <i>"Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire and threats to biodiversity."</i> </li> </ul> <p>Changes to other draft MPS clauses:</p> <ul style="list-style-type: none"> <li>Add sentence to 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032:  <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple</i> </li> </ul>

No.	Key Sentiments	Officer Response	Recommended change to MPS
		Climate Emergency from Council's adopted Climate Action Plan.	<i>threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i>
6	The draft MPS Vision states, "Enhance Nillumbik's sustainability and resilience to both climate change and bushfire". This statement needs to be adjusted to reflect the need for climate change mitigation, but also provide a more holistic and objective view regarding other equally serious environmental risks to the Shire that require a resilience and sustainability lens to be applied to them. E.g. habitat loss, land fragmentation, loss of biodiversity and wildlife/habitat impacts including the reduction of insect numbers and animal species caused by continuous encroachment of development, increase in invasive plant species and loss of landscape values.	<p>The second dot point in draft Clause 02.02 ('Vision') states to enhance Nillumbik's sustainability and resilience to climate change and bushfire. Officer response to submission No. 3 ('Context') recommends to also include 'threats to biodiversity' in the above statement.</p> <p>The need for climate change mitigation is already mentioned in 'Climate change' under draft Clause 02.03-3 ('Environmental risks and amenity'). Protection of biodiversity under draft MPS Clause 02.03-2 states "<i>The Shire contains extensive habitat links comprising of native vegetation and water courses. Given the large number of threatened native species and threatening processes occurring in the Shire, including climate change, planning needs to protect and conserve biodiversity, provide habitats for native flora and fauna, and control pest plants and animals. Importantly, significant remnant vegetation, conservation areas and environmentally significant areas are located on both public and private land. These areas are identified on the Faunal habitat and remnant vegetation plan to Clause 02.04</i>".</p> <p>Additionally, the draft MPS provides multiple strategic directions to address a range of environmental risks (see Clause 02.03-3 'Environmental risks and amenity').</p>	<ul style="list-style-type: none"> <li>Expand and modify the second dot point at draft Clause 02.02 to read:  <i>"Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire and threats to biodiversity."</i></li> </ul> <p>Changes to other draft MPS clauses:</p> <ul style="list-style-type: none"> <li>Add sentence to 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032:  <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i></li> </ul>

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>Also refer to Officer recommendation in response to submission No. 1 on draft MPS Clause 02.01 'Context' to add reference to Climate Emergency from Council's adopted Climate Action Plan.</p>	

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
7	<p>Yarra City Council uses statements in their MSS which seek low rise housing development. E.g. Land use which provides a diversity of housing for the aged, low income earners and other disadvantaged groups. Land Use which provides more public open space. These attributes are being lost in Nillumbik and subsequently need to be identified in the MPS Vision to ensure they are retained and protected.</p>	<p>Strategic direction point 1 in Clause 02.03-6 'Housing' states to:</p> <p><i>“Facilitate the provision and diversification of housing to meet the projected increase in the number of smaller households and the aging (to be corrected to ‘ageing’) population, while respecting the neighbourhood character, protecting natural and heritage values and minimising environmental risk”.</i></p> <p>The Strategic directions for 'Housing' should be addressed in a housing strategy, the development of which should be added as a 4<sup>th</sup> dot point under Strategic directions for 'Housing' and included in the draft Schedule to Clause 74.02 'Further strategic work'.</p> <p>Strategic direction point 2 for 'Open space and recreational facilities' in Clause 02.03-9 states:</p> <p><i>“Encourage trails, open space and recreational facilities to be safe, equitable and accessible to all community members”.</i></p> <p>Additionally, the draft Schedule to Clause 74.02 ('Further Strategic Work') includes to review the open space strategy.</p>	<p>No change to draft MPS 'Vision' (02.02) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> <li>• Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to: <i>“Identify Nillumbik’s housing needs in a housing strategy.”</i></li> <li>• Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik’s housing needs through the development of a housing strategy.</li> </ul>
8	<p>Regarding transport use, the MPS Vision should state that Nillumbik seeks to get people to walk, cycle and use public transport to get to work.</p>	<p>Strategic directions point 1 in Clause 02.03-8 'Transport' already states to:</p> <p><i>“Facilitate increased public transport usage and opportunities for walking and cycling to reduce car-dependency”.</i></p>	<p>No change to draft MPS based on this submission.</p>



## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
9	1) From an environmental and sustainability perspective, the MPS Vision should state that it will aim to have more species of flora and fauna by protecting our Green Wedge from development through the consolidation of small lot subdivisions in rural areas. 2)It should also seek to reduce and ultimately end our reliance on fossil fuels as soon as possible.	<p>1) Strategic directions in Clause 02.03-1 'Settlement and the Nillumbik Green Wedge' states to:</p> <ul style="list-style-type: none"> <li>- <i>"Focus development in the established township and urban areas to take advantage of existing infrastructure and maintain the viability of these areas"</i>;</li> <li>- <i>"Protect the Green Wedge from incompatible use and development"</i>; and</li> <li>- <i>"Limit subdivision in rural areas to minimise fragmentation of rural land and maintain vistas"</i>.</li> </ul> <p>The Strategic direction for 'Rural residential development' in Clause 02.03-6 ('Housing') states to:</p> <ul style="list-style-type: none"> <li>- <i>"Discourage rural residential development in the Green Wedge, unless supported by a council strategy or framework plan"</i>.</li> </ul> <p>2) Strategic direction point 1 in Clause 02.03-8 'Transport' states to <i>"Facilitate increased public transport usage and opportunities for walking and cycling to reduce car-dependency"</i>, which will help to reduce our reliance on fossil fuels.</p>	No change to draft MPS based on this submission.
10	The Vision does not go far enough. The statements are safe comments.	Noted; however more detailed strategic directions are contained in draft MPS Clause 02.03.	No change to draft MPS based on this submission.
11	Support the reference to the recognition of the fundamental importance of the Shire's residents	Noted	No change to draft MPS based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	and communities, their health and wellbeing and their place in the landscape.		
12	Support the reference regarding having a reasonable balance in the planning and management of the Green Wedge that equally considers social, economic and environmental outcomes.	Noted	No change to draft MPS based on this submission.
13	There is no reference to the fact that 91 per cent of Nillumbik is rural land. Dot Point 4 should be amended to include the word 'rural'. E.g. "Strengthen Nillumbik's identity by protecting and enhancing its natural and rural environment, heritage, arts and culture."	Draft MPS Clause 02.01 'Context' states that 91 per cent of Nillumbik is rural land. The rural environment is a part of the natural environment.	No change to draft MPS based on this submission.
14	There is no statement regarding climate change and doing something about climate change going forward.	Council has a target of net zero emissions across Nillumbik by 2035 (Clause 02.03-3 'Climate change') and there are two Strategic directions to help to achieve this goal. However, refer to Officer recommendation in response to submission No. 1 on draft MPS Clause 02.01 'Context' to add reference to Climate Emergency from Council's adopted Climate Action Plan.	No change to draft MPS 'Vision' (02.02) based on this submission; however changes to other draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> <li>• Add sentence to draft MPS Clause 02.01 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032: <p><i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i></p> </li> </ul>

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
15	The statement regarding the Green Wedge needs to be toughened with protection of the conservation highlighted.	Clause 02.02 Vision states that " <i>The Nillumbik Community Vision 2040 emphasises that community and the Nillumbik Green Wedge is at the heart of the Shire</i> " and a planning related goal is to " <i>Protect the Shire's green wedge across all aspects of planning</i> ". These statements emphasise the importance of the Green Wedge; however the second dot-pointed goal should add "and threats to biodiversity".	<ul style="list-style-type: none"> <li>Expand and modify the second dot point at draft Clause 02.02 to read:  <i>"Enhance Nillumbik's sustainability and resilience to climate change, bushfire and threats to biodiversity."</i></li> </ul>
16	The protection of biodiversity values (i.e. native vegetation, indigenous fauna species, creeks) must be embedded into the Vision and must be listed as a high priority planning-related goal.	The second dot point at draft MPS Clause 02.02 'Vision' has already been recommended to add "threats to biodiversity". More detailed directions on protection of biodiversity and waterways are contained in draft MPS Clause 02.03 'Strategic Directions'.	<ul style="list-style-type: none"> <li>Expand and modify the second dot point at draft Clause 02.02 to read:  <i>"Enhance Nillumbik's sustainability and resilience to climate change, bushfire and threats to biodiversity."</i></li> </ul>
17	Most of the MPS Vision comes from the already written Council Vision which is relatively fixed now.	Noted	No change to draft MPS based on this submission.
18	The wording of Goal 2 needs to be reworded to include other emergency type incidents/environmental hazards. E.g. "...sustainability and resilience, particularly to climate change and bushfire". This does not exclude incidents such as flooding, storms etc; yet still emphasises the priority of the named two types of events i.e. climate change and bushfire.	<p>The second dot point at draft MPS Clause 02.02 'Vision' has already been recommended to add "threats to biodiversity". More detailed directions on environmental risks are contained in draft MPS Clause 02.03-3 'Environmental risks and amenity'.</p> <p>Also refer to Officer recommendation in response to submission No. 1 on draft MPS Clause 02.01 'Context' to add reference to Climate Emergency from Council's adopted Climate Action Plan.</p>	<ul style="list-style-type: none"> <li>Expand and modify the second dot point at draft Clause 02.02 to read:  <i>"Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire and threats to biodiversity."</i></li> </ul> <p>Changes to other draft MPS clauses:</p> <ul style="list-style-type: none"> <li>Add sentence to 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032:</li> <li>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change</li> </ul>

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
			<i>mitigation and adaptation into all Council actions."</i>
19	<p>Suggest that there be a planning related goal that seeks to simply planning processes and ensure planning decisions are made move cohesively. E.g. "The Planning Scheme and processes be unambiguous, easily understood and effectively implemented". This would help Council ensure the cost to residents when trying to follow planning rules is reduced as best as practicably possible, and in turn, help reduce the number of planning decision being referred to VCAT.</p>	<p>The State Government has made several attempts to simplify planning schemes and planning controls ever since the advent of the <i>Planning and Environment Act 1987</i> and the inception of new format planning schemes in the late 1980s and early 1990's. However this has proven difficult due to the complexity of planning issues and their many interrelationships. New issues also emerge, such as the ever more pressing need to address climate change impacts on the environment and land use.</p> <p>Amendment VC148 introduced the new Planning Policy Framework (PPF) into the Victoria Planning Provisions (VPP) and all Victorian planning schemes in 2018. This was designed to locate all planning scheme policies (State, regional and local) on a particular planning theme (e.g. heritage) together and to do away with the former Local Planning Policy Framework (LPPF).</p> <p>Councils and the State Government had to undertake considerable work to translate their existing strategic directions and local planning policies into the new policy format, which included developing a more simplified Municipal Planning Strategy (MPS) to replace the former more complex Municipal Strategic Statement (MSS). Council is now addressing submissions on a revised draft MPS.</p>	<p>No change to draft MPS based on this submission.</p>

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
20	The MPS Vision is a broad statement that reflects the type of community that we envision for our Shire - who we are and how we wish to live, our identity. The statement acknowledges that there are and will be challenges that need and will need to be addressed.	Noted	No change to draft MPS based on this submission.
21	As global temperature rise, this will have adverse effects on people, communities and the natural world into the foreseeable future; irrespective of the immediate measures we take to address the climate emergency. This needs to be explicitly acknowledged in the Vision statement. For example, in the sentence, "We continue to strengthen Nillumbik's ability to manage and adapt to changing circumstances, to ensure the Shire and our community remain sustainable and resilient", could be slightly amended to say "We continue to strengthen Nillumbik's ability to mitigate, manage and adapt to changing circumstances, particularly the climate emergency, to ensure the Shire and our community remain as sustainable and resilient as possible."	Refer to Officer recommendation in response to submission No. 1 on draft MPS Clause 02.01 'Context' to add reference to Climate Emergency from Council's adopted Climate Action Plan.	No change to draft MPS 'Vision' (02.02) based on this submission; however changes to other draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> <li>Add sentence to draft MPS Clause 02.01 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032:  <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i> </li> </ul>
22	Revise "climate change" to "climate emergency" in the second goal dot point.	Refer to Officer recommendation in response to submission No. 1 on draft MPS Clause 02.01 'Context' to add reference to Climate Emergency from Council's adopted Climate Action Plan.	No change to draft MPS 'Vision' (02.02) based on this submission; however changes to other draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> <li>Add sentence to draft MPS Clause 02.01 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032:  <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will</i> </li> </ul>

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
			<i>proactively integrate climate change mitigation and adaptation into all Council actions."</i>
23	Suggest that there be a goal that related to protection of Nillumbik's environment and biodiversity throughout the Shire given this is under threat (refer to State of Environment Report).	<p>The second dot point at draft MPS Clause 02.02 'Vision' has already been recommended to add "threats to biodiversity'. More detailed directions on environmental risks are contained in draft MPS Clause 02.03-3 'Environmental risks and amenity'.</p> <p>Also refer to Officer recommendation in response to submission No. 1 on draft MPS Clause 02.01 'Context' to add reference to Climate Emergency from Council's adopted Climate Action Plan.</p> <p>Also refer to Officer response to submission No. 3 'Context', which included discussion of State of Environment Reports 2018 and 2021.</p>	<ul style="list-style-type: none"> <li>Expand and modify the second dot point at draft Clause 02.02 to read:  <i>"Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire and threats to biodiversity."</i></li> </ul> <p>Changes to other draft MPS clauses:</p> <ul style="list-style-type: none"> <li>Add sentence to 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032:  <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i></li> </ul>

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
24	<p>After the excerpt from the Nillumbik Community Vision 2040, the Vision should be split into the two parts following parts 1 - Nillumbik will be. and 2 - Nillumbik's planning goals .....</p> <p>Part 1 is new content and should state the following, "Nillumbik will be: • a carbon neutral shire, with strong strategies, goals and targets in place to mitigate, and adapt to, the effects of the accelerating climate emergency. • a 'Green Wedge' shire which preserves, nurtures and enhances the natural environment as a resource for the benefit of all Melburnians. • where all living things have a right to exist, to thrive and to evolve within a biodiverse ecosystem and a healthy biosphere, in line with Earth-centred jurisprudence principles • will incorporate First Nations principles of understanding and care of country as foundational principles in stewardship of Nillumbik.</p>	<p>1) Council has a target of net zero emissions across Nillumbik by 2035. (Clause 02.03-3)</p> <p>2) The Nillumbik Green Wedge is of significant value to the Shire and wider region, particularly for its biodiversity, natural beauty, visitor experiences, agriculture and other non-urban values (Clause 02.03-1)</p> <p>Also refer to Officer recommendation in response to submission No. 1 on draft MPS Clause 02.01 'Context' to add reference to Climate Emergency from Council's adopted Climate Action Plan.</p>	<p>No change to draft MPS 'Vision' (02.02) based on this submission; however changes to other draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> <li>• Add sentence to draft MPS Clause 02.01 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032:  <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i> </li> </ul>
25	<p>The first line should be re-worded to give priority to the Green Wedge first. E.g. "The Nillumbik Community Vision 2040 emphasises the Nillumbik Green Wedge and its community is at the heart of the Shire.</p>	<p>Reversing 'community' and 'Green Wedge' would be inconsistent with the title of the <i>Nillumbik Community Vision 2040</i> and would not help to improve the draft MPS.</p>	<p>No change to draft MPS based on this submission.</p>
26	<p>The Vision uses non-committal impassioned language with no emphasis or meaning.</p>	<p>Noted</p>	<p>No change to draft MPS based on this submission.</p>
27	<p>Do not support the order of the planning goals. The current goals prioritise bushfire management over protection of the Shire's natural environment, heritage, arts and culture.</p>	<p>The arrangement of planning related goals in draft MPS Clause 02.02 'Vision' does not elevate the importance of one goal above another.</p>	<p>No change to draft MPS based on this submission.</p>

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
28	An overarching statement should be established to provide context to the planning goals. E.g."Nillumbik's planning goals are to reinforce the need for integrated planning and land management which addresses policy themes of landscape values, biodiversity and environmental values; protection of water catchments and supply; Aboriginal culture, heritage, agriculture and natural resources; tourism and environmental risks".	The current goals in draft MPS Clause 02.02 'Vision' generally cover the planning goals outlined in this submission. Context is the subject of draft MPS Clause 02.01 'Context'.	No change to draft MPS based on this submission.
29	There is so much construction occurring in the Shire and consequently vegetation is getting destroyed. The Vision doesn't appropriately respond to this current circumstance.	Clause 02.02 Vision already acknowledges the need to be sustainable and resilient, and to protect the natural environment. The Strategic Directions in Clause 02.03 will help Council and the community to achieve these goals.	No change to draft MPS based on this submission.
30	Support the overarching aim of protecting and preserving the Green Wedge as this is a key and special characteristic of the Shire.	Noted	No change to draft MPS based on this submission.
31	Language around protecting the natural environment should be strengthened in such a way that requires economic/profit-driven development be subject to additional scrutiny - particularly assessed through an environmental protection lens.	The MPS addresses environmental and economic goals without elevating one issue above the other. This is consistent with the Objectives of planning under section 4 of the <i>Planning and Environment Act 1987</i> , which includes to facilitate development in accordance with the other objectives (e.g. protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity). The objectives also include to balance the present and future interests of all Victorians.	No change to draft MPS based on this submission.



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No.	Key Sentiments	Officer Response	Recommended change to MPS
32	Support the wording and goals related to protecting the environmental nature and aspect of Nillumbik.	Noted	No change to draft MPS based on this submission.
33	Support the comments which show the value and importance of the natural identity of Nillumbik.	Noted	No change to draft MPS based on this submission.
34	Support the comment regarding the balance of urban livability with protection of environmental aspects	Noted	No change to draft MPS based on this submission.
35	The comment regarding enhancing the tree canopy in urban areas is relevant for the values of Nillumbik residents and plays a role in aesthetics, fauna protection and heat stress of urban living.	Noted	No change to draft MPS based on this submission.
36	Revise planning goal 1 to say "Protect and improve the Shire's Green Wedge across all aspects of planning in urban and non urban areas".	The reference to "all aspects of planning" already implies 'urban' and 'non-urban'. Addition of the words 'urban' and 'non-urban' would unnecessarily soak up the 5,000 word count limit for the MPS under the Ministerial Direction on 'The Form and Content of Planning Schemes'.	No change to draft MPS based on this submission.
37	Support economic growth without reducing, depleting or affecting the natural environment or biodiversity in urban and non urban areas.	Noted	No change to draft MPS based on this submission.
38	Support references to environment and protecting and strengthening tree canopy.	Noted	No change to draft MPS based on this submission.
39	A statement about First Nations Peoples and the principle of custodial-ship of country needs to be incorporated into the Vision to ensure their wisdom is applied to the management of land, skies and waterways and preserved for future generations.	Draft MPS Clause 02.01 'Context' includes the following statement: " <i>The Wurundjeri Woi-wurrung people are the Traditional Owners of the Country on which Nillumbik is located. The significance of their history and connection with the landscape are essential elements of the shire's unique character</i> ". Wisdom gleaned from millennia of managing country by the Wurundjeri Woi-wurrung people is implicit in the above statement's reference to the history of their connection with the landscape. Elaboration of this statement in draft Clause 02.02 'Vision'	No change to draft MPS based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		would unnecessarily soak up the 5,000 word count limit for the MPS under the Ministerial Direction on 'The Form and Content of Planning Schemes'.	
40	Support that it highlights environmental issues.	Noted	No change to draft MPS based on this submission.
41	Support the vision of maintaining the Shire's natural environment, whilst allowing for responsible economic growth that doesn't detract from the Shire's character.	Noted	No change to draft MPS based on this submission.
42	Support the focus on maintaining and developing the sense of local community within the shire, through the development and maintenance of social spaces that cater for all residents.	Noted	No change to draft MPS based on this submission.

No.	Key Sentiments	Officer Response	Recommended change to MPS
<b>Clause 02.03-1 Settlement and the Nillumbik Green Wedge</b>			
1	The Green Wedge is fundamental to the Shire and to alter this would be to fundamentally change the Shire and would go against the previous consultations (Phase 1 & 2) which stated that residents enjoy and value the natural environment and open spaces provided by the rural landscape. Any change to the 'conservation focus' of the Green Wedge would be contradictory to the values expressed by the community and climate emergency mitigation efforts proposed.	Draft MPS Clause 02.03-1 ('Settlement and the Nillumbik Green Wedge') proposes to protect the green wedge and to maintain non-urban breaks between existing urban and non-urban areas, and townships, and does not propose to alter the Green Wedge. Earlier recommendations add to Clauses 02.01 'Context' and 02.02 'Vision' to improve statements affecting conservation and resilience to threats to biodiversity.	No change to draft MPS Clause 02.03-1 ('Settlement and the Nillumbik Green Wedge') based on this submission; however changes to other draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> <li>Add '<i>including conservation areas</i>' after 'green wedge' in the second last paragraph at draft Clause 02.01.</li> </ul> Changes to subsequent draft MPS clauses: <ul style="list-style-type: none"> <li>Expand and modify the second dot point at draft Clause 02.02 to read:  <i>"Enhance Nillumbik's sustainability and resilience to climate change, bushfire and threats to biodiversity."</i></li> </ul>
2	Preservation of the overlays is essential.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
3	The Urban Growth Boundary needs to be maintained as a hard boundary and not compromised by 'buffer strips' or 'transition zones' weakening its planning integrity.	Draft Clause 02.03-1 ('Settlement and the Nillumbik Green Wedge') only refers to transition in relation to descriptions of land use change and changes in character, which do not diminish the significance of the Urban Growth Boundary (UGB). However, limited growth can still occur within the existing boundaries of rural townships and settlements beyond the UGB, which is implied in the strategic direction to <i>"Maintain non-urban breaks between existing urban areas and non-urban areas, and between rural townships."</i>	No change to draft MPS Clause 02.03-1 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
4	If Forest Bathing (Shin Rin Yoku) is recognised as having health benefits, then maintenance of forests and woodlands is essential.	Nature protection is one of the most important focuses of the MPS. The strategic direction point 3 in 02.03-1 Settlement and the Nillumbik Green Wedge is to "protect the Green Wedge from incompatible use and development." The purposes of Clause 35.04 Green Wedge Zone are to "recognise, protect and conserve green wedge land for its agricultural, environmental ... opportunities" and "encourage use and development that is consistent with sustainable land management practices." Clause 02.02 Vision in MPS mentioned, "Nillumbik's planning-related goals are to: strengthen Nillumbik's identity by protecting and enhancing its natural environment". Also, the multiple strategic directions in Clause 02.03-2 Environmental landscapes and values mentioned vegetation protection.	No change to draft MPS Clause 02.03-1 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
5	People buying in to the Shire must be made aware that they cannot change the nature of the Shire. The danger with change and a huge increase in population is that the values of the existing residents may be diminished.	Noted. One of the strategic directions in clause 02.03-5 Neighbourhood character, is to "maintain and enhance the character, including neighbourhood character, of urban and township areas." One of the strategic directions in clause 02.03-6 Housing is to "facilitate the provision and diversification of housing to meet the projected increase in the number of smaller households and the aging (correct to 'ageing') population, while respecting the neighbourhood character, protecting natural and heritage values and minimising environmental risk". Also, the controls in Clause 30 Zones and Clause 40 Overlays can help to protect Nillumbik's neighbourhood character.	No change to draft MPS Clause 02.03-1 based on this submission.
6	Amend the first paragraph to reflect the fact that Nillumbik was created as a 'Conservation Shire' and is therefore not part of a designated growth corridor. E.g. "Nillumbik, located on the fringe of metropolitan Melbourne was created as a Conservation Shire and does not form part of a designated growth corridor. Council and community therefore need to maintain the Urban Growth Boundary as a hard boundary".	Draft MPS Clause 02.03-1 Settlement and the Nillumbik Green Wedge states Nillumbik Green Wedge "contains sites of environmental and landscape significance and a mix of conservation, agricultural and residential uses". Although it means that Nillumbik is not only created for the conservation uses, conservation is one of the primary purposes of the Rural Conservation Zone, which has been applied to most of Nillumbik's rural areas. This was acknowledged in Officer's response to Submission No. 3 on draft MPS Clause 02.01 ('Context'). Consequently it was recommended to add ' <i>including conservation areas</i> ' after 'green wedge' in the second last paragraph at draft Clause 02.01.	No change to draft MPS Clause 02.03-1 based on this submission; however: Changes to other draft MPS clauses: Add ' <i>including conservation areas</i> ' after 'green wedge' in the second last paragraph at draft Clause 02.01.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
7	Amend the third paragraph to reflect the Shire's conservation/Green Wedge focus. The purpose and objectives of Nillumbik's rural 'Green Wedge' zones should be further articulated in this paragraph.	The purpose of the 'Green Wedge' zone is already stated in Clause 35.04 Green Wedge Zone. Under the Practitioner's Guide (p23), a provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions. Therefore, no further action is needed.	No change to draft MPS Clause 02.03-1 based on this submission.
8	The third paragraph identifies that residential uses are an existing land use within the Green Wedge. The term 'residential uses' implies the Green Wedge is suitable for urban infrastructure/development, which this is not the case. Residential uses in Nillumbik's rural zones (i.e. GWZ & RCZ) are not supported 'as-of-right' and are not the primary uses supported by these zones or other relevant policy with the Planning Policy Framework of the Nillumbik Planning Scheme. The paragraph should state that residential uses are not supported in the rural 'Green Wedge' zones. Subsequently, the former reference acknowledging residential uses in the Green Wedge should be removed or possibly replaced with the term 'scattered dwellings'.	<p>Already mentioned in MPS.</p> <p>Strategic direction in 02.03-6 Rural residential development states: - "Discourage rural residential development in the Green Wedge, unless supported by a council strategy or framework plan".</p> <p>The purpose of the Green Wedge Zone under Clause 35.04 should not be replicated in the MPS, which would be contrary to the Practitioner's Guide direction (p23) that a provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions.</p>	No change to draft MPS Clause 02.03-1 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
9	<p>The Green Wedge goes beyond being simply a 'significant value to the Shire and wider region' as described in the draft Strategic Direction. The Nillumbik Green Wedge is the reason Nillumbik Shire was created and needs to be protected for its broader intrinsic value. It is the 'backbone' feature of the Shire, the lungs of Melbourne and contributes to the natural beauty of the region, assists mitigate against the impacts of urbanisation and climate change; supports the protection of biodiversity; provides economic, social and health benefits such as visitor experiences and access to nature and supports agriculture other non-urban characteristics. These sentiments must be appropriately reflected in this Strategic Direction.</p>	<p>Clause 02.03-1 Settlement and the Nillumbik Green Wedge states that "the Nillumbik Green Wedge is of significant value to the Shire and wider region, particularly for its biodiversity, natural beauty, visitor experiences, agriculture and other non-urban values." Clause 02.03-7 Business and employment states, "for the Green Wedge, opportunities exist in agribusiness, tourism, recreation and sustainability including renewable energy." To protect the green wedge, Clause 02.02 Vision contains a planning goal to "<i>Protect the Shire's green wedge across all aspects of planning.</i>" The strategic direction point 3 in clause 02.03-1 'Settlement and the Nillumbik Green Wedge' is to "<i>Protect the Green Wedge from incompatible use and development</i>".</p>	<p>No change to draft MPS Clause 02.03-1 based on this submission.</p>
10	<p>The Green Wedge's environmental and landscape significance is present throughout the Shire (e.g. in the vital tree canopy of Eltham, for example, to the tall forests of Kinglake) and not restricted to 'sites' as described in the draft Strategic Direction. This word should be changed.</p>	<p>Eltham is not part of Green Wedge, as indicated in Council's Green Wedge Management Plan (p18). Additionally some sites are more significant than others and warrant additional planning controls to provide further protection. The draft Schedule to Clause 74.02 ('Further strategic work') includes to develop an urban tree canopy strategy, which would include the urban areas of Eltham.</p>	<p>No change to draft MPS Clause 02.03-1 based on this submission.</p>

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No.	Key Sentiments	Officer Response	Recommended change to MPS
11	The continuity of vegetation/habitat connectivity is crucial throughout the Shire and needs to be fostered and protected.	The strategic direction point 3 in Clause 02.03-2 Protection of biodiversity is to "facilitate the establishment of large areas of native vegetation that are interconnected by a network of habitat corridors".	No change to draft MPS Clause 02.03-1 based on this submission.
12	It must be clearly stated that any subdivision under the existing rural zones in Nillumbik must be in accord with the purposes of those zones and support only rural uses.	<p>Strategic direction points 3 and 4 in Clause 02.03-1 Settlement and the Nillumbik Green Wedge state:</p> <ul style="list-style-type: none"> <li>- Protect the Green Wedge from incompatible use and development; and</li> <li>- Limit subdivision in rural areas to minimise fragmentation of rural land and maintain vistas.</li> </ul> <p>Subdivision under the existing rural zones must apply for a permit from the council and follow the requirements under Clause 35 Rural Zones in the Nillumbik Planning Scheme.</p> <p>The purpose of zones should not be replicated in the MPS, which would be contrary to the Practitioner's Guide direction (p23) that a provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions.</p>	No change to draft MPS Clause 02.03-1 based on this submission.



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No.	Key Sentiments	Officer Response	Recommended change to MPS
13	The last sentence at the end of the third paragraph is unclear and needs to be amended. Council must assess land use conflicts and ensure that environmental protection is the overarching goal in every decision. It could potentially read: "This diversity of uses must be managed through application of sustainable land use and best practice natural resource management principles to reduce land use conflicts".	The submitter's version and the current draft MPS version of the last sentence in the 3 <sup>rd</sup> paragraph are both adequate.	No change to draft MPS Clause 02.03-1 based on this submission.
14	The first dot point of the Strategic Directions (below the 3rd paragraph) is unclear. It could potentially read: "Maintain non-urban areas/places/breaks between existing urban areas, and also between rural townships".	Reference to non-urban breaks is conventional in planning schemes across Victoria.	No change to draft MPS Clause 02.03-1 based on this submission.
15	Strongly support the inclusion of a statement that clearly describes the need to maintain the Urban Growth Boundary as a hard boundary; thereby removing the risk of development gradually encroaching and advancing beyond the limits that are currently acceptable. This is needed to ensure outward metropolitan development is not a feature of the Shire.	The Urban Growth Boundary (UGB) is established by the State Government. The Minister for Planning is unlikely to support any proposal to rezone land for residential purposes outside of the UGB. Residential development in rural areas would need to comply with the purpose and provisions of rural zones and be guided by the relevant planning scheme policies. The draft MPS does not propose urban development beyond the UGB.	No change to draft MPS Clause 02.03-1 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
16	Nillumbik has such a mix of residential and rural there will be a greater demand for people wanting to move into the area. Especially with the current work from home culture, more people want to move away from the Melbourne CBD. As such, Nillumbik should look at becoming part of a designated growth area as the area is well serviced for public transport, schools, pre-schools sporting facilities and recreational facilities.	The State Government has not included Nillumbik Shire in designated growth corridors. Under clause 02.01-context, the population in Nillumbik is not expected to increase substantially. Also, according to Id.community, since the previous year, the population in Nillumbik has declined by 1.22%.	No change to draft MPS Clause 02.03-1 based on this submission.
17	Limiting subdivision in rural areas is not practical as most of the properties are not large enough to conduct profitable farming ventures and the high maintenance costs of these properties are becoming a financial burden on long standing residents who are now ageing.	Further fragmentation of rural land is not supported by planning scheme policies. This applies right across Victoria. Small lots in rural areas can still be used productively and/or can be consolidated with other small parcels to create larger lots. Additionally, allowing development on small lots would add to the cost of land that could otherwise be acquired by neighbouring property owners for the purpose of expanding their existing agricultural activities.	No change to draft MPS Clause 02.03-1 based on this submission.
18	There should be more opportunities for low density housing. E.g. 1 acre, 2 acre or 5 acre parcels.	The Low Density Residential Zone and the Rural Living Zone provide for larger lots and residential purposes. Increasing the coverage of these zones would be based on projected population growth in designated growth areas and taking into account any planning constraints, including environmental constraints or constraints in the provision of appropriate infrastructure to support new low density	No change to draft MPS Clause 02.03-1 based on this submission; however changes to subsequent draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> <li>• Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to:  <i>"Identify Nillumbik's housing needs in a housing strategy."</i></li> <li>• Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs</li> </ul>

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		residential areas. A housing strategy would be designed to address these issues.	through the development of a housing strategy.
19	There needs to be more business and commercial opportunities to provide services and jobs for people closer to home and a greater variety of housing - e.g. allowing subdivision in areas which are close to the activity centres and transport.	<p>Already mentioned in MPS. Under Clause 02.02 'Vision', one of the planning goals in is to support economic growth that capitalises on Nillumbik's strengths. Clause 02.03-1 'Settlement and the Nillumbik Green Wedge' identifies areas that have further growth potential, including Eltham and Diamond Creek Major Activity Centres. Other areas include:</p> <ul style="list-style-type: none"> <li>- Apollo Parkways</li> <li>- Land in the Diamond Creek North Area A Development Plan and Diamond Creek Area B Development Plan to the north and north-east of the Diamond Creek Major Activity Centre.</li> <li>- The Plenty Low-Density Residential area.</li> </ul> <p>Nillumbik's housing needs should be addressed in a housing strategy, which has already been recommended in earlier Officer responses to submissions. A housing strategy would work in concert with other strategies, such as future Activity Centre structure plans for Eltham and Diamond Creek, and the current draft Neighbourhood Character Strategy.</p>	<p>No change to draft MPS Clause 02.03-1 based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> <li>• Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to: <i>"Identify Nillumbik's housing needs in a housing strategy."</i></li> <li>• Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs through the development of a housing strategy.</li> </ul>

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No.	Key Sentiments	Officer Response	Recommended change to MPS
20	There are Green Wedge properties which abut the UGB that are directly adjacent to residential properties and are in walking distance to schools, transport, etc that have potential to accommodate infill residential developments. Council should look at supporting these sorts of infill developments.	Residential development beyond the UGB is not supported by the State Government or existing Nillumbik Planning Scheme policies. The Strategic direction for 'Rural residential development' under draft MPS Clause 02.03-6 ('Housing') is to " <i>Discourage residential development in the Green Wedge, unless supported by a council strategy or framework plan</i> ". The development of structure plans for Eltham and Diamond Creek Activity Centres, and a future housing strategy would address sustainable options for access to services, including public transport.	No change to draft MPS Clause 02.03-1 based on this submission.
21	What is a Major Activity Centre?	Major Activity Centres (MACs) are places that provide a focal point for retail and other services, employment, housing, public transport and social interaction. They have different attributes and provide different functions, with some serving larger subregional catchments. The commercial centres in Eltham and Diamond Creek serve as the core of MACs in Nillumbik.	No change to draft MPS Clause 02.03-1 based on this submission.
22	Do not want to see overdevelopment in Eltham i.e. no high rise buildings. 3 storeys is sufficient. Additionally, the existing green spaces and leafy aesthetic must remain. Some infill development would be acceptable in residential areas i.e. 2 houses on one block however that is low rise; retains plenty of space for a small front & back gardens, grass, shrubs, trees and used building	Schedule 1 to Clause 37.08 'Activity Centre Zone' specifies discretionary building heights of between four to five storeys for 'Eltham Activity Centre' and Schedule 2 specifies a discretionary building height of four storeys for 'Diamond Creek Activity Centre'. These heights are not excessive for activity centres. The General Residential Zone in Nillumbik specifies a maximum building height of 11 metres and no more than 3 storeys; although these limits can	No change to draft MPS Clause 02.03-1 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
	materials suitable for the Eltham character e.g. wood, stone, & earthy colours.	be exceeded under several specified circumstances, e.g. if buildings on abutting allotments are higher (if buildings on abutting allotments are higher or have more storeys, must not exceed the lower of the existing buildings on the abutting allotments).	
23	An additional fifth strategic direction dot point should be incorporated that highlights the importance of protecting and maintaining the vegetation and tree canopy in both urban and rural areas.	<p>Already mentioned in MPS.</p> <p>The strategic directions in Clause 02.03-3 Protection of biodiversity</p> <ul style="list-style-type: none"> <li>- Protect and enhance areas of environmental significance and conservation.</li> <li>- Protect and enhance significant remnant vegetation.</li> <li>- Facilitate the establishment of large areas of native vegetation that are interconnected by a network of habitat corridors.</li> <li>- Protect the habitat areas of native vegetation and fauna.</li> <li>- Protect and enhance the environmental, landscape and habitat values of roadside vegetation in the Shire."</li> </ul> <p>The draft Schedule to Clause 74.02 ('Further strategic work') includes to develop an urban tree canopy strategy.</p>	No change to draft MPS Clause 02.03-1 based on this submission.
24	The phrasing 'Green Wedge' within the first paragraph shouldn't have inverted commas around it as these make it seem as though	Inverted commas help to distinguish the generic 'green wedge' (i.e. the 12 municipalities) from the Green Wedge, which is unique phrasing peculiar to describing Nillumbik Shire.	No change to draft MPS Clause 02.03-1 based on this submission.

No.	Key Sentiments	Officer Response	Recommended change to MPS
	therm is merely an interpretation or expression and not actually fact.		
25	Residents of the Green Wedge and their (private) properties (which make up over 80% of the Green Wedge) make a positive contribution to the management of the Nillumbik Green Wedge including to its environmental, social and economic viability, sustainability and amenity and appeal. Therefore the contribution of rural residents and rural living needs to be positively acknowledged in this Strategic Direction in supporting the Green Wedge aspirations/directions.	<p>The text at draft MPS Clause 02.02 'Vision' is drawn from the <i>Nillumbik Community Vision 2040</i>. Both, the general text, and the planning goals encompass communities and their aspirations across the Shire, including rural communities, e.g.:</p> <ul style="list-style-type: none"> <li>- <i>"Protect the Shire's green wedge across all aspects of planning";</i></li> <li>- <i>"Enhance Nillumbik's sustainability and resilience to both climate change, and bushfire", (add "and threats to biodiversity")</i>;</li> <li>- <i>"Facilitate enjoyable and connected places that strengthen identity and character, foster social connection and improve accessibility, wellbeing and safety for all";</i></li> <li>- <i>"Strengthen Nillumbik's identity by protecting and enhancing its natural environment, heritage, arts and culture"; and</i></li> <li>- <i>"Support economic growth that capitalises on Nillumbik's strengths, is innovative and is compatible with the natural environment".</i></li> </ul> <p>Strategy in Clause 14.01-1R Protection of agricultural land - Metropolitan Melbourne states:</p> <ul style="list-style-type: none"> <li>- <i>"Protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations".</i></li> </ul>	<p>No change to draft MPS Clause 02.03-1 ('Settlement and the Nillumbik Green Wedge') based on this submission; however changes to other draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> <li>• Expand and modify the second dot point at draft Clause 02.02 to read: <i>"Enhance Nillumbik's sustainability and resilience to climate change, bushfire and threats to biodiversity."</i></li> </ul>

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>Strategy point 8 in Clause 14.01-2S  ‘Sustainable agricultural land use’ states:  - “<i>Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment</i>”.</p>	
26	<p>Preserving farming, agriculture and diverse rural activities such as the ability to keep animals on private property are important and help retain the rural ‘country’ character which is a big part of the appeal of the Green Wedge to both residents and visitors.</p>	<p>A range of agricultural uses are as-of-right in the Green Wedge Zone, including cropping (no conditions), grazing animal production (no conditions), poultry farm (conditional), Domestic animal husbandry - other than Domestic animal boarding (conditional), Racing dog husbandry (conditional). This encourages agricultural activities that involve animals. However, the Rural Conservation Zone, which applies to most of the Green Wedge, is more restrictive and elevates environmental considerations above agriculture. This does not prevent many agricultural activities to be allowed subject to obtaining a permit or existing agricultural activities to continue under the existing use rights provisions in the Nillumbik Planning Scheme.</p>	<p>No change to draft MPS Clause 02.03-1 based on this submission.</p>

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No.	Key Sentiments	Officer Response	Recommended change to MPS
27	<p>1) In Paragraph 3, commentary needs to be made that 91% of Nillumbik is rural land that lies outside the Urban Growth Boundary. 2) Also in describing Nillumbik's rural land, the paragraph needs to mention the existing productive, grazing land and treed pastures that support diverse rural activity and enterprise.</p>	<p>1) Clause 02.01 'Context' states that <i>"Approximately 91 per cent of Nillumbik is rural land that lies outside the Urban Growth Boundary"</i>.</p> <p>2) Strategy in Clause 14.01-1R Protection of agricultural land - Metropolitan Melbourne states:  <i>- "Protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations"</i>.</p> <p>Strategy point 8 in Clause 14.01-2S Sustainable agricultural land use  <i>- Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.</i></p>	<p>No change to draft MPS Clause 02.03-1 based on this submission.</p>
28	<p>Support that the Strategic Direction understands the existing settlement patterns of the Shire and acknowledges that there are clearly defined townships surrounded by rural areas.</p>	<p>Noted</p>	<p>No change to draft MPS Clause 02.03-1 based on this submission.</p>
29	<p>Support the statement that Nillumbik does not form part of any designated growth corridor and that there is a commitment to keep any further growth potential to areas in existing townships as this preserves the Green Wedge of the Shire.</p>	<p>Noted</p>	<p>No change to draft MPS Clause 02.03-1 based on this submission.</p>



## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
30	Support that the Strategic Direction recognises the value of the Green Wedge.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
31	Support the there is acknowledgement that there are pressures on the integrity of the Green Wedge and these need to be managed carefully.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
32	The fourth strategic directions dot point should also exclude residential uses as a primary use in the Green Wedge except in areas of existing rural living.	The strategic direction point 4 in clause 02.03-1-Settlement and the Nillumbik Green Wedge is to <i>"limit subdivision in rural areas to minimise fragmentation of rural land and maintain vistas"</i> . This restricts residential uses in the Green Wedge. The strategic direction in Clause 02.03-6 for 'Rural residential development' is to <i>"discourage rural residential development in the Green Wedge, unless supported by a council strategy or framework plan"</i> .	No change to draft MPS Clause 02.03-1 based on this submission.
33	Support that the Strategic Direction highlights and makes use of the strengths, of the low-density, 'country' focused aspect of Nillumbik, when compared to Whittlesea, Manningham and Banyule areas.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
34	Support that the Strategic Direction provides a statement about valuing and protecting the biodiversity, natural beauty and landscape of the Nillumbik area.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
35	The 'strategic directions' are appropriate and suitable to Nillumbik and the community going forward into the future, while emphasizing and protecting the appeal that Nillumbik has over other areas.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
36	The third strategic directions dot point should be revised to say, "Protect the Green Wedge from incompatible use and development while ensuring that it is in keeping with neighbourhood character". The oversight on over-development and developments that do not align with the character of Nillumbik is of high importance to residents both current and future and should therefore be reflected in the MPS.	<p>The consideration of neighbourhood character is relevant to urban areas. The decision guidelines of rural zones address a wide range of planning considerations that are grouped under headings: 'General issues', 'Rural issues', 'Environmental issues', 'Accommodation issues', and 'Design and siting issues'.</p> <p>General issues under the Rural Conservation Zone include consideration of "<i>Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses</i>".</p> <p>Design and siting issues include considering: "<i>The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas</i>" and "<i>The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance</i>".</p> <p>These and other considerations, including purpose of the rural zone, will generally help prevent over-development in the Green Wedge.</p> <p>.</p>	No change to draft MPS Clause 02.03-1 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
37	There is too much detail to interpret.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
38	High level direction about development of <b>commercial activity in the Green Wedge compatible with rural uses</b> and the environment is missing from this Strategic Direction. A reference about this would promote the potential for food tourism and enable things like simple extensions of existing township stores which have not been permitted in the past.	<p>Already mentioned in planning scheme. Strategy 6 in Clause 11.01-1R Green wedges - Metropolitan Melbourne states:</p> <p>- <i>“Support existing and potential agribusiness activities, forestry, food production and tourism”</i>.</p> <p>Strategy 1 and 3 in Clause 17.04-1L Tourism in Nillumbik states:</p> <p>- <i>“Facilitate the growth of tourism based on environmental and local interests such as agri-tourism or eco-tourism”</i>.</p> <p>- <i>“Facilitate tourism development opportunities that have minimal impact on the environment and build on the cultural and physical characteristics of the green wedge”</i>.</p> <p>Under the Practitioner’s Guide (p23), a provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions.</p>	No change to draft MPS Clause 02.03-1 based on this submission.
39	The strategic directions are overall well-balanced in maintaining that which is special about Nillumbik.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
40	The Strategic Direction does not go far enough from a regeneration/renewal perspective. The Strategic Direction frequently mentions the word 'protect', which is supported, yet this could be further enhanced by using the phrasing 'protect and regenerate' or 'protect and provide renewal' consistently throughout the ordinance.	The submission's use of the words 'regeneration' and 'renewal' are interpreted as being references to revegetation. Council's undertaking of a range of further work listed in the draft Schedule to Clause 74.02 'Further Strategic Work' will help to address this issue, e.g. to review <i>"The environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire"</i> .	No change to draft MPS Clause 02.03-1 based on this submission.
41	The Shire's fauna and flora also needs positive action beyond just protection of biodiversity and habitats. E.g. the strategic directions need to support the creation of safe wildlife corridors for animal and species movements such as introducing more suspended tree-top bridges, providing under-road routes at particular key risk areas to assist in regenerating habitats.	The strategic direction at point 3 for 'Protection of biodiversity' under Clause 02.03-2 'Environmental and landscape values' is to <i>"facilitate the establishment of large areas of native vegetation that are interconnected by a network of habitat corridors"</i> .	No change to draft MPS Clause 02.03-1 based on this submission.
42	Reference needs to be made in this Strategic Direction regarding the management of domesticated animals (e.g. cats) in the Shire, but particularly, in the Green Wedge. A strategic direction dot point needs to be provided regarding the active enforcement of curfews in relation to pets.	The control of domestic animals generally falls more under the ambit of Council's by-laws under the <i>Local Government Act 2020</i> .	No change to draft MPS Clause 02.03-1 based on this submission.

No.	Key Sentiments	Officer Response	Recommended change to MPS
43	<p>A further statement should be made in the first paragraph about the specific areas in the Shire suitable for the consideration of further growth and residential subdivision. It should also suggest the potential rezoning of the low density residential area in north-eastern Eltham/southern Research near Reynolds Road in order to align with the residential zoning of the surrounding area and allow for suitably placed residential growth. However it should also be acknowledge that new development must still adhere to relevant neighbourhood character and vegetation planning provisions.</p>	<p>Clause 02.03-1 'Settlement and the Nillumbik Green Wedge' identifies the following areas for further growth:</p> <ul style="list-style-type: none"> <li>▪ Eltham and Diamond Creek Major Activity Centres.</li> <li>▪ Apollo Parkways.</li> <li>▪ Land in the Diamond Creek North Area A Development Plan and Diamond Creek Area B Development Plan to the north and north-east of the Diamond Creek Major Activity Centre.</li> <li>▪ The Plenty Low Density Residential area.</li> </ul> <p>North-eastern Eltham/southern Research near Reynolds Road are not designated growth areas under the MPS.</p> <p>Additionally, Clause 02.03-6 'Housing' states, <i>"the locations most suited to medium density development are those that are close to infrastructure, including public transport scheduled stops, commercial areas, public open space and other community facilities. The Eltham and Diamond Creek Major Activity Centres and the Hurstbridge Shopping Centre provide such facilities"</i>.</p>	<p>No change to draft MPS Clause 02.03-1 based on this submission.</p>
44	<p>Encourage the further subdivision of Low Density Residential zoned land to the minimum lot size of 2000 square metres as permitted by the planning provision.</p>	<p>Market forces generally determine marketable lot sizes within the parameters of what planning allows. Any need for more Low Density Residential zoned land should be identified in a</p>	<p>No change to draft MPS Clause 02.03-1 based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p>

No.	Key Sentiments	Officer Response	Recommended change to MPS
		housing strategy, which would also address the need for supporting infrastructure to service new development. The development of a housing strategy to identify Nillumbik's housing needs has been addressed in earlier officer recommendations.	<ul style="list-style-type: none"> <li>• Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to: <i>"Identify Nillumbik's housing needs in a housing strategy."</i></li> <li>• Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs through the development of a housing strategy.</li> </ul>
<b>Clause 02.03-1 Activity centres</b>			
1	Commercial activity in the Shire should reflect Nillumbik's character by promoting and supporting small local businesses over large franchises/companies found in nearby shopping centres. The second strategic direction dot point in particular needs to strongly support these sentiments further to ensure local businesses have a fair and equitable competition in the local market against larger corporations and e-commerce.	The strategic direction point 1 in Clause 02.03-1 Activity centres is to "promote Eltham and Diamond Creek Major Activity Centres as the main commercial and community activity areas of the Shire, supported by Neighbourhood Activity Centres, small local convenience centres, rural townships, and rural stores". This indicates that small business in Nillumbik are supported without excluding larger businesses, which generally rely on larger population catchments and central locations.	No change to draft MPS Clause 02.03-1 based on this submission.
2	Amend the third dot point of strategic directions to reflect the conservation focus of the Shire including the protection vegetation/tree canopy that is vital to the character and life of Eltham and other centres. E.g. "Facilitate increased diversity and amount of housing in the major activity centres that are sustainable and scaled to protect the vegetation and surrounding topography".	<p>The strategic direction point 2 for 'Climate change' under Clause 02.03-3 ('Environmental risks and amenity') is to <i>"Protect and enhance the tree canopy across Nillumbik"</i>.</p> <p>Additionally, the draft schedule to Clause 74.02 ('Further Strategic Work') includes to develop an urban tree canopy strategy, which would apply to urban areas in Eltham.</p>	No change to draft MPS Clause 02.03-1 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
3	<p>Eltham and Diamond Creek are adjacent to the train line and well serviced by transport modes. As such, these centres could accommodate much larger commercial and business areas and subsequently provide a greater variety of services so that residents do not have to travel to Greensborough and further afield. The Strategic Direction should seek to maximise on this advantage.</p>	<p>The strategic directions for 'Activity centres' under draft MPS Clause 02.03-1 ("Settlement and the Nillumbik Green Wedge") promote Eltham and Diamond Creek Major Activity Centres as the main commercial and community activity areas of the Shire and seek to facilitate an expansion in the range of commercial and community services available in the major activity centres.</p> <p>Strategic direction point 3 in Clause 02.03-6 'Housing' is to "facilitate the provision of affordable housing close to infrastructure and services".</p>	<p>No change to draft MPS Clause 02.03-1 based on this submission.</p>
4	<p>The Strategic Direction should seek to increase the industrial/commercial zones in the Shire to encourage more jobs for locals.</p>	<p>The strategic directions for 'Activity centres' under draft MPS Clause 02.03-1 ("Settlement and the Nillumbik Green Wedge") promote Eltham and Diamond Creek Major Activity Centres as the main commercial and community activity areas of the Shire and seek to facilitate an expansion in the range of commercial and community services in those centres.</p> <p>Draft MPS Clause 02.03-7 ('Economic development') states under the 'Business and employment' heading: "<i>The main employment locations, are the Eltham and Diamond Creek Major Activity Centres, Hurstbridge Neighbourhood Activity Centre and the industrial land at Research, which provide local employment opportunities</i>". This is also reflected</p>	<p>No change to draft MPS Clause 02.03-1 based on this submission.</p>

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>in the Strategic directions for 'Business and employment'.</p> <p>The text under the 'Industry' heading, which is also contained in Draft MPS Clause 02.03-7 ('Economic development'), indicates that any expansion of industry areas may be limited to the Bridge Street Business Area in the Eltham Major Activity Centre. Consequently, Nillumbik's existing industrial precincts in Eltham, Research and Diamond Creek, which are close to full capacity, should be retained for industrial uses and protected from the encroachment of other uses.</p>	
5	<p>Amend the third dot point of strategic directions to ensure housing is compatible with the character of the area and in identified locations that are close to infrastructure.</p>	<p>Already mentioned in MPS.</p> <p>The strategic directions in Clause 02.03-6 'Housing' state to</p> <ul style="list-style-type: none"> <li>- <i>"Facilitate the provision and diversification of housing to meet the projected increase in the number of smaller households and the ageing population, while respecting the neighbourhood character, protecting natural and heritage values and minimising environmental risk".</i></li> <li>- <i>"Facilitate medium density housing development that is compatible with the character of the area in identified locations that are close to infrastructure".</i></li> </ul> <p>The above directions should be addressed in a housing strategy, the development of which has already been recommended in Officer response to other submissions.</p>	<p>No change to draft MPS Clause 02.03-1 based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> <li>• Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to: <i>"Identify Nillumbik's housing needs in a housing strategy."</i></li> <li>• Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs through the development of a housing strategy.</li> </ul>



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No.	Key Sentiments	Officer Response	Recommended change to MPS
6	Council should be appropriately managing the issues outlined in strategic direction dot points 2 & 3 - not necessarily facilitating them. The word 'facilitate' should be replaced with 'manage'.	Language in the draft MPS is guided by the 'Practitioners Guide - Appendix 1', which states that verbs must be chosen carefully to achieve the intended outcome. Appendix 1 lists the word 'Facilitate' as an "Encouraging verb" that means <i>"to make easier or less difficult"</i> . The word "Manage" is listed as a 'Neutral verb' that means <i>"to take charge or care of; to handle, direct, govern or control in action or use"</i> . The explanations above suggest that facilitating is less intrusive or overbearing than managing and would help guide decisions by others rather than imply Council's direct involvement in the decision-making. Consequently, the word "Facilitate" appears to be more appropriate.	No change to draft MPS Clause 02.03-1 based on this submission.
7	There is limited reference in this Strategic Direction to maintaining vegetation and tree canopies in Activity Centres.	The strategic direction point 2 for 'Climate change' under Clause 02.03-3 ('Environmental risks and amenity') is to "protect and enhance the tree canopy across Nillumbik".  Additionally, the draft schedule to draft Clause 74.02 ('Further Strategic Work') includes to develop an urban tree canopy strategy, which would include the activity centres.	No change to draft MPS Clause 02.03-1 based on this submission.
8	Under the The Eltham Major Activity Centre section within the Strategic Direction, add the following phrase after the words 'housing opportunities', "...that are sustainable and scaled to protect the vegetation, tree canopies and	The strategic direction point 2 for 'Climate change' under Clause 02.03-3 ('Environmental risks and amenity') is to "protect and enhance the tree canopy across Nillumbik".  Additionally, the draft schedule to draft Clause 74.02 ('Further Strategic Work') includes to develop an urban tree canopy strategy, which would include the activity centres. The strategic	No change to draft MPS Clause 02.03-1 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
	surrounding topography as well as containing a substantial public transport hub."	direction point 2 in Clause 02.03-8 Transport is to "incorporate greater links between land use planning and transport, especially in relation to activity centres and the public transport network".	
9	At the end of the third paragraph,suggest adding the following words after 'medium density housing', "...that is sustainable and scaled to protect the vegetation and surrounding topography".	The strategic direction point 2 in Clause 02.03-3 Climate change is to "protect and enhance the tree canopy across Nillumbik". Tree canopy protection is across the whole of Nillumbik, including the activity centres.  Additionally, the draft schedule to Clause 74.02 ('Further Strategic Work') includes to develop an urban tree canopy strategy, which would apply to urban areas in Eltham.	No change to draft MPS Clause 02.03-1 based on this submission.
10	The Strategic Direction is generally fair and appropriate.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
11	The Strategic Direction provides a good summary of the broad uses and offerings of the Eltham and Diamond Creek Major Activity Centres.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
12	In view of the fact that significant population increase is not envisaged in Nillumbik, why would there need to be an expansion in the range of commercial services?	Expanding the range of commercial services is not only for meeting population growth. It is also for supporting local businesses, providing more job opportunities, improving residents' well-being and attracting more people to Nillumbik.	No change to draft MPS Clause 02.03-1 based on this submission.
13	Amend the phrasing of the third strategic direction dot point to place more emphasis on regulating and limiting development; specifically, ensuring residential development in the Major Activity Centres is in keeping to a low-medium to medium scale and density. Many residents are	The strategic direction point 2 in Clause 02.03-6 Housing is to " <i>Facilitate medium density housing development that is compatible with the character of the area in identified locations that are close to infrastructure</i> ". Residential densities in the major activity centres will be guided by the following design guidelines:	No change to draft MPS Clause 02.03-1 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
	<p>concerned with the impacts higher density forms of residential developments will have on the character of the area including building heights, loss of established trees and backyard spaces as well as increased traffic issues on local street e.g. on-street parking.</p>	<ul style="list-style-type: none"> <li>- The strategic direction point 3 for 'Activity centres' in Clause 02.03-1 ('Settlement and the Nillumbik Green Wedge') is to "<i>Facilitate increased diversity and amount of housing in the major activity centres that are sustainable and scaled to respect the surrounding topography</i>".</li> <li>- Schedule 1 to Clause 37.08 'Activity Centre Zone' specifies discretionary building heights of between four to five storeys for 'Eltham Activity Centre' and Schedule 2 specifies a discretionary building height of four storeys for 'Diamond Creek Activity Centre'. These heights are not excessive for major activity centres.</li> <li>- Schedules 1 and 2 to Clause 37.08 'Activity Centre Zone' also specify that third storeys and above must be set back 3 m from the first floor frontage, which will help to reduce visual bulk.</li> </ul> <p>The development of structure plans for the major activity centres will address landscaping and car parking, and an urban tree canopy strategy, which is listed as further work in the draft Schedule to Clause 74.02, will help to further address the loss of established trees.</p>	
14	<p>Reference to "limit" residential development are unclear. What does that mean ?</p>	<p>There is no reference to 'limit residential development' in Draft Clause 02.03-1 under the 'Activity centre' heading. The word 'limit' is only</p>	<p>No change to draft MPS Clause 02.03-1 based on this submission.</p>

No.	Key Sentiments	Officer Response	Recommended change to MPS
		found within " <i>limited bus services</i> " for Diamond Creek Major Activity Centre.	
15	Support the premise that the MAC's are the focus of community life.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
16	If Nillumbik is to continue providing for existing residents as well as provide for new and younger residents families, greater emphasis needs to be placed on attracting quality venues e.g. restaurants and staple retailers such as butchers. There is a need for greater competition amongst retailers to improve the level of choice and quality of product currently available in Nillumbik's townships.	The strategic direction point 2 for 'Activity centres' under draft MPS Clause 02.03-1 is to " <i>Facilitate an expansion in the range of commercial and community services available in the major activity centres, including those that cater for a local/regional clientele</i> ". An expansion in the range of commercial and community services available in the major activity centres can support and attract more quality venues.	No change to draft MPS Clause 02.03-1 based on this submission.
<b>Clause 02.03-1 Eltham Gateway</b>			
1	The entrance to the Eltham Gateway (the area to the west of the Diamond Creek) must also be recognised, enhanced and protected. The local community has continued to, and repeatedly demonstrated their affection for this area (particularly during the road upgrades on Fitzsimons Lane) as it gave locals the sense of slowing down, being out of the built environment and a strong sense of community i.e. a distinct home-coming and change of pace and environment to other parts of Melbourne. Suggest adding additional strategic direction dot point, as follows, "Protect and enhance the valued scale of the roadway and bridge that	The Eltham Gateway is currently identified in the Nillumbik Planning Scheme by Schedule 1 to the Design and Development Overlay (DDO1), which extends north along Main Road, Eltham in four distinct segments from Fitzsimons Lane in the south up to the Activity Centre Zone (Schedule 1) that identifies Eltham Activity Centre. The DDO1 segments are applied to the General and Low Density Residential Zones portions and Mixed Use Zone abutting Main Road and interrupted by reserves and the Eltham Primary School in public zoning. The Strategic direction to " <i>Protect and enhance</i>	No change to draft MPS Clause 02.03-1 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
	contribute to a distinct feeling of transition and home coming."	<i>the cultural and landscape significance of the Eltham Gateway</i> " provides broad direction for this area that would be supported by further strategic work for gateways, as identified in the draft Schedule to Clause 74.02 ('Further Strategic Work').	
2	There is reference to 'World War' in the Strategic Direction. As there has been more than one World War, which one is being referenced?	According to the avenues of honour website ( <a href="https://avenuesofhonour.org/suburb/eltham/">https://avenuesofhonour.org/suburb/eltham/</a> ), the Eltham Avenue of Honour in Main Road, Eltham was established by 1919 to commemorate WW1. Since there have been two world wars, the request to identify the relevant war in the third paragraph under 'Eltham Gateway' heading in Clause 02.03-1 ('Settlement and the Nillumbik Green Wedge') is both, logical, and reasonable.	<ul style="list-style-type: none"> <li>Replace the words '<i>the World War</i>' with '<i>World War One</i>' in the third paragraph under 'Eltham Gateway' heading in Clause 02.03-1.</li> </ul>
3	Support that the Gateway provides services to the local community.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
4	Amend the third paragraph to read, "The Gateway contains a range of historic buildings that influence the architecture and reflect the local history of the area and an avenue of trees <b>that commemorates World War One</b> ". The statement needs to specify which World War and what is being commemorated.	According to the avenues of honour website ( <a href="https://avenuesofhonour.org/suburb/eltham/">https://avenuesofhonour.org/suburb/eltham/</a> ), the Eltham Avenue of Honour in Main Road, Eltham was established by 1919 to commemorate WW1. Since there have been two world wars, the request to identify the relevant war in the third paragraph under 'Eltham Gateway' heading in Clause 02.03-1 ('Settlement and the Nillumbik Green Wedge') is both, logical, and reasonable.	<ul style="list-style-type: none"> <li>Replace the words '<i>the World War</i>' with '<i>World War One</i>' in the third paragraph under 'Eltham Gateway' heading in Clause 02.03-1.</li> </ul>

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No.	Key Sentiments	Officer Response	Recommended change to MPS
5	The Strategic Direction provides a good summary of the mix of uses of land in the Eltham Gateway.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
6	The Strategic Direction should <b>ensure Main Road is not widened</b> in order to retain the 'coming-home'/sense of calming feeling as compared with other areas that have multi-lane major roads.	Main Road is not a Council road. The Transport Zone applied to Main Road is identified as TRZ2, which is part of the Principal road network and under the jurisdiction of Transport for Victoria. Consequently, it is beyond the scope of the MPS to specify that Main Road should not be widened. However, the MPS directions for the Eltham Gateway would apply to development within the residential and mixed use zones and the DDO1 areas that abut TRZ2.	No change to draft MPS Clause 02.03-1 based on this submission.
7	The Strategic Direction is well worded and emphasizes the 'green' and 'rural' nature of Eltham and Nillumbik as a whole.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
8	Support the wording, "provides a transition from the urbanity of the suburbs to the semi-rural character of Eltham." as it is fair and reflects a 'stepping down' from the busier, noisier suburbs to that of the more rural areas of Nillumbik.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
9	Support the mention of building developments keeping with the natural character and architecture of the Green Wedge.	Further strategic work for gateways, as identified in the draft Schedule to Clause 74.02 ('Further Strategic Work'), would support the broad direction for the Eltham Gateway to <i>"Protect and enhance the cultural and landscape significance of the Eltham Gateway"</i> .	No change to draft MPS Clause 02.03-1 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
10	Properties within Eltham Gateway must have their setbacks protected, incorporate timber into the building aesthetics/facade and contain moderate-sized trees/vegetation.	Further strategic work for gateways, as identified in the draft Schedule to Clause 74.02 ('Further Strategic Work'), would support the broad direction for the Eltham Gateway to <i>"Protect and enhance the cultural and landscape significance of the Eltham Gateway"</i> .	No change to draft MPS Clause 02.03-1 based on this submission.
11	The Gateway is not widely known within the community as there is no public signage denoting it. Therefore there is confusion over what is defined as the 'Eltham Gateway'.	The Eltham Gateway is currently identified in the Nillumbik Planning Scheme by Schedule 1 to the Design and Development Overlay (DDO1), which extends north along Main Road, Eltham in four distinct segments from Fitzsimons Lane in the south up to the Activity Centre Zone (Schedule 1) that identifies Eltham Activity Centre. The DDO1 segments are applied to the General and Low Density Residential Zones portions and Mixed Use Zone abutting Main Road and interrupted by reserves and the Eltham Primary School in public zoning. The Strategic direction to <i>"Protect and enhance the cultural and landscape significance of the Eltham Gateway"</i> provides broad direction for this area that would be supported by further strategic work for gateways, including signage controls, as identified in the draft Schedule to Clause 74.02 ('Further Strategic Work').	No change to draft MPS Clause 02.03-1 based on this submission.
12	Protection of the Eltham Gateway should be within reason to the point that it does not interfere with sensible development i.e. should	The draft MPS and existing planning controls for the Eltham Gateway, e.g. Schedule 1 to the Design and Development Overlay (DDO1) and	No change to draft MPS Clause 02.03-1 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
	not prevent all development from occurring in this area. The relevant local policy in the PPF contains statements that allow for reasonable development that is consistent with maintaining the character of the area.	local policy for Building design in Nillumbik (PPF Clause 15.01-2L-01), guide rather than prevent development within the gateway.	
13	Support the continued emphasis of small scale development along Main Road.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
14	Support strategies 'to protect and enhance the cultural and landscape significance of the Eltham Gateway.' The history, vegetation, landscape and neighbourhood character are of great significance and set the scene for Nillumbik, the Green Wedge Shire.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
<b>Clause 02.03-2 Protection of biodiversity</b>			
1	Strongly endorse the 3rd 4th and 5th strategic direction dot points.	Noted	No change to draft MPS Clause 02.03-2 based on this submission.
2	The statement of the first sentence is too passive. Amend the first sentence to state something that is more active and protective e.g. 'The Shire supports and protects extensive habitat'.	The second sentence and the Strategic directions for 'Protection of biodiversity' under draft MPS Clause 02.03-2 ('Environmental and landscape values') contain active words such as 'Protect' 'conserve', 'provide' and 'Facilitate'.	No change to draft MPS Clause 02.03-2 based on this submission.
3	The MPS makes ambiguous references to protecting the Shire's environmental qualities however the strategic directions relevant to achieving this only seem to afford protection to significant vegetation. The current policy position continues to drive excessive loss of	It is too restrictive if the council guarantees to protect all vegetation. Under Planning Practice Note PPN59 'The Role of Mandatory Provisions in Planning Schemes' (p1), a balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for	No change to draft MPS Clause 02.03-2 based on this submission.



No.	Key Sentiments	Officer Response	Recommended change to MPS
	<p>canopy trees which are generally used for fire wood and ongoing loss of important habitat for all fauna. Strategic direction dot points 1 &amp; 2 in particular only provide protection to areas of environmental significance and significant remnant vegetation however its not just these features which needs to be protected. Therefore suggest amending the these dot points to reflect the significance and protection of all biodiversity and native vegetation in the Shire.</p> <p>E.g. Point 1: "Protect and enhance the biodiversity of Nillumbik" (not merely areas of "environmental significance").</p> <p>Point 2: "Protect and enhance all remnant vegetation, including along roadsides in urban areas" (remove "significant").</p>	<p>flexibility in achieving the objective. A local planning policy is not a control. Local planning policies have a defined role to guide the exercise of discretion created by a zone, overlay or particular provision. Local planning policy cannot remove the discretion under the relevant planning control that triggers its consideration. Mandatory requirements cannot be included in local planning policy as to do so would remove the very discretion created by the planning provision. Hence mandatory requirements must be in a zone or overlay.</p> <p>The draft Schedule to Clause 74.02 ('Further Strategic Work') identifies the following work that would help further protect vegetation and biodiversity in Nillumbik Shire:</p> <ul style="list-style-type: none"> <li>- <i>"Review environmental sites, threatened vegetation communities and species and habitat links."</i></li> <li>- <i>"Review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire."</i></li> <li>- <i>"Develop an urban tree canopy strategy in consideration of initiatives of State government planning policy, including initiatives from the Cooling and Greening Reforms (Plan Melbourne 2050 action)."</i></li> </ul>	

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
4	<p>1)What makes an area significant or not?</p> <p>2)Who makes the decision about these significant areas?</p> <p>3) Why aren't we protecting all that we have left?</p>	<p>1) The areas of environmental significance are identified as Environmental Significance Overlay (ESO) (Clause 42.01) in the planning scheme. The ESO identified areas where the development of land may be affected by environmental constraints, including sites of faunal and habitat significance, plenty river environs and waterways (refer to Clause 42.01 Environmental significance overlay (schedule 1, 3, 4). The statement of environmental significance under Clause 42.01 of Schedule 1, 3, and 4 explains what makes these areas significant.</p> <p>2) Local, State and Federal Governments make the decisions to identify and protect environmental areas based on scientific advice and guided by legislation, e.g. Victorian <i>Fauna and Flora Guarantee Act 1988</i> ('the FFG Act') and the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> ('the EPBC Act').</p> <p>3) It is too restrictive if the council guarantee to protect all vegetation. Under PPN59 (p1), a balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for flexibility in achieving the objective. A local planning policy is not a control. Local planning policies have a defined role to guide the exercise of discretion created by a zone, overlay or particular provision. Local planning policy cannot remove the discretion</p>	<p>No change to draft MPS Clause 02.03-2 based on this submission.</p>

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>under the relevant planning control that triggers its consideration. Mandatory requirements cannot be included in local planning policy as to do so would remove the very discretion created by the planning provision. Hence mandatory requirements must be in a zone or overlay.</p> <p>be in a zone or overlay.</p> <p>The draft Schedule to Clause 74.02 ('Further Strategic Work') identifies the following work that would help further protect vegetation and biodiversity in Nillumbik Shire:</p> <ul style="list-style-type: none"> <li>- <i>"Review environmental sites, threatened vegetation communities and species and habitat links."</i></li> <li>- <i>"Review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire."</i></li> <li>- <i>"Develop an urban tree canopy strategy in consideration of initiatives of State government planning policy, including initiatives from the Cooling and Greening Reforms (Plan Melbourne 2050 action)."</i></li> </ul>	
5	<p>In alignment to Plan Melbourne 2017-2050, include a new additional strategic direction dot point to ensure Nillumbik recognises the need to "Maintain and enhance the diversity of indigenous flora and fauna habitats and species,</p>	<p>The Planning Policy Framework (PPF) in the Nillumbik Planning Scheme aligns with Plan Melbourne and should not be replicated in the MPS. The latter provides high level and broad strategic direction for Nillumbik's planning and</p>	<p>No change to draft MPS Clause 02.03-2 based on this submission.</p>

No.	Key Sentiments	Officer Response	Recommended change to MPS
	and achieve a net gain in the quantity and quality of native vegetation".	<p>links to the Schedule to Clause 74.02 that identifies further strategic work that needs to be undertaken within the municipality.</p> <p>Net gain in vegetation clearance is generally governed by Clause 52.17 of the Particular Provisions in the Nillumbik Planning Scheme and involves applying the principles of 'avoid', 'minimise' and 'offset'.</p> <p>The draft Schedule to Clause 74.02 ('Further Strategic Work') identifies the following work that would help further protect vegetation and biodiversity in Nillumbik Shire:</p> <ul style="list-style-type: none"> <li>- <i>"Review environmental sites, threatened vegetation communities and species and habitat links."</i></li> <li>- <i>"Review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire."</i></li> <li>- <i>"Develop an urban tree canopy strategy in consideration of initiatives of State government planning policy, including initiatives from the Cooling and Greening Reforms (Plan Melbourne 2050 action)."</i></li> </ul>	
6	1)There are large rural conservation areas that have no environmental, vegetation or landscape overlay controls where there has been a continual loss of unregulated tree removal, loss of canopy cover and habitat - particularly due to bushfire exemptions under the BMO/BPA.	1) & 2) The draft Schedule to Clause 74.02 ('Further Strategic Work') identifies the following work that would help further protect vegetation and biodiversity in Nillumbik Shire:	No change to draft MPS Clause 02.03-2 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	<p>The Strategic Direction does not provide protection or conservation for tree canopy, mid and lower level storey vegetation, flora and faunal habitat or the general biodiversity of these areas. 2) The Strategic Direction must mention the need to update/refresh/review the Environmental Significance Overlay (ESO) controls in the Planning Scheme. Further to this, are the identified areas still relevant? Are ESOs needed to protect other areas? Are they needed to extend protection to new areas which have identified values?</p>	<ul style="list-style-type: none"> <li>- <i>“Review environmental sites, threatened vegetation communities and species and habitat links.”</i></li> <li>- <i>“Review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire.”</i></li> <li>- <i>“Develop an urban tree canopy strategy in consideration of initiatives of State government planning policy, including initiatives from the Cooling and Greening Reforms (Plan Melbourne 2050 action).”</i></li> </ul>	
7	<p>The single heading 'Protection of Biodiversity' is too prescriptive. There is a broader discussion to be had under Environmental Landscapes and Values than this existing title encourages.</p>	<p>The protection of biodiversity under draft MPS Clause 02.03-2 the 'Environmental and landscapes values' also includes 'Waterways and water bodies' and 'Landscapes'.</p>	<p>No change to draft MPS Clause 02.03-2 based on this submission.</p>
8	<p>In better protecting biodiversity, there is a need to acknowledge the existence of rural activity in the Green Wedge and the importance of the existing cultivated land that much of this activity depends upon to take place to help manage biodiversity i.e. land management practices.</p>	<p>Rural activity is acknowledged in the Green Wedge is acknowledged in draft MPS Clause 02.03-4 'Natural resource management' under 'Agriculture', which states <i>“Small agricultural enterprises are prevalent in many rural areas of the Shire”</i>. The Strategic directions under this clause include to:</p> <ul style="list-style-type: none"> <li>▪ <i>“Protect and enhance agricultural land for its productive potential and environmental value.</i></li> <li>▪ <i>Retain existing agricultural land for soil based agricultural production.</i></li> </ul>	<p>No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> <li>• Amend last paragraph for Agriculture (draft MPS Clause 02-03-4) to remove <i>“such as permaculture and aquaponics”</i> and add a sentence as follows: <i>“Refer to Strategic framework plans at Clause 02.04-5 identifying indicative land suitability.”</i></li> </ul>

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<ul style="list-style-type: none"> <li>▪ <i>Promote land use in rural areas in accordance with the capability and productive potential of the land.</i></li> <li>▪ <i>Promote sustainable agriculture, and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Amend 4<sup>th</sup> dot point of Strategic directions for Agriculture (draft MPS Clause 02-03-4) to add reference to food security as follows:  <i>“Promote sustainable and regenerative agriculture that preserves and enhances food security, and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment.”</i></li> <li>• Add the land suitability maps for citrus, wine grapes, apples, and raspberries from the ‘Future of Agriculture in Nillumbik’ (FOAN) report following the (updated) four maps in draft MPS Clause 02.04.</li> </ul>
9	<p>The Green Wedge environment doesn't just comprise of vegetated areas/native plants and animals (important as they are). It also includes all living things as they interrelate with the landscape and its biodiversity incorporates a variety of species outside the UGB.</p>	<p>As above, and...</p> <p>The Future of Agriculture in Nillumbik 2022 report identifies the geology of the area is primarily Silurian (Page 6). The Agricultural Suitability Maps offer insight into the agricultural potential of the Nillumbik landscape. The maps for citrus, wine grapes, apples and raspberry have been recommended for inclusion under draft MPS Clause 02.04. These plans should also be referred to in the text for ‘Agriculture’ under draft MPS Clause 02.03-4.</p> <p>The FOAN report emphasises the need to protect and enhance food security, both locally, and for a wider population. This could be inserted in the strategic direction to promote sustainable and regenerative agriculture to help highlight its importance.</p>	<p>No change to draft MPS ‘Context’ (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> <li>• Amend last paragraph for Agriculture (draft MPS Clause 02-03-4) to remove “<i>such as permaculture and aquaponics</i>” and add a sentence as follows:  <i>“Refer to Strategic framework plans at Clause 02.04-5 identifying indicative land suitability.”</i></li> <li>• Amend 4<sup>th</sup> dot point of Strategic directions for Agriculture (draft MPS Clause 02-03-4) to add reference to food security as follows:  <i>“Promote sustainable and regenerative agriculture that preserves and enhances food security, and land management practices that minimise adverse impacts on the primary</i></li> </ul>

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			<p><i>production and environmental values of surrounding land and the catchment.”</i></p> <ul style="list-style-type: none"> <li>• Add the land suitability maps for citrus, wine grapes, apples, and raspberries from the ‘Future of Agriculture in Nillumbik’ (FOAN) report following the (updated) four maps in draft MPS Clause 02.04.</li> </ul>
10	<p>Existing grazing land and treed pastures are necessary and important for popular rural uses such as the keeping of animals, providing for compatible agriculture, the preservation of biodiversity, defendable fire breaks and the rural scenic amenity, landscapes and vistas that locals and visitors value and seek to enjoy.</p>	<p>These issues are mainly addressed in other parts of the draft MPS, e.g. ‘Landscapes’ under 02.03-2 ‘Environmental and landscape values’ and ‘Agriculture’ under 02.03-4 ‘Natural resource management’.</p> <p>The Future of Agriculture in Nillumbik 2022 report identifies the geology of the area is primarily Silurian (Page 6). The Agricultural Suitability Maps offer insight into the agricultural potential of the Nillumbik landscape. The maps for citrus, wine grapes, apples and raspberry have been recommended for inclusion under draft MPS Clause 02.04. These plans should also be referred to in the text for ‘Agriculture’ under draft MPS Clause 02.03-4.</p> <p>The FOAN report emphasises the need to protect and enhance food security, both locally, and for a wider population. This could be inserted in the strategic direction to promote sustainable and regenerative agriculture to help highlight its importance.</p>	<p>No change to draft MPS ‘Context’ (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> <li>• Amend last paragraph for Agriculture (draft MPS Clause 02-03-4) to remove “<i>such as permaculture and aquaponics</i>” and add a sentence as follows:  <i>“Refer to Strategic framework plans at Clause 02.04-5 identifying indicative land suitability.”</i></li> <li>• Amend 4<sup>th</sup> dot point of Strategic directions for Agriculture (draft MPS Clause 02-03-4) to add reference to food security as follows:  <i>“Promote sustainable and regenerative agriculture that preserves and enhances food security, and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment.”</i></li> <li>• Add the land suitability maps for citrus, wine grapes, apples, and raspberries from the ‘Future of Agriculture in Nillumbik’ (FOAN) report following the (updated) four maps in draft MPS Clause 02.04.</li> </ul>

No.	Key Sentiments	Officer Response	Recommended change to MPS
11	<p>There would be no agriculture in the Shire without the preservation of existing, cleared land. Paragraph 1 should acknowledge the importance of preserving existing, productive grazing land that supports rural living and activity.</p>	<p>These issues are mainly addressed in other parts of the draft MPS, e.g. 'Landscapes' under 02.03-2 'Environmental and landscape values' and 'Agriculture' under 02.03-4 'Natural resource management'.</p> <p>The Future of Agriculture in Nillumbik 2022 report identifies the geology of the area is primarily Silurian (Page 6). The Agricultural Suitability Maps offer insight into the agricultural potential of the Nillumbik landscape. The maps for citrus, wine grapes, apples and raspberry have been recommended for inclusion under draft MPS Clause 02.04. These plans should also be referred to in the text for 'Agriculture' under draft MPS Clause 02.03-4.</p> <p>The FOAN report emphasises the need to protect and enhance food security, both locally, and for a wider population. This could be inserted in the strategic direction to promote sustainable and regenerative agriculture to help highlight its importance.</p>	<p>No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> <li>Amend last paragraph for Agriculture (draft MPS Clause 02-03-4) to remove "<i>such as permaculture and aquaponics</i>" and add a sentence as follows:  <i>"Refer to Strategic framework plans at Clause 02.04-5 identifying indicative land suitability."</i></li> <li>Amend 4<sup>th</sup> dot point of Strategic directions for Agriculture (draft MPS Clause 02-03-4) to add reference to food security as follows:  <i>"Promote sustainable and regenerative agriculture that preserves and enhances food security, and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment."</i></li> <li>Add the land suitability maps for citrus, wine grapes, apples, and raspberries from the 'Future of Agriculture in Nillumbik' (FOAN) report following the (updated) four maps in draft MPS Clause 02.04.</li> </ul>
12	<p>There should be some recognition in the second Paragraph that roadsides are also important for the provision of safe off-road shared trails which can and do co-exist harmoniously with conservation purposes in the natural environment</p>	<p>Clause 02.03-8 Transport in MPS states, "in rural areas there are a number of horse riding, walking and mountain-bike trails. The emphasis is towards developing key regional and district recreational areas, enhancing and developing open space within townships and settlements, protecting native flora and fauna as well as developing a comprehensive regional based trail</p>	<p>No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> <li>Update the four maps in draft MPS Clause 02.04 to show boundaries between municipalities that abut Nillumbik Shire, including Open space and recreational</li> </ul>



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		<p>network". The strategic direction point 3 and 4 in Clause 02.03-8 Transport are to "facilitate development that improves connectivity and accessibility, particularly for pedestrians and cyclists, within and between activity centres, public transport stations and the wider region and facilitate safe and efficient roads and road links within the municipality and to the wider region that cater for all users".</p>	<p>facilities plan at Clause 02.04-3 to also update trails.</p> <ul style="list-style-type: none"> <li>• Add the land suitability maps for citrus, wine grapes, apples, and raspberries from the 'Future of Agriculture in Nillumbik' (FOAN) report following the (updated) four maps in draft MPS Clause 02.04.</li> </ul>
13	<p>Amend strategic direction dot point 5 to read: "Protect and enhance the environmental, landscape and habitat values of roadside vegetation in the shire, balancing the provision for off-road, shared trails where necessary."</p>	<p>This Clause focuses on the topic - protection of biodiversity. "Provision for off-road, shared trails" should be included in the topic - Transport.</p> <p>The strategic direction point 3 and 4 in Clause 02.03-8 Transport are to "facilitate development that improves connectivity and accessibility, particularly for pedestrians and cyclists, within and between activity centres, public transport stations and the wider region and facilitates safe and efficient roads and road links within the municipality and to the wider region that cater for all users".</p> <p>A recommendation has already been made to update the trails shown in the map at MPS Clause 02.04-3 along with the update of other maps.</p>	<p>No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p> <ul style="list-style-type: none"> <li>• Update the four maps in draft MPS Clause 02.04 to show boundaries between municipalities that abut Nillumbik Shire, including Open space and recreational facilities plan at Clause 02.04-3 to also update trails.</li> <li>• Add the land suitability maps for citrus, wine grapes, apples and raspberries from the 'Future of Agriculture in Nillumbik' (FOAN) report following the (updated) four maps in draft MPS Clause 02.04.</li> </ul>
14	<p>Include an additional strategic direction dot point which states, "Preserve existing productive</p>	<p>These issues are mainly addressed in other parts of the draft MPS, e.g. 'Landscapes' under 02.03-2 'Environmental and landscape values'</p>	<p>No change to draft MPS 'Context' (02.01) based on this submission; however changes to subsequent draft MPS clauses are recommended as follows:</p>

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	grazing land that supports rural living and activity”.	<p>and ‘Agriculture’ under 02.03-4 ‘Natural resource management’.</p> <p>The Future of Agriculture in Nillumbik 2022 report identifies the geology of the area is primarily Silurian (Page 6). The Agricultural Suitability Maps offer insight into the agricultural potential of the Nillumbik landscape. The maps for citrus, wine grapes, apples and raspberry have been recommended for inclusion under draft MPS Clause 02.04. These plans should also be referred to in the text for ‘Agriculture’ under draft MPS Clause 02.03-4.</p> <p>The FOAN report emphasises the need to protect and enhance food security, both locally, and for a wider population. This could be inserted in the strategic direction to promote sustainable and regenerative agriculture to help highlight its importance.</p>	<ul style="list-style-type: none"> <li>Amend last paragraph for Agriculture (draft MPS Clause 02-03-4) to remove “<i>such as permaculture and aquaponics</i>” and add a sentence as follows:  <i>“Refer to Strategic framework plans at Clause 02.04-5 identifying indicative land suitability.”</i></li> <li>Amend 4<sup>th</sup> dot point of Strategic directions for Agriculture (draft MPS Clause 02-03-4) to add reference to food security as follows:  <i>“Promote sustainable and regenerative agriculture that preserves and enhances food security, and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment.”</i></li> <li>Add the land suitability maps for citrus, wine grapes, apples, and raspberries from the ‘Future of Agriculture in Nillumbik’ (FOAN) report following the (updated) four maps in draft MPS Clause 02.04.</li> </ul>
15	The Strategic Direction must include the words 'actively protect biodiversity values', to ensure that Council has capacity to actively fund biodiversity education, restoration projects and the management of threatening processes.	All these strategic directions in Clause 02.03-2 Protection of biodiversity are for protecting and enhancing the biodiversity of Nillumbik. As the MPS is a high-level policy, detailed actions like funding biodiversity education, etc., won't be shown in MPS.	No change to draft MPS Clause 02.03-2 based on this submission.
16	Strongly support 'protection of biodiversity' being the first point under this section.	Noted	No change to draft MPS Clause 02.03-2 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
17	Support the acknowledgement of the threats that exist to biodiversity in the Shire.	Noted	No change to draft MPS Clause 02.03-2 based on this submission.
18	In the third line of the first paragraph, amend 'climate change' to 'the climate emergency' to accurately reflect Council's adopted position.	The use of the term 'climate change' is appropriate due to its usage in Council's adopted Climate Action Plan, which defines the term "climate change" as a change in the pattern of weather (e.g. temperature, wind and rainfall), and the related changes on land and in oceans, occurring over time (page 44). Conversely, the Climate Action Plan does not define the term 'climate emergency'. The Climate Action Plan (on page 9) referred to climate change as a threatening process in the shire, which is why the statement in the first paragraph of the existing MPS regarding threatening processes was modified to include climate change in the Phase 3 exhibited version of the draft MPS.	No change to draft MPS Clause 02.03-2 based on this submission; however changes to other draft MPS clauses are recommended as follows: <ul style="list-style-type: none"> <li>• Add sentence to draft MPS Clause 01.01 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032:  <i>"As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."</i></li> </ul>
19	The references to the importance of roadside vegetation is essential in helping to maintain habitat and biodiversity, and that in the face of land clearing and urban expansion, roadsides throughout the Shire are the only areas where relatively intact indigenous vegetation still remains. Roadside vegetation is also vital for providing wildlife with movement corridors.	Clause 02.03-2 Protection of Biodiversity has already mentioned that "roadside vegetation provides wildlife with movement corridors between larger areas of habitat and can be the remaining refuge for many native floral and faunal species" in the second paragraph. Therefore, no further action is needed.	No change to draft MPS Clause 02.03-2 based on this submission.
20	The last strategic direction dot point does not seem to be currently applicable as relevant organisations in charge of managing and	As the MPS is a high level policy, detailed actions won't be shown in MPS. To support strategic direction point 5 in Clause 02.03-2	No change to draft MPS Clause 02.03-2 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	maintaining roadside vegetation do not adequately protect these areas. If protection cannot be included in the Planning Scheme or Council does not actively seek to implement protection measures/actions for these areas, then why include it in the MPS. The current direction doesn't hold much weight/meaning without implementable actions behind them.	Protection of biodiversity, council prepared Nillumbik Shire Council Roadside Management Plan 2012, Nillumbik Biodiversity Strategy 2012, Climate Action Plan 2022-2032, etc.	
21	The Strategic Direction does not provide protection for all remnant vegetation including canopy cover and habitat areas in residential areas, township areas or rural residential areas.	<p>It is too restrictive if the council guarantee to protect all vegetation. Under PPN59 (p1), a balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for flexibility in achieving the objective. A local planning policy is not a control. Local planning policies have a defined role to guide the exercise of discretion created by a zone, overlay or particular provision. Local planning policy cannot remove the discretion under the relevant planning control that triggers its consideration. Mandatory requirements cannot be included in local planning policy as to do so would remove the very discretion created by the planning provision. Hence mandatory requirements must be in a zone or overlay.</p> <p>The draft Schedule to Clause 74.02 ('Further Strategic Work') identifies the following work that would help further protect vegetation and biodiversity in Nillumbik Shire:</p>	No change to draft MPS Clause 02.03-2 based on this submission.

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<ul style="list-style-type: none"> <li>- <i>“Review environmental sites, threatened vegetation communities and species and habitat links.”</i></li> <li>- <i>“Review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire.”</i></li> <li>- <i>“Develop an urban tree canopy strategy in consideration of initiatives of State government planning policy, including initiatives from the Cooling and Greening Reforms (Plan Melbourne 2050 action).”</i></li> </ul>	
22	<p>The Strategic Direction must provide a clear and concise statement that seeks to maintain biodiversity through the protection of all remnant vegetation by applying an assessment process to the removal of all native vegetation on public and private land.</p>	<p>No current policy or strategy supports this. Under Clause 52.17-7 Native vegetation, not all removal, destruction or lopping of native vegetation need a permit. For instance, if native vegetation is to be removed, destroyed, or lopped in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access associated with emergency work, etc.</p> <p>It is too restrictive if the council guarantee to protect all vegetation. Under PPN59 (p1), a balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for flexibility in achieving the objective. A local planning policy is not a control. Local planning policies have a defined role to guide the exercise of discretion created by a zone, overlay or particular provision. Local planning policy cannot remove the discretion</p>	<p>No change to draft MPS Clause 02.03-2 based on this submission.</p>

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>under the relevant planning control that triggers its consideration. Mandatory requirements cannot be included in local planning policy as to do so would remove the very discretion created by the planning provision. Hence mandatory requirements must be in a zone or overlay.</p> <p>Assessment is through the provisions of Clause 5.17 'Native Vegetation' of the Nillumbik Planning Scheme and in accordance with the <i>Guidelines for the removal, destruction or lopping of native vegetation</i> (Department of Environment, Land, Water and Planning, 2017) (the Guidelines)</p> <p>The draft Schedule to Clause 74.02 ('Further Strategic Work') identifies the following work that would help further protect vegetation and biodiversity in Nillumbik Shire:</p> <ul style="list-style-type: none"> <li>- <i>"Review environmental sites, threatened vegetation communities and species and habitat links."</i></li> <li>- <i>"Review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire."</i></li> <li>- <i>"Develop an urban tree canopy strategy in consideration of initiatives of State government planning policy, including initiatives from the Cooling and Greening Reforms (Plan Melbourne 2050 action)."</i></li> </ul>	

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
23	The wording 'significant' must be removed from the Environmental Landscapes and Values statements and strategic directions and replaced with protection of all indigenous/native vegetation.	It is too restrictive if the council guarantees to protect all vegetation. Under Planning Practice Note PPN59 'The Role of Mandatory Provisions in Planning Schemes' (p1), a balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for flexibility in achieving the objective. A local planning policy is not a control. Local planning policies have a defined role to guide the exercise of discretion created by a zone, overlay or particular provision. Local planning policy cannot remove the discretion under the relevant planning control that triggers its consideration. Mandatory requirements cannot be included in local planning policy as to do so would remove the very discretion created by the planning provision. Hence mandatory requirements must be in a zone or overlay.	No change to draft MPS Clause 02.03-2 based on this submission.
24	The second strategic direction dot point 'protect and enhance significant remnant vegetation' must be changed to read 'protect and enhance all areas of remnant vegetation, in line with Clause 52.17'.	It is too restrictive if the council guarantee to protect all vegetation. Under Planning Practice Note PPN59 'The Role of Mandatory Provisions in Planning Schemes' (p1), a balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for flexibility in achieving the objective. A local planning policy is not a control. Local planning policies have a defined role to guide the exercise of discretion created by a zone, overlay or particular provision. Local planning policy cannot remove the discretion under the relevant	No change to draft MPS Clause 02.03-2 based on this submission.

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>planning control that triggers its consideration. Mandatory requirements cannot be included in local planning policy as to do so would remove the very discretion created by the planning provision. Hence mandatory requirements must be in a zone or overlay.</p> <p>Clause 52.17 does not prohibit native vegetation removal; however does apply the Principles of 'avoid', 'minimise' and 'offset' in accordance with the <i>Guidelines for the removal, destruction or lopping of native vegetation</i>.</p>	
25	Support the strategic direction regarding 'enhancing' vegetated and roadside areas. Hope this involves the further planting of vegetation within the corridors - particularly denser vegetation to encourage growth and areas for animal refuge.	Enhancing would involve some degree of revegetation and/or providing for regeneration of native vegetation.	No change to draft MPS Clause 02.03-1 based on this submission.
26	Overly 'cleaned' and 'neat' areas of vegetation provide less opportunities for natural growth of small plants and seeds, which results in thinned-out 'green' areas and less diverse vegetation. As such, an additional strategic direction or comment should be included that supports a balance between clearing of vegetation and undergrowth, with the need to allow natural dead-fall and nutrient-laden leaf and ground litter.	<p>This could be identified through further strategic work. The draft Schedule to Clause 74.02 ('Further Strategic Work') identifies the following work that would help further protect vegetation and biodiversity in Nillumbik Shire:</p> <ul style="list-style-type: none"> <li>- <i>"Review environmental sites, threatened vegetation communities and species and habitat links."</i></li> <li>- <i>"Review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire."</i></li> </ul>	No change to draft MPS Clause 02.03-1 based on this submission.



## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<ul style="list-style-type: none"> <li>- <i>“Develop an urban tree canopy strategy in consideration of initiatives of State government planning policy, including initiatives from the Cooling and Greening Reforms (Plan Melbourne 2050 action).”</i></li> </ul>	
27	<p>Nillumbik is at the frontier of the fight to encourage biodiversity. The impact of cats, foxes rabbits and indian minahs birds has to be stopped.</p>	<p>The draft Schedule to Clause 74.02 ('Further Strategic Work') identifies the following work that would help further protect vegetation and biodiversity in Nillumbik Shire:</p> <ul style="list-style-type: none"> <li>- <i>“Review environmental sites, threatened vegetation communities and species and habitat links.”</i></li> <li>- <i>“Review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire.”</i></li> <li>- <i>“Develop an urban tree canopy strategy in consideration of initiatives of State government planning policy, including initiatives from the Cooling and Greening Reforms (Plan Melbourne 2050 action).”</i></li> </ul> <p>Council's must prepare a Domestic Animal Management Plan under Section 68A of the <i>Domestic Animal Act 1994</i>. Council's Domestic Animal Management Plan 2021-2025 (p25) states <i>"To assist with addressing this need, Nillumbik Shire has a cat curfew established under s26 of the Act. The curfew requires cats</i></p>	<p>No change to draft MPS Clause 02.03-2 based on this submission.</p>

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p><i>to be confined to their owner's premises between 7:30pm and 6am, however cats found roaming the streets during the day (non-curfew hours) can still be trapped if a resident objects to the cat being on their property.</i></p> <p>Control or eradication of wild feral animals would most likely involve working in partnership with Landcare groups and the State Government, e.g. they are already involved in culling deer in Victoria's high country. These activities can and do occur outside of planning.</p>	
28	<p>The Strategic Direction does not go far enough from a regeneration/renewal perspective. The strategic directions frequently mention 'protect', which is supported, yet this sentiment could be stronger by stating 'protect and regenerate' or 'protect and provide renewal' in a consistent manner.</p>	<p>The word 'enhance' does not exclude 'regeneration'. The draft Schedule to Clause 74.02 ('Further Strategic Work') identifies the following work that would help further protect vegetation and biodiversity in Nillumbik Shire:</p> <ul style="list-style-type: none"> <li>- <i>"Review environmental sites, threatened vegetation communities and species and habitat links."</i></li> <li>- <i>"Review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire."</i></li> <li>- <i>"Develop an urban tree canopy strategy in consideration of initiatives of State government planning policy, including initiatives from the Cooling and Greening Reforms (Plan Melbourne 2050 action)."</i></li> </ul>	<p>No change to draft MPS Clause 02.03-2 based on this submission.</p>

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
29	Fauna and flora need further positive action - not just simply staing 'protect'. I.e create safer corridors for wildlife movement such as introducing more suspended tree-top bridges, providing under-road routes at particular key risk areas for native and or endangered fauna, regenerate habitats.	<p>The draft Schedule to Clause 74.02 ('Further Strategic Work') identifies the following work that would help further protect vegetation and biodiversity in Nillumbik Shire:</p> <ul style="list-style-type: none"> <li>- <i>"Review environmental sites, threatened vegetation communities and species and habitat links."</i></li> <li>- <i>"Review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire."</i></li> <li>- <i>"Develop an urban tree canopy strategy in consideration of initiatives of State government planning policy, including initiatives from the Cooling and Greening Reforms (Plan Melbourne 2050 action)."</i></li> </ul>	No change to draft MPS Clause 02.03-2 based on this submission.
30	The Strategic Direction should provide direction regarding domesticated animal management - particularly cats and active enforcement of curfews.	<p>Council's must prepare a Domestic Animal Management Plan under Section 68A of the <i>Domestic Animal Act 1994</i>. Council's Domestic Animal Management Plan 2021-2025 (p25) states <i>"To assist with addressing this need, Nillumbik Shire has a cat curfew established under s26 of the Act. The curfew requires cats to be confined to their owner's premises between 7:30pm and 6am, however cats found roaming the streets during the day (non-curfew hours) can still be trapped if a resident objects to the cat being on their property.</i></p>	No change to draft MPS Clause 02.03-2 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		Council also has an equine strategy, 'Equine in Nillumbik', which responds to the previous <i>Nillumbik Shire Council Plan 2017-2021</i> .	
31	Encourage a balanced approach to any residential development and the maintenance of biodiversity. Humans are also a part of the biodiversity.	<p>One of the strategies in Clause 16.01-1R is to "allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing". The strategic direction point 1 in Clause 02.03-6 Housing is to "<i>facilitate the provision and diversification of housing to meet the projected increase in the number of smaller households and the aging (ageing) population, while respecting the neighbourhood character, protecting natural and heritage values and minimising environmental risk</i>".</p> <p>Balancing rural activities with environmental protection in the Green Wedge is acknowledged in draft MPS Clause 02.03-4 'Natural resource management' under 'Agriculture', under which Strategic directions include to:</p> <ul style="list-style-type: none"> <li>▪ "<i>Protect and enhance agricultural land for its productive potential and environmental value.</i></li> <li>▪ <i>Retain existing agricultural land for soil based agricultural production.</i></li> <li>▪ <i>Promote land use in rural areas in accordance with the capability and productive potential of the land.</i></li> <li>▪ <i>Promote sustainable agriculture, and land management practices that minimise adverse impacts on the primary production</i></li> </ul>	No change to draft MPS Clause 02.03-2 based on this submission.

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<i>and environmental values of surrounding land and the catchment.</i>	
32	Support the ongoing protection of natural flora and fauna however this needs to be managed in a way as to not become over burdensome on housing development, or that unnecessarily adds to construction costs.	The draft MPS, and planning generally, support development and protection of biodiversity without elevating one issue above the other. This requires a balancing of issues in accordance with the Objectives of Planning under section 4 of the <i>Planning and Environment Act 1987</i> . Achieving the right balance is a challenge that all levels of government and all communities need to face together.	No change to draft MPS Clause 02.03-2 based on this submission.

### Clause 02.03-2 Waterways and water bodies

1	<p>The strategic directions are centred around the care and management of waterways (wetlands, rivers and tributaries). Therefore a process of monitoring water quality over time is crucial. Strategic directions point 1 should include a process of monitoring the quality of wetlands, floodplains and waterways where quality is subject to land use and development.</p> <p>Strategic directions point 2 should include a process of monitoring water quality and environmental flows as better land uses are encouraged. (Note: if no improvement in water quality occurs, then there should be additional measures implemented).</p> <p>Strategic directions point 4 should include a</p>	<p>Council's <i>Integrated Water Management Strategy 2013</i>, which is being updated, states the following on monitoring water quality:</p> <p><i>"Numerous sources of data were used to calculate the water balance for the Shire. This included rainfall monitoring station data, metered water use data, stream flow data, and GIS data to calculate catchment areas and percentage imperviousness. Catchment areas and imperviousness was used to model stormwater runoff data. Wastewater generation is calculated using an assumed percentage of indoor water use"</i> (section 3.1, p 20).</p> <p>An action for sustainable water management includes:</p> <p><i>"Utilise the existing Environment Coordination Group to establish a WSUD/IWM working group (including representatives from urban design,</i></p>	No change to draft MPS Clause 02.03-2 based on this submission.
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## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	process monitor impacts on the wider water catchment.	<p><i>engineering, environment, parks, major projects, leisure, recreation, transport, planning, GIS) to provide updates on the strategy, information, opportunities, monitoring and maintenance and ensure WSUD/IWM are mainstreamed into everyday practice."</i></p> <p>Melbourne Water also undertakes monitoring of water quality in the Port Phillip catchment, which includes Nillumbik Shire, and tracks the condition of Melbourne's rivers, creeks and wetlands. Catchment management is undertaken in accordance with the <i>Port Phillip &amp; Western Port Regional Catchment Strategy 2021 – 2027</i>.</p> <p>The draft MPS Strategic directions for 'Waterways and water bodies' under Clause 02.03-2 are consistent with the above strategies.</p>	
2	An addition strategic direction point must be included that <b>supports the measurment of water quality and is indicative of new contaminants/pollutants</b> . This process must transparent and have public participation.	See Officer response to submission No.1 on 'Waterways and water bodies' under draft MPS Clause 02.03-2.	No change to draft MPS Clause 02.03-2 based on this submission.
3	Greater emphasis is required within the Strategic Direction regarding the condition of wetalnds/water bodies and <b>biodiversity they support</b> .	See Officer response to submission No.1 on 'Waterways and water bodies' under draft MPS Clause 02.03-2.	No change to draft MPS Clause 02.03-2 based on this submission.
4	The second sentence in the first paragraph is not clear/does not make sense. Does it mean Nillumbik's waterways and riparian zones are highly valued for their environmental importance and what they offer the community more	The second sentence indicates the importance of waterways and water bodies to Nillumbik, which becomes clearer within the context of the entire paragraph.	No change to draft MPS Clause 02.03-2 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	broadly? This sentence must be removed or amended so that the sentiment is clearer.		
5	The condition of rivers and tributaries in the Shire must also include the condition of wetlands. E.g. suggest inclusion of wetlands in the last sentence of the first paragraph.	Protection of wetlands is addressed in the first Strategic direction for 'Waterways and water bodies' under draft MPS Clause 02.03-2.	No change to draft MPS Clause 02.03-2 based on this submission.
6	The importance of all waterways being crucial as biolinks/wildlife corridors/habitat links should not be understated and must be protected and extended. The Strategic Direction must strongly support this sentiment.	Wetlands, floodplains and waterways are all identified for protection in the first Strategic direction for 'Waterways and water bodies' under draft MPS Clause 02.03-2.	No change to draft MPS Clause 02.03-2 based on this submission.
7	The Strategic Direction provides a good summary of the land use practices that have adversely affected water and stormwater quality and quality of water in downstream areas.	Noted	No change to draft MPS Clause 02.03-2 based on this submission.
8	Reference to the decline in water quality in the second paragraph neglects to mention the impacts of septic waste or other effluent. The absence, age or incorrect working of non-reticulated waste disposal systems is one of the biggest contributors to decline in water quality in some areas. The environmental but also potential health impacts of waste disposal systems should be mentioned by this Strategic Direction and controlled by the Planning Scheme. (Note acknowledged that this has been referenced under Strategic Direction 02.03-3 - Flooding, soil degradation and bushfire but this sentiments should also but be mentioned under	Strategic direction for 'Waterways and water bodies' under draft MPS Clause 02.03-2 states to " <i>Protect wetlands, floodplains and waterways from land use and development that will cause disturbance and pollution</i> ", which includes pollution from septic waste or other effluent.	No change to draft MPS Clause 02.03-2 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	the Waterways & water bodies Strategic Direction.		
9	Support the wording and goals of all of the Strategic Directions.	Noted	No change to draft MPS Clause 02.03-1 based on this submission.
10	Water quality and vegetated riverbanks and waterways are of high importance to the State as a whole. Without practices that support leveling and vegetation of riverbanks, waterways will continue to erode and become steep gullies that enhance the speed of erosion and degradation of water quality.	Melbourne Water undertakes Port Phillip catchment management in accordance with the <i>Port Phillip &amp; Western Port Regional Catchment Strategy 2021 – 2027</i> . The draft MPS Strategic directions for ‘Waterways and water bodies’ under Clause 02.03-2 are consistent with the above strategy and with Council’s <i>Integrated Water Management Strategy 2013</i> , which is being updated.	No change to draft MPS Clause 02.03-1 based on this submission.
11	Need to protect the riparian zones.	Melbourne Water undertakes Port Phillip catchment management in accordance with the <i>Port Phillip &amp; Western Port Regional Catchment Strategy 2021 – 2027</i> , which includes riparian zones of waterways. The draft MPS Strategic directions for ‘Waterways and water bodies’ under Clause 02.03-2 are consistent with the above strategy, and with Council’s <i>Integrated Water Management Strategy 2013</i> , which is being updated.	No change to draft MPS Clause 02.03-1 based on this submission.
12	The protection of waterways is extremely important. The processes supporting property development need to be reviewed to ensure contaminants are not released into the water catchment i.e. Stanton Drive, Diamond Creek scenario - ensure there is no repeat of leaking arsenic into surrounding area.	Strategic direction point 4 in Clause 02.03-2 ‘Waterways and water bodies’ states to “ <i>Ensure land use and development avoids adverse impacts on the wider water catchment</i> ”.	No change to draft MPS Clause 02.03-1 based on this submission.



No.	Key Sentiments	Officer Response	Recommended change to MPS
Clause 02.03-2 Landscapes			
1	Strategic directions point 1 could be amended to include the application of Significant Landscape Overlays (SLOs) across the Shire - but particularly the rural areas. It's Nillumbik's rural areas which contain sweeping landscape vistas that are worth protection but also characterise the beauty and aesthetics of the whole Shire.	Both of the strategic directions for 'Landscapes' under draft MPS Clause 02.03-2 ('Environmental and landscape values') provide sufficient broad direction for Council to examine planning controls that would help to minimise adverse impacts and protect landscapes, which could include SLOs.	No change to draft MPS Clause 02.03-1 based on this submission.
2	Strategic direction point 2 - while the intent of the strategic direction is positive, the use of the word 'respectful' in siting and design of development in rural areas is considered vague. More specific identification regarding what 'respectful' means in this context is required. E.g. 'respectful' could be replaced by: "...in accordance with recognised principles of sustainable design, that protect the landscape'. This suggested revision would draw on the elements of recognised 'evidence based' good practice both domestically and internationally.	Under Practitioner's Guide to Victoria's Planning Schemes (Appendix 1), 'Respect' is listed as a Protective verb that means " <i>to treat with consideration; relate or have reference to</i> ". The term is frequently used in relation to neighbourhood character and landscapes and is included in examples under the Practitioner's Guide, e.g. " <i>To ensure development respects the scenic qualities of the Gumnut Ranges</i> " is an example of an objective that can be included in the MPS or Planning Policy Framework (PPF).	No change to draft MPS Clause 02.03-1 based on this submission.
3	An additional strategic direction point is needed that supports limitation on the overuse of night lighting, particularly outside the townships, to recognise the disruption to the nocturnal habitat and the need for natural darkness for these species to survive, breed, hunt etc. In particular, sporting spotlights being left on all night should be discouraged.	Note that the MPS is a high-level strategic document that guides more detailed actions that will be shown on and supported by a relevant action plan, structure plan, etc. MPS does not provide detail that local policy and other provisions within the planning scheme deal with such as the zones and overlays; rather it identifies key influences, issues, and objectives specific to the area governed by the planning scheme.	No change to draft MPS Clause 02.03-1 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		Action A2.16 in <i>Green Wedge Management Plan November 2019</i> : - “Consider, through development approvals and management of Council property, the limitation of light spill not directly associated with safety or community activity to reduce impacts on nocturnal animals and the night time amenity of the landscape”.	
4	Building envelopes for rural areas should be required whenever an application for a building is submitted.	Please notice that importantly the MPS is very high level – it does not provide detail that local policy and other provisions within the planning scheme deals with such as the zones and overlays; rather it identifies key influences, issues and objectives specific to the area governed by the planning scheme.	No change to draft MPS Clause 02.03-1 based on this submission.
5	In paragraph 3, native vegetation, water courses and undulating terrain are attributed as the main features contributing to the Shire's landscape identity. While agricultural land is mentioned, open grazing land and treed pastures interspersed throughout the Green Wedge is not mentioned as significantly contributing to the rural feel of the landscape. These attributes also need to be captured in such statements.	First paragraph under ‘Landscapes’ states: “ <i>landscape vistas are highly valued by the community and visitors</i> ” and third paragraph states: “ <i>rural areas provide vistas of agricultural land</i> ”, which includes grazing land and treed pastures.	No change to draft MPS Clause 02.03-1 based on this submission.
6	The statement, "Indigenous vegetation is predominant in landscapes throughout the Shire" is repetitious. A similar statement has been made within the same paragraph (Paragraph 3 - "Extensive areas of native vegetation, water courses and undulating terrain	Noted	No change to draft MPS Clause 02.03-1 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	are the main features that contribute to the landscape identity of the Shire").		
7	<p>The preservation of grazing land / open pasture country is just as important in the overall protection, sustainability and liveability of the Green Wedge as is the vegetated areas. Grazing land and open treed pastures contribute significantly to environmental open space, rural activity, the visual appeal, scenic beauty and rural 'country' feel of the Nillumbik Green Wedge. Without the existence of open pasture country, there would be very few of the much-lauded vistas for residents and visitors to enjoy. Therefore, the Strategic Direction should not only be seeking to, "Protect and enhance rural landscape character through vegetation retention...", but also preservation of grazing land and pastures.</p> <p>E.g. (as a separate strategic direction point)  "Preserve existing grazing land and treed pastures which contribute to agriculture, rural living and activity and the visual amenity of the Green Wedge".</p>	<p>First paragraph under 'Landscapes' states: <i>"landscape vistas are highly valued by the community and visitors"</i> and third paragraph states: <i>"rural areas provide vistas of agricultural land"</i>, which includes grazing land and open pasture country.</p>	<p>No change to draft MPS Clause 02.03-1 based on this submission.</p>
8	<p>Support that there is recognition of the compromise to integrity of the rural landscape due to poorly designed and sited structures which are placed on hilltops and along ridgelines.</p>	<p>Noted</p>	<p>No change to draft MPS Clause 02.03-2 based on this submission.</p>

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
9	Support minimal urban intrusion to protect the rural landscape.	Noted	No change to draft MPS Clause 02.03-2 based on this submission.
10	In the description of landscapes of the Shire, there is a strong emphasis on their value as being 'attractive for people to look at'. Whilst acknowledging this section is about landscapes from the context of their aesthetic appeal, it would also be appropriate for this section to recognise the need to keep these areas intact for the sake of biodiversity and to provide wildlife corridors and habitat links in addition to providing aesthetic qualities. This could potentially be added in Paragraph 1.	<p>Already mentioned in paragraph 1 in Clause 02.03-2 protection of biodiversity, <i>"The Shire contains extensive habitat links comprising of native vegetation and water courses. Given the large number of threatened native species and threatening processes occurring in the Shire, including climate change, planning needs to protect and conserve biodiversity, provide habitats for native flora and fauna, and control pest plants and animals."</i></p> <p>The first Strategic direction for 'Landscapes' states: <i>"Minimise adverse impacts of land use changes and development on the landscape"</i>, which also supports keeping rural landscapes intact for their biodiversity value.</p>	No change to draft MPS Clause 02.03-2 based on this submission.
11	The following threats should be included in the Paragraph 4 "inappropriate earthmoving, landscaping and formal or non-indigenous planting".	The Strategic directions under landscapes address adverse impacts on landscapes from land use and development, and encourage vegetation retention.	No change to draft MPS Clause 02.03-2 based on this submission.
12	The Strategic Direction needs to place more emphasis on the impacts of building heights on the landscape and subsequently controlling building height limits.	Under PPN59, A local planning policy is not a control. Local planning policies have a defined role to guide the exercise of discretion created by a zone, overlay or particular provision. Local planning policy cannot remove the discretion under the relevant planning control that triggers its consideration. Mandatory requirements cannot be included in local planning policy as to	No change to draft MPS Clause 02.03-2 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>do so would remove the very discretion created by the planning provision. Hence mandatory requirements must be in a zone or overlay.</p> <p>The Strategic directions for 'Landscape' include that siting and design of development should respect rural landscape character.</p>	
13	The statement withing Paragraph 4, "Threats include locating buildings on hill-tops and along ridge-lines to take advantage of distant views, the presence of multiple buildings and the use of reflective materials" is of importance to the Nillumbik community and subsequently supported in the MPS.	Noted	No change to draft MPS Clause 02.03-2 based on this submission.
14	Support the preservation of Nillumbik's unique landscapes.	Noted	No change to draft MPS Clause 02.03-2 based on this submission.
15	The Strategic Direction should support the increase of vegetation screens around and in developments.	<p>This issue is addressed in PPF policies under Clause 15.01 'Built Environment', including Clause 15.01-5L 'Neighbourhood character – Nillumbik' for development in residential zones and Clause 15.01-6S 'Design for rural areas'.</p> <p>Under the Practitioner's Guide (p23), a provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions.</p>	No change to draft MPS Clause 02.03-2 based on this submission.
16	The blanket statement about discouraging locating dwellings on hilltops will impede what could be reasonable and desirable residential dwellings. The statement should be further	Planning schemes throughout Victoria frequently discourage development on hill-tops due to their adverse impacts on the visual	No change to draft MPS Clause 02.03-2 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	clarified to ensure that hill-top buildings that do not pose a threat to landscapes or that can demonstrate that any impact caused by any new development can be appropriately mitigated by other measures / actions e.g. planting more trees. / retaining walls are considered ok.	amenity of landscapes or where it is important to respect neighbourhood character.	
17	Support ensuring new development does not detract from the natural beauty of local landscapes.	Noted	No change to draft MPS Clause 02.03-2 based on this submission.
18	The Strategic Direction does not provide enough proactive implementation actions.	Note that the MPS is a high-level strategic document that guides more detailed actions that can be addressed in specific strategies or structure plans that ultimately inform planning scheme provisions, e.g. the schedules in zones, overlays or particular provisions.	No change to draft MPS Clause 02.03-2 based on this submission.
19	The second strategic direction point should not just simply say 'protect & enhance', but also encourage active planting of trees in streetscapes and other places that may be suitable. This in turn has positive repercussions positively for the Energy and Climate Change sections of the MPS by having cooler streets and surrounds in the warmer months.	Protect and enhance are words that are commonly used in planning scheme policies and strategic directions and their usage is supported by the Practitioner's Guide to Victoria's Planning Schemes.	No change to draft MPS Clause 02.03-2 based on this submission.
<b>Clause 02.03-3 Climate change</b>			
1	The wording 'climate change' needs to be changed to 'climate emergency' (this includes the sub-clause heading). As Nillumbik Shire Council has now declared a climate emergency,	This has been addressed by the recommendations for draft MPS Clause 02.01 'Context'.	No change to draft MPS Clause 02.03-3 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	all Council documents need to use consistent language that reflects this declaration. Using such language also conveys more accurately the scientific reality of the accelerating climate crisis.		
2	Incorporate 'including humans' to the third threat dot point, so that it reads: "Consequences on the health of the natural environment, including humans	Human activity generally has consequences on the health of the natural environment.	No change to draft MPS Clause 02.03-3 based on this submission.
3	<p>The listing of negative climate change impacts could be reordered and reworded as follows to reflect the hierarchy of significance:</p> <ul style="list-style-type: none"> <li>· Consequences on the health of the natural environment, including humans</li> <li>· Water shortages and droughts.</li> <li>· Impacts on agriculture and land productivity.</li> <li>· Harsher fire weather and longer fire seasons.</li> <li>· More frequent and extreme heat waves, storms and flooding events.</li> <li>· Increase to the urban heat island effect.</li> </ul>	The negative impacts in this Clause are not listed in order of priority, nor is any priority implied in the listing order.	No change to draft MPS Clause 02.03-3 based on this submission.
4	Support that 'Climate Change' is listed first under the "Environmental Risks and Amenity" section of the MPS and is recognised as a threat to the Shire.	Noted	No change to draft MPS Clause 02.03-3 based on this submission.
5	Support the listing of adverse climate change impacts	Noted	No change to draft MPS Clause 02.03-3 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
6	Support the noting of Council's target of net zero emissions by 2035.	Noted	No change to draft MPS Clause 02.03-3 based on this submission.
7	This first sentence should emphasise that the climate emergency is the biggest threat to Nillumbik e.g: "The climate emergency is the biggest threat facing the future of Nillumbik Shire."	Climate emergency has been addressed by the recommendations for draft MPS Clause 02.01 'Context'.	No change to draft MPS Clause 02.03-3 based on this submission.
8	The fifth threat dot point, "More frequent and extreme heat waves, storms and flooding events" should be reordered as the second threat.	The negative impacts in this Clause are not listed in order of priority, nor is any priority implied in the listing order.	No change to draft MPS Clause 02.03-3 based on this submission.
9	Support the mention of 'urban heat island effect' and the impact it has on people and energy resources.	Noted	No change to draft MPS Clause 02.03-3 based on this submission.
10	Agree that climate change is significant risk for Nillumbik and that we collectively need to be living with zero emissions and foster community action.	Noted	No change to draft MPS Clause 02.03-3 based on this submission.
11	Support the encouragement of use and development mitigating and adapting to the impacts of climate change to minimise its negative impacts.	Noted	No change to draft MPS Clause 02.03-3 based on this submission.
12	Support maintaining canopy cover but should not prevent development where the replanting of similar indigenous vegetation can occur.	Noted	No change to draft MPS Clause 02.03-3 based on this submission.



No.	Key Sentiments	Officer Response	Recommended change to MPS
13	The Strategic Direction does not provide enough proactive implementation actions. E.g. encourage active planting of trees in streetscapes and other places that may be suitable.	The MPS provides broad strategic direction and does not provide detail that local policy and other provisions within the planning scheme address, e.g. in zones and overlays. The draft schedule to Clause 74.02 ('Further Strategic Work') includes to develop an urban tree canopy strategy.	No change to draft MPS Clause 02.03-3 based on this submission.
<b>Clause 02.03-3 Flooding, soil degradation and bushfire</b>			
1	The protection of habitat links is crucial throughout the Shire for biodiversity across all vegetation types. The sentence "In rural areas, the need to protect habitat links and minimise fire and flood risk and erosion are important considerations in siting buildings and works", must be amended to protect 'all' vegetation across the Shire, not just habitat links in rural areas.	It is too restrictive if the council guarantee to protect all vegetation. Under PPN59 (p1), a balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for flexibility in achieving the objective. A local planning policy is not a control. Local planning policies have a defined role to guide the exercise of discretion created by a zone, overlay or particular provision. Local planning policy cannot remove the discretion under the relevant planning control that triggers its consideration. Mandatory requirements cannot be included in local planning policy as to do so would remove the very discretion created by the planning provision. Hence mandatory requirements must be in a zone or overlay.	No change to draft MPS Clause 02.03-3 based on this submission.
2	The sentence "The retention of vegetation and revegetation will be critical in avoiding salinity related problems", must be amended to reflect the fact that salinity is a current and ongoing	Strategy point 2 in Clause 13.04-3S Salinity - <i>"Promote vegetation retention and replanting in aquifer recharge areas contributing to groundwater salinity problems"</i> .	No change to draft MPS Clause 02.03-3 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
	issue i.e. not simply a future issue - action is needed now.	Under the Practitioner's Guide (p23), a provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions.	
3	The sentence "Bushfire risk is a significant issue in the Shire as a result of its vegetation, topography and climate", must be amended to reflect Council's declaration of the climate emergency.	Climate emergency has been addressed by the recommendations for draft MPS Clause 02.01 'Context'.	No change to draft MPS Clause 02.03-3 based on this submission.
4	All of the the environmental risks mentioned in this Strategic Direction have already been significantly exacerbated as a result of the climate emergency. The wording in this Strategic Direction and of the MPS as a whole needs to reflect this.	Climate emergency has been addressed by the recommendations for draft MPS Clause 02.01 'Context'.	No change to draft MPS Clause 02.03-3 based on this submission.
5	The sentence "Climate change will lead to longer fire seasons", must be amended to reflect the fact that fire seasons have already lengthened and will continue to do so. E.g. "The climate emergency has already resulted in longer fire seasons and this will continue to increase."	Climate emergency has been addressed by the recommendations for draft MPS Clause 02.01 'Context'.	No change to draft MPS Clause 02.03-3 based on this submission.
6	The inability to get insurance for high bushfire risk properties (like those in flood prone areas of NSW and QLD) is a real threat to local residents. Council should not be approving development in known high risk areas. Therefore, the sentence "Particular attention to fire issues is needed in the design of	The Strategic directions support planning controls that already identify risks in Nillumbik, such as the Bushfire Management Overlay, Land Subject to Inundation Overlay, Special Building Overlay or Urban Floodway Zone. The broad directions support updating or amending the coverage of these controls in accordance	No change to draft MPS Clause 02.03-3 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
	subdivisions, the siting and design of buildings, and use and management of land in bushfire prone areas", should be further enhanced by including an additional statement that reflects the need to discourage and limit any development in bushfire prone areas. This must also be clearly reflected in the relevant strategic direction points.	with any new studies that identify areas with high risk.	
7	The first strategic direction dot point "Discourage development, including vegetation removal, that degrades stormwater quality and increases potential risk of soil erosion, expansion and landslip or other hazards", should be amended to say ' <strong>strongly</strong> discourage...', rather than simply saying discourage.	The word discourage does not need or imply any further emphasis such as strongly, weakly, subtly, overtly, etc. Any further emphasis would be subjective and inconsistent with the Practitioner's Guide to Victoria's Planning Schemes	No change to draft MPS Clause 02.03-3 based on this submission.
8	The first strategic direction dot point "Discourage development, including vegetation removal, that degrades stormwater quality and increases potential risk of soil erosion, expansion and landslip or other hazards" should be amended to say 'prevent' instead of discourage.	The word 'prevent' is too strong compared to 'discourage' and may not be achievable in practice.	No change to draft MPS Clause 02.03-3 based on this submission.
9	Include an additional strategic direction dot point that reflect the need to prevent development in bushfire prone areas, given the impact it has on vegetation, biodiversity and habitat. This is because once the development has been built, it requires to be protected from bushfire risk enabling vegetation removal to occur, which causes the destruction of valuable biodiversity and habitat. People's safety is also critical and	The Strategic directions support planning controls that already identify risks in Nillumbik, such as the Bushfire Management Overlay (BMO). The broad directions support updating or amending the coverage of the BMO or controls addressing other risks such as flood prone land in accordance with any new studies that identify areas with high risk.	No change to draft MPS Clause 02.03-3 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	recognition needs to be demonstrated that some places are not appropriate for safe living.		
10	Why is there mention of "In rural areas, the need to protect habitat links..." under the 'Flooding, Soil Degradation and Bushfire' sub-section?	The mention of rural areas in the first paragraph does not preclude the risks or Strategic directions from also applying to urban areas.	No change to draft MPS Clause 02.03-3 based on this submission.
11	The Strategic Direction provides a good summary of areas in the Shire most prone to flooding, soil degradation and bushfire.	Noted	No change to draft MPS Clause 02.03-3 based on this submission.
12	To reflect the seriousness of the climate emergency recently declared by Nillumbik Council, it is even more critical that 'the design of subdivisions, the siting and design of buildings, and use and management of land in bushfire prone areas' be subject to the strictest environmentally sustainable design principles. Therefore the sentence "Particular attention to fire issues is needed in the design of subdivisions, the siting and design of buildings, and use and management of land in bushfire prone areas" should be expanded to reflect this sentiment.	Climate emergency has been addressed by the recommendations for draft MPS Clause 02.01 'Context'. The 'Climate change' section under Clause 02.03-3 states that climate change is one of the biggest threats to Nillumbik's future.	No change to draft MPS Clause 02.03-3 based on this submission.
13	Paragraph 5 lists four local areas most affected by bushfire risk but then proceeds to to use singular language for the rest of the sentence as if these locations are just one place. Therefore, the word its needs to be changed to their e.g. "North Warrandyte, the Plenty Gorge, Christmas Hills and St Andrews have a particularly high risk due to	The word 'its' can be deleted without substituting 'their'.	<ul style="list-style-type: none"> <li>Delete the word 'its' before "<i>limited access and egress</i>" in the second sentence of the fifth paragraph under the 'Flooding, soil degradation and bushfire' heading in Clause 02.03-3 ('Environmental risks and amenity').</li> <li>Correct grammatical errors where evident throughout the draft MPS.</li> </ul>

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No.	Key Sentiments	Officer Response	Recommended change to MPS
	their limited access and egress, as well as their large population concentration.		
14	The third sentence in Paragraph 5 needs to include the wording 'more intense fires' - not simply just longer seasons as Black Saturday brought unprecedented bushfire intensity.	Not all fires will be more intense than previous fires; however 'longer fire seasons' implies that the risk will be prolonged.	No change to draft MPS Clause 02.03-3 based on this submission.
15	The third strategic dot point "Avoid intensifying bushfire risk to people and property through poorly located, designed or managed use or development", is unclear and not easy to interpret. What is trying to be said here? The phrasing should be reworked.	It means land use and development should be located, designed or managed in a manner that mitigates bushfire risk.	No change to draft MPS Clause 02.03-3 based on this submission.
16	Development that requires the removal of vegetation or impacts on the environment should not be prevented where an appropriate counter action/form of mitigation is implemented e.g. the replanting of similar indigenous vegetation.	Site-specific development is subject to the planning controls in zones, overlays and particular provisions that apply to the subject land under the Nillumbik Planning Scheme. Each planning application is determined on its merits. The MPS of itself does not trigger a permit requirement; however its broad strategic directions (as relevant to the site) need to be considered as part of the decision on an application. The MPS also performs a broader role in informing specific strategic work that needs to be undertaken within the municipality, e.g. to examine if existing planning controls in the planning scheme provide adequate environmental protection in different areas or need to be improved.	No change to draft MPS Clause 02.03-3 based on this submission.

No.	Key Sentiments	Officer Response	Recommended change to MPS
17	Support that development should be avoided in flood prone areas, or flood mitigation plans implemented where development in these areas is unavoidable.	Noted	No change to draft MPS Clause 02.03-3 based on this submission.
<b>Clause 02.03-3 Potentially contaminated land</b>			
1	<p>1) What sanctions are there for building on contaminated land?</p> <p>2) How do people know what they can and can't do in the first place?</p> <p>3) Is the best consequence punishment or do we need to support fixing the problem.</p>	<p>1) Fines can be issued if there is a breach of the planning scheme, e.g. if a permit or planning scheme requirement has not been met. Council could also seek an enforcement order at VCAT to halt a development or rectify a breach, or seek to cancel a permit.</p> <p>The Environment Protection Authority could also take action if there is a breach of the <i>Environment Protection Act 2017</i>.</p> <p>2) Council can provide advice to a resident or developer on requirements under the planning scheme or building regulations. A prospective developer could also hire a private consultant to determine if a permit is required or to assist with an application.</p> <p>3) Councils can often first seek to have a breach rectified before resorting to fines or other legal action; however this would depend on the individual council and the circumstances of the breach.</p>	No change to draft MPS Clause 02.03-3 based on this submission.
2	Support for avoiding development on land that is contaminated.	Noted	No change to draft MPS Clause 02.03-3 based on this submission.
3	What does the strategic direction dot point wording mean when saying to 'avoid sensitive use'? Does this mean only 'insensitive uses	Under Planning Practice Note 30, the sensitive uses defined as residential uses, child care centres, kindergartens, pre-school centres or primary schools, even if ancillary to another use, and for secondary schools and children's	

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No.	Key Sentiments	Officer Response	Recommended change to MPS
	should be placed in areas with contaminated land?. This point does not read clearly.	playgrounds. Therefore these uses should be avoid in areas with contaminated land.	
4	This Strategic Direction is fair and appropriate.	Noted	No change to draft MPS Clause 02.03-3 based on this submission.
5	A comment or additional strategic direction point could be made whereby contaminated land is better utilised through vegetation/plantation enhancements that promote the rehabilitation of the area.	<p>Planning Practice Note (PPN) 30 'Potentially contaminated land' states that "<i>Contaminated land can often be safely used and developed following appropriate remediation, provided any necessary controls to manage residual contamination are implemented</i>". Consequently, it is inappropriate for the MPS to provide a direction that contaminated or potentially contaminated land should not be used for any purpose other than revegetation.</p> <p>The Environmental Audit Overlay (EAO) should be applied to land that is known or strongly believed to be contaminated on the basis of past land use activity, e.g.:</p> <ul style="list-style-type: none"> <li>(a) used or known to have been used for industry or mining;</li> <li>(b) used or known to have been used for the storage of chemicals, gas, waste or liquid fuel (other than minor above-ground storage that is ancillary to another use of the land); or</li> <li>(c) where a known past or present activity or event (occurring on or off the land) may have caused contamination on the land.</li> </ul> <p>The EAO has the purpose "<i>To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination</i>".</p>	Add a second dot point in the Strategic directions for 'Potentially contaminated land' under draft MPS Clause 02.03-3 to apply the Environmental Audit Overlay to potentially contaminated land.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>The EAO will generally require an environmental auditor to be appointed under the Environment Protection Act 2017 to undertake an assessment of the site and to make the site suitable for use, especially if a sensitive use is proposed such as</p> <p>A second dot point should be added to the Strategic directions for 'Potentially contaminated land' (draft MPS Clause 02.03-3) to apply the EAO to potentially contaminated land.</p>	
6	Support that Council must avoid health impacts on residents and financial consequences resulting from negligent development approvals.	Noted	No change to draft MPS Clause 02.03-3 based on this submission.
7	A specific plan is required for the use and remediation of the Council refuse facility.	<p>The Environmental Audit Overlay (EAO) should be applied to land that is known or strongly believed to be contaminated on the basis of past land use activity, e.g.:</p> <ul style="list-style-type: none"> <li>(a) used or known to have been used for industry or mining;</li> <li>(b) used or known to have been used for the storage of chemicals, gas, waste or liquid fuel (other than minor above-ground storage that is ancillary to another use of the land); or</li> <li>(c) where a known past or present activity or event (occurring on or off the land) may have caused contamination on the land.</li> </ul> <p>The EAO has the purpose "<i>To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination</i>".</p> <p>The EAO will generally require an environmental auditor to be appointed under the Environment Protection Act 2017 to undertake an assessment of the site and to make the site</p>	Add a second dot point in the Strategic directions for 'Potentially contaminated land' under draft MPS Clause 02.03-3 to apply the Environmental Audit Overlay to potentially contaminated land.



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No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>suitable for use, especially if a sensitive use is proposed such as</p> <p>A second dot point should be added to the Strategic directions for 'Potentially contaminated land' (draft MPS Clause 02.03-3) to apply the EAO to potentially contaminated land.</p>	
8	<p>No development should occur on land containing unacceptable level of contamination.</p>	<p>Planning Practice Note (PPN) 30 'Potentially contaminated land' states that "<i>Contaminated land can often be safely used and developed following appropriate remediation, provided any necessary controls to manage residual contamination are implemented</i>". Consequently, it is inappropriate for the MPS to provide a direction that contaminated or potentially contaminated land should not be developed.</p> <p>The Environmental Audit Overlay (EAO) should be applied to land that is known or strongly believed to be contaminated on the basis of past land use activity, e.g. known past practices that would ordinarily entail the use of noxious chemicals. A second dot point should be added to the Strategic directions for 'Potentially contaminated land' (draft MPS Clause 02.03-3) to apply the EAO to potentially contaminated land.</p>	<p>Add a second dot point in the Strategic directions for 'Potentially contaminated land' under draft MPS Clause 02.03-3 to apply the Environmental Audit Overlay to potentially contaminated land.</p>
9	<p>The processes supporting property development need to be reviewed to ensure contaminants are not released into the water catchment i.e. Stanton Drive, Diamond Creek scenario - ensure there is no repeat of leaking arsenic into surrounding area.</p>	<p>Planning Practice Note (PPN) 30 'Potentially contaminated land' states that "Section 60 of the <i>Planning and Environment Act 1987</i> requires a responsible authority, before deciding on a permit application, to consider 'any significant effects which the responsible authority considers the use or development may have on</p>	<p>Add a second dot point in the Strategic directions for 'Potentially contaminated land' under draft MPS Clause 02.03-3 to apply the Environmental Audit Overlay to potentially contaminated land.</p>

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>the environment or which the responsible authority considers the environment may have on the use or development'. Section 60 is applicable to potentially contaminated land, which may affect, or be affected by, use or development.</p> <p>The Environmental Audit Overlay (EAO) should be applied to land that is known or strongly believed to be contaminated on the basis of past land use activity.</p> <p>A second dot point should be added to the Strategic directions for 'Potentially contaminated land' (draft MPS Clause 02.03-3) to apply the EAO to potentially contaminated land.</p>	
<h3 style="text-align: center;">Clause 02.03-4 Agriculture</h3>			
1	<p>The first sentence in Paragraph 4 states, "It may be possible to expand the production of 'high value' horticulture and intensive livestock commodities already well suited to the area." The meaning of 'high value' and this is determined is unclear. What is meant by 'high value'? Does it include anything that generates a high profit?</p> <p>The Nillumbik Green Wedge should not be supporting/facilitating intensive livestock. Much work has been done to remove such industries from the area, including intensive pig and chicken farming. This should be reinforced and continued in the coming years.</p>	<p>High value in relation to agriculture or horticulture generally relates to production of fruit or vegetables that typically yield higher returns in the market compared to broadacre cropping. Value-adding can also yield higher returns and means that the raw produce grown or produced on the land has been processed in a manner that makes the end product more valuable than the raw produce, e.g. production of cheese from the milk of animals grazed on the land.</p> <p>Intensive animal production requires a permit in the Green Wedge Zone (GWZ) and is prohibited in the Rural Conservation Zone (RCZ), which covers most of Nillumbik Shire. A Poultry farm in GWZ or RCZ does not require a permit if there are no more than 100 poultry.</p> <p>Each permit application for intensive animal production or poultry farm would be assessed</p>	<p>No change to draft MPS Clause 02.03-4 based on this submission.</p>

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>on its merits and in accordance with the decision guidelines of the relevant zone.</p> <p>However, existing use rights may apply to prohibited uses where those uses were lawfully carried out prior to the advent of planning controls that imposed the prohibition.</p> <p>Where existing use rights are established in relation to section 2 uses (i.e. permit required) or section 3 uses (i.e. prohibited), a permit is required for any proposed buildings or works.</p> <p>The preservation of the existing use rights is generally limited to the activities that were carried out on the land and their extent prior to the advent of the more restrictive planning controls.</p>	
2	<p>The sentence "Increasing the productiveness of agricultural industries is important for the sustainability of the green wedge areas, providing the environmental significance is not compromised", must be amended to ensure 'all' indigenous vegetation must be protected and not impacted by agriculture. Why does this only apply to areas deemed environmentally significant?</p>	<p>It is too restrictive if the council guarantee to protect all vegetation. Under PPN59 (p1), a balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for flexibility in achieving the objective. A local planning policy is not a control. Local planning policies have a defined role to guide the exercise of discretion created by a zone, overlay or particular provision. Local planning policy cannot remove the discretion under the relevant planning control that triggers its consideration. Mandatory requirements cannot be included in local planning policy as to do so would remove the very discretion created by the planning provision. Hence mandatory requirements must be in a zone or overlay.</p> <p>A permit is generally required to clear native vegetation in rural areas and in some urban contexts under Clause 52.17 of the Nillumbik</p>	<p>No change to draft MPS Clause 02.03-4 based on this submission.</p>

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		Planning Scheme. The principles of 'avoid', 'minimise' and 'offset' would be applied to the assessment with a view to achieving a net gain in vegetation and in accordance with the <i>Guidelines for the removal, destruction or lopping of native vegetation</i> (Department of Environment, Land, Water and Planning, 2017).	
3	The sentence "Agricultural use and development must be planned to maintain the quality and quantity of natural resources and support the sustainable management of natural systems", should be amended amendment to ensure improvement; not just maintenance. E.g. "Agricultural use and development must be planned to increase the quality and quantity of natural systems through best practice sustainable management".	<p>The use of 'must' is beyond the scope and role of policy. A planning policy or strategic direction is not a control. Planning policies guide the exercise of discretion created by a zone, overlay or particular provision. Planning policy cannot remove the discretion under the relevant planning control that triggers its consideration (i.e. the permit requirement triggers the consideration of the relevant policy). Mandatory requirements cannot be included in local planning policy as to do so would remove the very discretion created by the planning provision. Hence mandatory requirements must be in a zone or overlay.</p> <p>The fourth Strategic direction for 'Agriculture' encourages both, sustainable agriculture, and land management practices that minimise adverse impacts on primary production and environmental values. These would be relevant considerations in the assessment of permit applications in rural areas.</p>	No change to draft MPS Clause 02.03-4 based on this submission.
4	The second strategic direction dot point, "Retain existing agricultural land for soil based agricultural production", should also include at	<p>Similar strategic directions already in MPS.</p> <p>Strategic direction point 2 in Clause 02.03</p>	No change to draft MPS Clause 02.03-4 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
	the end of the statement the following phrasing "...through the encouragement of consolidating small lots, and revegetation practices".	<ul style="list-style-type: none"> <li>- Climate change- Protect and enhance the tree canopy across Nillumbik.</li> </ul> <p>Strategic direction point 2 in Clause 02.03-9 Development infrastructure</p> <ul style="list-style-type: none"> <li>- Facilitate the consolidation of rural lots to create larger lots capable of containing effluent on site.</li> </ul> <p>General strategy point 3 in Clause 12.01-1L Protection of biodiversity in Nillumbik</p> <ul style="list-style-type: none"> <li>- Conserve bushland and encourage revegetation.</li> </ul>	
5	The fourth strategic direction dot point, "Promote sustainable and regenerative agriculture and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment", must be amended to ensure the land on which 'all' agricultural practices are taking place does not suffer adverse impacts. i.e. not just the surrounding land and catchment.	The catchment is a reference to the Port Phillip catchment, which encompasses all of Nillumbik Shire and, therefore, all of the agricultural practices that are undertaken within the Shire.	No change to draft MPS Clause 02.03-4 based on this submission.
6	The second strategic direction dot point "Retain existing agricultural land for soil based agricultural production", should include a statement about encouraging the consolidation of small lots and support revegetation practices.	<p>Similar strategic directions already in MPS.</p> <p>Strategic direction point 2 in Clause 02.03- Climate change</p> <ul style="list-style-type: none"> <li>- Protect and enhance the tree canopy across Nillumbik.</li> </ul> <p>Strategic direction point 2 in Clause 02.03-9 Development infrastructure</p> <ul style="list-style-type: none"> <li>- Facilitate the consolidation of rural lots to create larger lots capable of containing effluent on site.</li> </ul> <p>General strategy point 3 in Clause 12.01-1L Protection of biodiversity in Nillumbik.</p>	No change to draft MPS Clause 02.03-4 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		- Conserve bushland and encourage revegetation.	
7	Animal agriculture has great detrimental impacts on the natural environment and subsequently any form animal agriculture in the Shire should not be supported.	It is highly unlikely that Council, the State Government or the community generally would support banning all animal production or grazing activity in Nillumbik Shire. The Green Wedge Zone and the Rural Conservation Zone (RCZ), which cover the majority of Nillumbik's rural and agricultural areas, generally require a planning permit. Intensive animal production is prohibited in RCZ unless existing use rights are established in accordance with the Nillumbik Planning Scheme.	No change to draft MPS Clause 02.03-4 based on this submission.
8	Nillumbik should look at pioneering sustainable high value crop farming.	A recent report on the 'Future of Agriculture in Nillumbik' (FOAN) identifies land suitability in Nillumbik for a range of crops, including citrus, wine grapes, apples and raspberries. It would be appropriate to add the land suitability maps for these crops to the maps in draft MPS Clause 02-04 ('Strategic framework plan'). These plans should also be referred to in the text for 'Agriculture' under draft MPS Clause 02.03-4. The FOAN report emphasises the need to protect and enhance food security, both locally, and for a wider population. This could be inserted in the strategic direction to promote sustainable and regenerative agriculture to help highlight its importance.	<ul style="list-style-type: none"> <li>Amend last paragraph for Agriculture (draft MPS Clause 02-03-4) to remove "<i>such as permaculture and aquaponics</i>" and add a sentence as follows: "<i>Refer to Strategic framework plans at Clause 02.04-5 identifying indicative land suitability.</i>"</li> <li>Amend 4<sup>th</sup> dot point of Strategic directions for Agriculture (draft MPS Clause 02-03-4) to add reference to food security as follows: "<i>Promote sustainable and regenerative agriculture that preserves and enhances food security, and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment.</i>"</li> <li>Add the land suitability maps for citrus, wine grapes, apples, and raspberries from the 'Future of Agriculture in Nillumbik' (FOAN)</li> </ul>

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No.	Key Sentiments	Officer Response	Recommended change to MPS
			report following the (updated) four maps in draft MPS Clause 02.04.
9	Support the acknowledgment of agriculture (from small to large scale) and the contribution it makes to the Shire is important.	Noted	No change to draft MPS Clause 02.03-4 based on this submission.
10	Support strategic direction points 1 & 2.	Noted	No change to draft MPS Clause 02.03-4 based on this submission.
11	The most prevalent and enduring rural activity and legitimate rural land use in the Nillumbik Green Wedge is the keeping of animals. Therefore, protecting existing grazing land that supports agriculture is critical. The Strategic Direction must ensure the preservation of existing, cleared pasture land for the keeping of animals and other benefits.	Grazing animal production does not require a permit in the Green Wedge Zone (GWZ); however requires a permit in the Rural Conservation Zone (RCZ), which covers most of Nillumbik Shire.  A permit application for grazing animal production in RCZ would be assessed on its merits and in accordance with the decision guidelines of the relevant zone.  The Strategic directions for 'Agriculture' include to protect agricultural land for its productive potential, which includes existing grazing land.	No change to draft MPS Clause 02.03-4 based on this submission.
12	The first strategic direction dot point, "Protect and enhance agricultural land for both its productive potential and environmental value", should clarify that this is to be limited to land 'currently' used as agricultural land. Vegetated land should not be cleared to establish additional agricultural uses.	The Strategic directions under the MPS work in concert with one another and should not be viewed in isolation, e.g. the Strategic directions for 'Landscapes' under draft MPS Clause 02.03-2 include to protect and enhance rural landscape character through vegetation retention.	No change to draft MPS Clause 02.03-4 based on this submission.
13	Nillumbik is not suited to intensive livestock commodities.	Intensive animal production requires a permit in the Green Wedge Zone (GWZ) and is prohibited	No change to draft MPS Clause 02.03-4 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>in the Rural Conservation Zone (RCZ), which covers most of Nillumbik Shire.</p> <p>However, existing use rights may apply to prohibited uses where those uses were lawfully carried out prior to the advent of planning controls that imposed the prohibition.</p>	
14	The production of 'high value' horticulture should only be expanded if the natural biodiversity assets are not impacted.	<p>The Strategic direction for 'Agriculture' seeks to protect and enhance agricultural land for both, its productive potential, and landscape values. This is supported by other MPS directions, e.g. for 'Landscapes', which includes to "Protect and enhance rural landscape character through vegetation retention".</p> <p>Directions for 'Agriculture' under Clause 02.03-4 'Agriculture paragraph 4 also include <i>"Increasing the productiveness of agricultural industries is important for the sustainability of the green wedge areas, providing the environmental significance is not compromised."</i></p>	No change to draft MPS Clause 02.03-4 based on this submission.
15	Sustainable agriculture and land management practices must improve biodiversity and environmental values of the site, surrounding land and the catchment.	The Strategic directions under the MPS work in concert with one another and should not be viewed in isolation, e.g. the Strategic directions for 'Landscapes' under draft MPS Clause 02.03-2 include to protect and enhance rural landscape character through vegetation retention, which would also support the five Strategic directions for 'Protection of biodiversity', also under Clause 02.03-2.	No change to draft MPS Clause 02.03-4 based on this submission.



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No.	Key Sentiments	Officer Response	Recommended change to MPS
16	Agriculture and use of non-urban landscape is valuable to residents of Nillumbik and is important to the local economy which is mostly small businesses. The Strategic Direction supports this sentiment well.	Noted	No change to draft MPS Clause 02.03-4 based on this submission.
17	Whilst the second strategic direction dot point ("Retain existing agricultural land for soil based agricultural production") is in principle supported, it should be reasonable and allowed for an owner of this type of land to use it for other purposes that do not change or interfere with the land e.g. grazing animals.	<p>Grazing animal production does not require a permit in the Green Wedge Zone (GWZ); however requires a permit in the Rural Conservation Zone (RCZ), which covers most of Nillumbik Shire.</p> <p>A permit application for grazing animal production in RCZ would be assessed on its merits and in accordance with the decision guidelines of the relevant zone.</p> <p>The Strategic directions for 'Agriculture' include to protect agricultural land for its productive potential, which includes existing grazing land.</p>	No change to draft MPS Clause 02.03-4 based on this submission.
<h3>Clause 02.03-5 Urban and building design</h3>			
1	Include the following statement after the second sentence in Paragraph 1, "Nillumbik's tree canopy and understorey are central to its character and wellbeing, and contribute significantly to good urban design principles".	<p>Strategic direction point 1 in Clause 02.03-3 Climate change states:</p> <ul style="list-style-type: none"> <li>- Protect and enhance the tree canopy across Nillumbik</li> </ul> <p>Since the above statement is already included in the draft MPS, inclusion of the submitter's preferred wording would unnecessarily soak up the 5,000 word count limit for the MPS under the Ministerial Direction 'The Form and Content of Planning Schemes'.</p>	No change to draft MPS Clause 02.03-5 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
2	<p>The first strategic direction dot point, "Protect and enhance urban streetscapes, townships and landscapes", should be amended to include, protection and enhancement of existing vegetation and support planting indigenous flora of diverse sizes/types e.g. "Protect and enhance urban streetscapes, townships and landscapes by preserving existing tree canopy and planting additional indigenous vegetation of diverse sizes and types".</p>	<p>Strategic direction point 1 for 'Climate change' in draft MPS Clause 02.03-3 states to:</p> <p><i>"Protect and enhance the tree canopy across Nillumbik".</i></p> <p>Additionally, the draft Schedule to Clause 74.02 ('Further strategic work') includes to:</p> <ul style="list-style-type: none"> <li>- <i>"develop an urban tree canopy strategy";</i></li> <li>and</li> <li>- <i>"review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire".</i></li> </ul> <p>Due to the above inclusions in the Draft MPS and draft Schedule to Clause 74.02, which is linked to the MPS, inclusion of the submitter's preferred wording would unnecessarily soak up the 5,000 word count limit for the MPS under the Ministerial Direction 'The Form and Content of Planning Schemes'.</p>	<p>No change to draft MPS Clause 02.03-5 based on this submission.</p>
3	<p>The Strategic Direction provides limited reference to retaining and protecting tree canopy and under-storey vegetation.</p>	<p>Strategic direction point 1 for 'Climate change' in draft MPS Clause 02.03-3 states to:</p> <p><i>"Protect and enhance the tree canopy across Nillumbik".</i></p> <p>Additionally, the draft Schedule to Clause 74.02 ('Further strategic work') includes to:</p> <ul style="list-style-type: none"> <li>- <i>"develop an urban tree canopy strategy";</i></li> <li>and</li> <li>- <i>"review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire".</i></li> </ul> <p>Due to the above inclusions in the Draft MPS and draft Schedule to Clause 74.02, which is</p>	<p>No change to draft MPS Clause 02.03-5 based on this submission.</p>

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		linked to the MPS, inclusion of the submitter's preferred wording would unnecessarily soak up the 5,000 word count limit for the MPS under the Ministerial Direction 'The Form and Content of Planning Schemes'.	
4	An additional strategic direction dot point should be included which references planting of indigenous flora within the urban streetscapes, townships and in the landscape.	<p>Already mentioned in Planning scheme.</p> <p>Strategy point 4 in Clause 12.01-1L Protection of biodiversity in Nillumbik.</p> <p>Encourage the planting of indigenous vegetation, rather than exotic species, particularly:</p> <ul style="list-style-type: none"> <li>- On sites of environmental significance.</li> <li>- On roadside reserves.</li> </ul> <p>Strategic direction point 1 for 'Climate change' in draft MPS Clause 02.03-3 states to:</p> <p><i>"Protect and enhance the tree canopy across Nillumbik".</i></p> <p>Additionally, the draft Schedule to Clause 74.02 ('Further strategic work') includes to:</p> <ul style="list-style-type: none"> <li>- <i>"develop an urban tree canopy strategy";</i></li> <li>and</li> <li>- <i>"review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire".</i></li> </ul> <p>Due to the above inclusions in the Draft MPS and draft Schedule to Clause 74.02, which is linked to the MPS, inclusion of the submitter's preferred wording would unnecessarily soak up the 5,000 word count limit for the MPS under the Ministerial Direction 'The Form and Content of Planning Schemes'.</p>	No change to draft MPS Clause 02.03-5 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
5	The Strategic Direction should mandate planting of indigenous vegetation to form part of planning/design proposals.	<p>Strategic direction point 1 for 'Climate change' in draft MPS Clause 02.03-3 states to:</p> <p><i>“Protect and enhance the tree canopy across Nillumbik”.</i></p> <p>Additionally, the draft Schedule to Clause 74.02 ('Further strategic work') includes to:</p> <ul style="list-style-type: none"> <li>- <i>“develop an urban tree canopy strategy”;</i></li> <li>and</li> <li>- <i>“review the environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire”.</i></li> </ul> <p>Due to the above inclusions in the Draft MPS and draft Schedule to Clause 74.02, which is linked to the MPS, inclusion of the submitter's preferred wording would unnecessarily soak up the 5,000 word count limit for the MPS under the Ministerial Direction 'The Form and Content of Planning Schemes'.</p>	No change to draft MPS Clause 02.03-5 based on this submission.
6	Support for the statement that highlights that the integrity of streetscapes and natural landscapes can be threatened by inappropriate development i.e. development that does not respond to the characteristics of a local area.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
7	Paragraph 1 should specifically reference Eltham's tree canopy and understorey are central to the character of Eltham and the wellbeing of its inhabitants.	<p>Strategic direction point 1 for 'Climate change' in draft MPS Clause 02.03-3 states to:</p> <p><i>“Protect and enhance the tree canopy across Nillumbik”.</i></p> <p>Additionally, the draft Schedule to Clause 74.02 ('Further strategic work') includes to:</p> <ul style="list-style-type: none"> <li>- <i>“develop an urban tree canopy strategy”;</i></li> </ul>	No change to draft MPS Clause 02.03-5 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		Due to the above inclusions in the Draft MPS and draft Schedule to Clause 74.02, which is linked to the MPS, inclusion of the submitter's preferred wording would unnecessarily soak up the 5,000 word count limit for the MPS under the Ministerial Direction 'The Form and Content of Planning Schemes'.	
8	Support the promotion of urban and building design that reflects the character of the area and the natural environmental aspects.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
9	An additional strategic direction point should be included that that requires correct adherence to permits after they have been granted and also demonstrates enforcement actions that will be taken if not compliant. Developers and builders are adversely pushing the limits of what sorts of built form designs they can produce and get approval from Council and are modifying their site and building plans to suit their priorities instead of following permit guidelines and approved plans.	Councils can issue fines under the Planning and Environment Act 1987 if there is a breach of the planning scheme or permit. A council or any person can seek an enforcement order at VCAT to halt a development or rectify a breach. In extreme circumstances, a council can seek cancellation of a permit by VCAT.	No change to draft MPS Clause 02.03-5 based on this submission.
10	The Strategic Direction fails to encourage environmentally sound building design e.g. eaves and window orientation.	<p>Clause 02.03-5 also contains an 'Energy and resource efficiency heading', with a Strategic direction to Promote energy efficiency in land use and development through:</p> <ul style="list-style-type: none"> <li>○ The layout of subdivisions.</li> <li>○ The location, siting and design of buildings and places</li> <li>○ The use of renewable energy technologies.</li> </ul>	No change to draft MPS Clause 02.03-5 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		Additionally, PPF Clause 15.01-2 'Building design' contains State and local policies that encourage environmentally sound building design principles.	
11	The Strategic Direction needs to provide protection of ridgelines from visually intrusive construction.	A similar strategy already mentioned in MPS. Strategy point 3 in Clause 15.01-6S Design for rural areas- Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands. The Neighbourhood Character Strategy currently being developed for Nillumbik's urban residential areas also addresses this issue.	No change to draft MPS Clause 02.03-5 based on this submission.
12	Support that developments within commercial and industrial areas need to reflect the the character of the local area and be accessible to all residents. (E.g. Diamond Creek commercial core is a good example of this).	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
13	Stores should be prevented from placing merchandise outside of their shops, including on footpaths and walkways. This is unattractive and detracts from the overall ambience of an area.	Regulation of this issue is mainly under the ambit of Council's local laws made under the <i>Local Government Act 2020</i> with regard to street trading, especially since the " <i>use of land in a road to trade from a stall, stand, motor vehicle, trailer, barrow or other similar device</i> " is exempt from a permit requirement under Clause 62.01 of the Nillumbik Planning Scheme.	No change to draft MPS Clause 02.03-5 based on this submission.
14	I would like to see more use of mud brick. eg. <b>Mud brick</b> should be considered for major public buildings such as railway stations, businesses, community buildings like the library and community reception centre are already. That	The second Strategic direction for 'Neighbourhood character' under Clause 02.03-5 states: Encourage the use of alternative construction materials where it adds character to the municipality and reflects surrounding development. The Design Guidelines in	No change to draft MPS Clause 02.03-5 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
	option should be on the table today , not just from the past.	<p>Council's draft Neighbourhood Character Strategy include complementing building forms and natural materials such as mudbrick where this is part of the existing character. The Design objectives for the Eltham Gateway under Schedule 1 to Clause 43.02 Design and Development Overlay (DDO1) also encourages using local earth toned, timber or mud brick that is consistent with the preferred character of the Gateway.</p> <p>Materials and surface finish strategy point 1 in Clause 15.01-2L-01 Building design in Nillumbik - <i>"Encourage the use of alternative building materials such as mud-brick and rammed earth construction."</i></p>	
15	The Strategic Directions should encourage the use of mud brick. The use of mud brick should be considered for major public buildings such as railway stations, businesses, community buildings like the library and community reception centre are already. The use of the building material should be considered an option to use in modern home and not just at material used in the Shire's past.	<p>The second Strategic direction for 'Neighbourhood character' under Clause 02.03-5 states: Encourage the use of alternative construction materials where it adds character to the municipality and reflects surrounding development. The Design Guidelines in Council's draft Neighbourhood Character Strategy include complementing building forms and natural materials such as mudbrick where this is part of the existing character. The Design objectives for the Eltham Gateway under Schedule 1 to Clause 43.02 Design and Development Overlay (DDO1) also encourages using local earth toned, timber or mud brick that is consistent with the preferred character of the Gateway.</p> <p>Materials and surface finish strategy point 1 in Clause 15.01-2L-01 Building design in Nillumbik - <i>"Encourage the use of alternative building</i></p>	No change to draft MPS Clause 02.03-5 based on this submission.

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<i>materials such as mud-brick and rammed earth construction."</i>	
Clause 02.03-5 Signs			
1	Money wasted on advertising before elections (e.g. the roads to recovery signs) are not appreciated.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
2	The chaos of signs in some places is offensive and over the top - particularly when driving.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
3	Support for the statement that seeks to reduce and avoid sign clutter. Signs should be clear and complement the streetscape character.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
4	An additional statement or strategic direction point should be included that says that electronic signs with bright LED lights should be strongly discouraged or policed. These types of signs do not respond positively with character of Nillumbik and consequently contribute to light pollution along with adding further unnecessary clutter to other signage.	Existing strategic direction in Planning Scheme. Strategy point 14 in Clause 15.01-1L-01 Signs  - Discourage the use of internally illuminated signs and floodlit signs that would result in direct light or glare emission onto adjoining land or roadways.	No change to draft MPS Clause 02.03-5 based on this submission.
5	Signage can ruin the streetscape. However places like Salzburg Village in Austria look wonderful with the signs that suit their village atmosphere. Signage can demonstrate how a community cares about where they live. Nillumbik is weak on this front. Nillumbik is home to so many artists and good designers that could positively contribute to signage	Strategic directions for 'Signs' under draft MPS Clause 02.03-5 include: <ul style="list-style-type: none"> <li>Encourage signs that provide effective identification of businesses and other land uses without adversely impacting on the amenity of the area.</li> <li>Site and design signs to complement and enhance, rather than dominate, the streetscape and landscape.</li> </ul>	No change to draft MPS Clause 02.03-5 based on this submission.



No.	Key Sentiments	Officer Response	Recommended change to MPS
	outcomes. Signage in the municipality should be enhanced by incorporating the artistic and nature character attributes of the Shire. Also a design committee could be established to approve signage in the Shire.	<ul style="list-style-type: none"> <li>▪ Ensure road safety is not adversely affected by signs.</li> </ul> <p>Signs are also addressed in all zones and the Design and Development Overlay, and under Clause 52.05 of the Nillumbik Planning Scheme. The draft Schedule to Clause 74.02 'Further Strategic Work', which is linked to the MPS, also states to review the following:</p> <ul style="list-style-type: none"> <li>• Implementation mechanisms to identify and ensure appropriate development including signage controls in township entrances and gateways.</li> <li>• The quality, extent and visual impact and effectiveness of signage in industrial, commercial and gateway precincts as part of structure planning for activity centres, to allow businesses to effectively promote their presence, products and activities.</li> </ul>	
Clause 02.03-5 Neighbourhood character			
1	Support for Paragraph 1 that recognises the significance of tree canopy and other native vegetation and the need for it to be retained/protected. However how will this be achieved given the increase in medium density housing/unit developments and non-compliance at existing dwellings? The achievement of this sentiment should be outlined in this Strategic Direction.	<p>Conflicts between different land uses are inevitable. Nillumbik council will do what it can to preserve native vegetation and trees amid pressure from residential developments.</p> <p>Removing, destroying or lopping any vegetation must apply for permits with the council unless the planning scheme states that a permit is not required.</p> <p>Under clause 02.03-6 housing, "facilitate the provision and diversification of housing to meet the projected increase in the number of smaller</p>	<p>No change to draft MPS Clause 02.03-5 based on this submission; however:</p> <p>Changes to other draft MPS clauses:</p> <p>Add "<i>The Neighbourhood Character Study</i>" to the 'Review' list in the draft Schedule to Clause 74.02.</p>

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		<p>households and the aging population, while respecting the neighbourhood character, protecting natural and heritage values and minimizing environmental risk" is considered as one of important strategic directions. Controls in Clause 30 Zones and Clause 40 Overlays can help to minimize these conflicts.</p> <p>The draft Schedule to Clause 74.02 ('Further Strategic Work') states to develop an urban tree canopy strategy. This strategy is envisaged to take into account all of the existing and proposed policies, strategies and planning controls that affect native vegetation and landscaping, including for medium density housing, and to outline any need for altered and/or additional planning policies and controls.</p> <p>Current local policy for Medium Density Housing Design at Clause 15.01-2L-01, which applies to land in the General Residential and Neighbourhood Residential Zones, is to "<i>Site and design development to protect and enhance local amenity, areas of environmental significance and heritage places</i>". Existing and proposed vegetation and landscaping are important considerations in determining if development is consistent with this local policy. These considerations will be further strengthened by the tree canopy strategy and the current draft Neighbourhood Character Strategy (NCS), which is well underway.</p>	

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>A strategic direction for Neighbourhood Character in both, the current, and draft Clause 02.03-5 is to “<i>Maintain and enhance character, including neighbourhood character, of urban and township areas</i>”. The draft NCS encourages both, the retention of existing, and planting of new indigenous canopy and amenity trees in front and side setbacks. This will help to both, protect existing native vegetation, and provide visual separation between dwellings in multi-dwelling proposals. The NCS also recommends to develop specific guidelines for vegetation and landscaping, and to identify specific areas where greater consideration is needed in regard to rear setback planting. A review of the NCS should be reflected in the draft Schedule to Clause 74.02 (‘Further Strategic Work’).</p>	
2	<p>Neighbourhood character is not only affected by the look of new buildings but also by the increase of traffic on residential roads (which were never designed for the volume of traffic now using them). Council should look into the impact of this extra traffic on local residents, walking paths, and the local flora and fauna in the area for new subdivisions that are more than 2 kilometres from a Major Activity Centre.</p>	<p>Traffic is not included in the elements that comprise neighbourhood character in Planning Practice Note (PPN43) on ‘Understanding Neighbourhood Character’ and, therefore, is not a valid inclusion in the ‘Neighbourhood character’ component of draft Clause 02.03-5.</p>	<p>No change to draft MPS Clause 02.03-5 based on this submission.</p>
3	<p>The significance of maintaining and protecting the existing tree canopy is not</p>	<p>Similar strategic directions already mentioned in Planning scheme.</p>	<p>No change to draft MPS Clause 02.03-5 based on this submission; however: Changes to other draft MPS clauses:</p>

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	sufficiently highlighted and supported in this Strategic Direction.	<p>Strategic direction point 1 in Clause 02.03-3 Climate change</p> <ul style="list-style-type: none"> <li>- Protect and enhance the tree canopy across Nillumbik</li> </ul> <p>General strategy point 3 in Clause 12.01-1L Protection of biodiversity in Nillumbik</p> <ul style="list-style-type: none"> <li>- Conserve bushland and encourage revegetation.</li> </ul> <p>All precincts objective point 1 and 2 in Clause 15.01-5L Neighbourhood character – Nillumbik</p> <ul style="list-style-type: none"> <li>- To maintain the existing vegetation including canopy trees</li> <li>- Retain or plant substantial trees as necessary to contribute to the desired future character of the area while maintaining solar access and residential amenity, and minimising bushfire safety issues.</li> </ul> <p>The draft Schedule to Clause 74.02 ('Further Strategic Work') states to develop an urban tree canopy strategy. Additionally, the draft Neighbourhood Character Study (NCS) addresses the retention and provision of indigenous canopy and amenity trees in considerable detail. The Officer response to submission No. 1 on the 'Neighbourhood character' component of draft MPS Clause 02.03-5 recommends to include a review of the NCS in the draft 74.02 schedule.</p> <p>Under the Practitioner's Guide (p23), a provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions. Therefore, no further action is needed.</p>	Add " <i>The Neighbourhood Character Study</i> " to the 'Review' list in the draft Schedule to Clause 74.02.

No.	Key Sentiments	Officer Response	Recommended change to MPS
4	Include an additional strategic direction dot point which states, "Protect, maintain and encourage the retention of the significant tree canopy and other active vegetation in urban and township areas".	<p>Similar strategic directions already mentioned in Planning scheme.</p> <p>Strategic direction point 1 in Clause 02.03-3 Climate change</p> <ul style="list-style-type: none"> <li>- Protect and enhance the tree canopy across Nillumbik</li> </ul> <p>General strategy point 3 in Clause 12.01-1L Protection of biodiversity in Nillumbik</p> <ul style="list-style-type: none"> <li>- Conserve bushland and encourage revegetation.</li> </ul> <p>All precincts objective point 1 and 2 in Clause 15.01-5L Neighbourhood character - Nillumbik</p> <ul style="list-style-type: none"> <li>- To maintain the existing vegetation including canopy trees</li> <li>- Retain or plant substantial trees as necessary to contribute to the desired future character of the area while maintaining solar access and residential amenity, and minimising bushfire safety issues.</li> </ul> <p>The draft Neighbourhood Character Study (NCS) addresses the retention and provision of indigenous canopy and amenity trees in considerable detail. The draft Schedule to Clause 74.02 ('Further Strategic Work') already states to develop an urban tree canopy strategy, and would be improved by adding a review of the NCS, as per Officer response to submission No. 1 on the 'Neighbourhood character' component of draft MPS Clause 02.03-5.</p>	<p>No change to draft MPS Clause 02.03-5 based on this submission; however:</p> <p>Changes to other draft MPS clauses:</p> <p>Add "<i>The Neighbourhood Character Study</i>" to the 'Review' list in the draft Schedule to Clause 74.02.</p>
5	Strategic direction dot point 1, "Maintain and enhance the character, including neighbourhood character, of urban and township areas", should include specific	<p>Similar strategic directions already mentioned in Planning scheme.</p> <p>Strategic direction point 1 in Clause 02.03-3 Climate change- Protect and enhance the tree canopy across Nillumbik</p>	<p>No change to draft MPS Clause 02.03-5 based on this submission; however:</p> <p>Changes to other draft MPS clauses:</p> <p>Add "<i>The Neighbourhood Character Study</i>" to the 'Review' list in the draft Schedule to Clause 74.02.</p>

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	reference to planting indigenous flora as the means to maintain and enhance character.	<p>All precincts objective point 1 and 2 in Clause 15.01-5L Neighbourhood character – Nillumbik</p> <ul style="list-style-type: none"> <li>- To maintain the existing vegetation including canopy trees</li> <li>- Retain or plant substantial trees as necessary to contribute to the desired future character of the area while maintaining solar access and residential amenity, and minimising bushfire safety issues.</li> </ul> <p>The new Neighbourhood Character Study (NCS) that is currently being developed addresses the retention and provision of indigenous canopy and amenity trees, and other native vegetation. The NCS also recommends to develop specific guidelines for vegetation and landscaping. The Officer response to submission No. 1 on the 'Neighbourhood character' component of draft MPS Clause 02.03-5 recommends to include a review of the NCS in the draft Schedule to Clause 74.02 ('Further Strategic Work'). This would be consistent with the strategic direction for Neighbourhood Character in both, the current, and draft Clause 02.03-5 to <i>"Maintain and enhance character, including neighbourhood character, of urban and township areas"</i>.</p>	
6	Supportive that the Strategic Direction recognises that neighbourhood character needs to be maintained and enhanced in urban and township areas.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
7	Paragraph 1 acknowledges that urban and township areas are characterised by predominantly indigenous tree canopy.	The draft NCS that is currently being developed encourages that there be at least one side setback of between 1 to 4 metres (depending on the neighbourhood character type), which	No change to draft MPS Clause 02.03-5 based on this submission; however: Changes to other draft MPS clauses:

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	<p>However, there needs to be recognition that this canopy is under threat and diminishing - particularly in Eltham. Blocks under redevelopment are being completely cleared and dwellings (usually multiple dwellings on a block), are being built boundary to boundary. This leaves little room for mid-upper storey vegetation and no room for replacement planting for vegetation that has been removed.</p>	<p>discourages boundary-to-boundary development. The draft NCS also recommends planting of indigenous canopy and amenity trees in front setbacks, and to identify specific areas where greater consideration is needed in regard to rear setback planting.</p> <p>The Officer response to submission No. 1 on the 'Neighbourhood character' component of draft MPS Clause 02.03-5 recommends to include a review of the NCS in the draft Schedule to Clause 74.02 ('Further Strategic Work'), which is consistent with the strategic direction for Neighbourhood Character in both, the current, and draft Clause 02.03-5 to "<i>Maintain and enhance character, including neighbourhood character, of urban and township areas</i>".</p> <p>The draft NCS recommends to develop specific guidelines for vegetation and landscaping and the draft Schedule to Clause 74.02 ('Further Strategic Work') states to develop an urban tree canopy strategy. The development of these guidelines and strategy will help to address threats to the indigenous tree canopy in Nillumbik's urban areas.</p>	<ul style="list-style-type: none"> <li>• Add "<i>The Neighbourhood Character Study</i>" to the 'Review' list in the draft Schedule to Clause 74.02.</li> </ul>
8	<p>Neighbourhood character in the Shire should support deep setbacks for residential development, not allow developments to be built boundary to boundary, retain the number of dwellings towards the minimum of what is permitted instead of the maximum, reduce the size of each residence, discourage levelling of blocks in hilly areas (as heavy excavation is not a</p>	<p>Clauses 54 and 55 of the Nillumbik Planning Scheme contain Rescode provisions that prescribe how to calculate front and side setbacks. These provisions can be varied (e.g. increased) through the schedules to residential zones; however need to be informed by strategic work such as neighbourhood character studies or strategies (NCS). An NCS will generally not recommend deeper or wider setbacks than the prevailing setback pattern in any given neighbourhood character precinct.</p>	<p>No change to draft MPS Clause 02.03-5 based on this submission; however:</p> <p>Changes to other draft MPS clauses:</p> <ul style="list-style-type: none"> <li>• Add "<i>The Neighbourhood Character Study</i>" to the 'Review' list in the draft Schedule to Clause 74.02.</li> </ul>

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	sympathetic response to the environment) and discourage multilevel residences.	The current review of the Nillumbik NCS recommends maintaining sufficient front and side setbacks to enable the retention of existing, or provision of new, indigenous canopy and amenity trees. This includes side setbacks of between one to four metres on at least one side, depending on the neighbourhood character type, to help maintain visual separation of buildings. The NCS design guidelines also include taking into account the topography.	
9	To achieve neighbourhood character aspirations and objectives of the Shire, Council should actively advocate to relevant State and Federal departments to request substantial changes to the building and planning regulatory framework to enable the establishment of innovative Environmentally Sustainable Design principles in housing developments that will further improve neighbourhood character outcomes for the Shire. Council should consider potentially joining forces with other councils under the Council Alliance for a Sustainable Built Environment (CASBE) to assist with the promotion and implementation of sustainable built environment initiatives at a local level.	<p>Clause 02.03-5 also contains an 'Energy and resource efficiency heading', with a Strategic direction to Promote energy efficiency in land use and development through:</p> <ul style="list-style-type: none"> <li>○ The layout of subdivisions.</li> <li>○ The location, siting and design of buildings and places</li> <li>○ The use of renewable energy technologies.</li> </ul> <p>Additionally, PPF Clause 15.01-2 'Building design' contains State and local policies that encourage environmentally sound building design principles.</p> <p>The regulatory framework for environmental improvements, e.g. for biodiversity or sustainable urban design, is regularly reviewed by all levels of government. This is stated in the current draft Schedule to Clause 74.02 ('Further Strategic Work'), which is linked to the MPS, e.g.:</p> <ul style="list-style-type: none"> <li>• Review "<i>The environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire</i>".</li> </ul>	No change to draft MPS Clause 02.03-5 based on this submission.



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		<ul style="list-style-type: none"> <li>Undertake further strategic work on “Preparing options with strategic justification for a draft Environmentally Sustainable Development planning policy to be considered by Council”.</li> </ul>	
10	The strategic direction points under the 'Neighbourhood Character' sub-section are appropriate and highly valued aspects of the Nillumbik community.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
11	Support for encouraging the use of natural materials in developments, however this should not be a madated requirement.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
12	Building materials and design should reflect the character of the area however without being overly restrictive whereby every dwelling is a reflection of its neighbour i.e. cookie-cutter design.	Planning policy and design guidelines for neighbourhood character do not encourage mimicry when stating to respect existing or a stated preferred character.	No change to draft MPS Clause 02.03-5 based on this submission.
<b>Clause 02.03-5 Energy and resource efficiency</b>			
1	The Strategic Direction needs to discuss the interrelatedness of all areas that contribute to emissions.	The statements and Strategic direction for ‘Energy and resource efficiency’ under draft MPS Clause 02.03-5 encompass all areas and all activities within the shire through referring to “ <i>rural or urban</i> ” and “ <i>land use and development</i> ”.	No change to draft MPS Clause 02.03-5 based on this submission.
2	Paragraph 1 should be amended to say, "Increasing levels of greenhouse gas emissions resulting from the increased energy	The statements for ‘Energy and resource efficiency’ under draft MPS Clause 02.03-5 acknowledge the threat from greenhouse gas	No change to draft MPS Clause 02.03-5 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	consumption of non-renewable resources is an environmental threat that must be reduced as it severely impacts upon the environment and significantly contribute to the climate emergency".	emissions. Reference to climate emergency has been recommended for inclusion in draft MPS Clause 02.01 'Context'.	
3	The second sub strategic direction dot point, "The location, siting and design of buildings and places", should be further enhanced by adding the statement at the end of the point, "... whereby best practice energy efficient design is encouraged throughout the process and buildings are of modest size to retain vegetation and reducing heat island effect impacts".	The second sub-dot point states one method of promoting energy efficiency is through building design, which supports existing State and local policies for building design at PPF Clause 15.01-2 that expand on ways to improve the energy performance of buildings. The draft Schedule to Clause 74.02 ('Further Strategic Work') states to develop an urban tree canopy strategy, which will help to reduce heat island effect impacts, consistent with Plan Melbourne Direction 6.4 to make Melbourne cooler and greener.	No change to draft MPS Clause 02.03-5 based on this submission.
4	Paragraph 1 should include an additional sentence that requires all Council decisions to be made in the context of consideration of reducing greenhouse gas emissions and reduction of the carbon footprint.	The Strategic directions for 'Energy and resource efficiency' under draft MPS Clause 02/03-5 outline ways to promote energy efficiency that will contribute towards lowering levels of greenhouse gas emissions and are consistent with Council's Climate Action Plan. These directions also support the Strategic directions for 'Climate change' under draft MPS Clause 02.03-3 to encourage use and development that mitigate the impacts of climate change to help Council achieve its target of net zero emissions across Nillumbik by 2035.	No change to draft MPS Clause 02.03-5 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
5	Greenhouse gases from increased energy consumption are a threat that needs to be addressed as the Shire acts to bring down its emissions as quickly as possible in accordance with the Climate Action Plan. Therefore, support that energy and resource efficiency is being included in the MPS.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
6	It is imperative that emissions are reduced as quickly as possible to avoid a climate catastrophe. All of Council's decisions must be taken with this primary consideration in mind. Therefore, the detrimental effects of greenhouse gas emissions needs to be more strongly stated in Paragraph 1.	The Strategic directions for 'Energy and resource efficiency' under draft MPS Clause 02/03-5 outline ways to promote energy efficiency that will contribute towards lowering levels of greenhouse gas emissions and are consistent with Council's Climate Action Plan. These directions also support the Strategic directions for 'Climate change' under draft MPS Clause 02.03-3 to encourage use and development that mitigate the impacts of climate change to help Council achieve its target of net zero emissions across Nillumbik by 2035.	No change to draft MPS Clause 02.03-5 based on this submission.
7	Support the third strategic direction point about the "layout of subdivisions" with regards to their orientation and natural energy efficiency.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
8	Supportive of the strategic direction point about the use of renewables, especially in new buildings.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
9	Concerns regarding the first and second sub strategic direction points, "The layout of subdivisions / The location, siting and design of buildings and places" as this would require	Building designers and developers have access to expert advice on how to design buildings and subdivisions that promote energy efficiency. Council's statutory planners are also trained to	No change to draft MPS Clause 02.03-5 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
	some genuine expert input prior to any subdivision being refused.	assess if development and subdivision proposals meet the policy directions and the requirements of provisions that address energy efficiency under the Nillumbik Planning Scheme.	
10	Support the appropriate siting of development as thus will allow the use of renewables to maintain high energy rating for the buildings.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
11	The use of renewable energy technologies should be strongly encouraged Renewable energy technologies should be strongly encouraged, but not mandated however this should not be mandated.	The MPS does not contain mandatory provisions, which are contained in the zone, overlay and particular provisions of the Nillumbik Planning Scheme. The broad directions of the MPS and the policies in the scheme help to inform how the existing provisions are applied or if they should be improved through further strategic work and amendments to the planning scheme.	No change to draft MPS Clause 02.03-5 based on this submission.
<h3>Clause 02.03-5 Heritage</h3>			
1	It is critical to acknowledge the heritage of the Wurundjeri Woi-wurrung people is not only connected to/evident in 'specific sites' as stated in the Strategic Direction. Both the historical and current presence of local First Nations People must be recognised throughout Shire; not simply pertaining to specific sites. Therefore, this Strategic Direction needs to be strengthened with an additional statement to recognise both the past and present meaning and relationship the local First Nations Peoples have with their lands and waterways across the whole Shire.	<p>The Strategic directions for 'Heritage' under draft MPS Clause 02.03-5 apply to both, sites of Aboriginal heritage significance (as identified under the <i>Aboriginal Heritage Act 2006</i>), and to places of heritage significance associated with European settlement (as identified in heritage studies and recommended for protection under the Heritage Overlay of the Nillumbik Planning Scheme).</p> <p>Sites of Aboriginal Cultural Heritage Sensitivity are shown on mapping, e.g. as a layer on</p>	No change to draft MPS Clause 02.03-5 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	Specifically, both strategic direction dot points 1 & 2 should extend protection to 'all places' of Aboriginal cultural heritage across the Shire to ensure that all Aboriginal heritage is given due care and attention - not just simply sites identified as having significance.	VicPlan mapping, which is publically accessible on the State Government's planning website ( <a href="https://www.planning.vic.gov.au/">https://www.planning.vic.gov.au/</a> ).	
2	Both strategic directions dot points 1 & 2 should extend protection and consideration of Aboriginal heritage significance to all of the Shire.	<p>The Strategic directions for 'Heritage' under draft MPS Clause 02.03-5 apply to both, sites of Aboriginal heritage significance, and to places of heritage significance associated with European settlement.</p> <p>The MPS acknowledges that the Wurundjeri Woi-wurrung people are the Traditional Owners of the land Nillumbik is located on; however specific sites of Aboriginal heritage significance are identified in accordance with the <i>Aboriginal Heritage Act 2006</i>.</p> <p>Sites of Aboriginal Cultural Heritage Sensitivity are shown on mapping, e.g. as a layer on VicPlan mapping, which is publically accessible on the State Government's planning website (<a href="https://www.planning.vic.gov.au/">https://www.planning.vic.gov.au/</a> ).</p>	No change to draft MPS Clause 02.03-5 based on this submission.
3	The first sentence in Paragraph 2 refers mainly to early agricultural settlement and does not recognise the range of more modern residential type heritage buildings. Therefore suggest revising this paragraph to say, "Nillumbik also has many sites that have non-indigenous cultural significance, including gold mining related historic sites, as well as original	The 'Heritage' section under draft MPS Clause 02.03-5 does not need to describe the entire post-contact history of Nillumbik; however does provide broad direction that places of heritage significance should be protected. Such places are identified through expert heritage studies in accordance with the 'Burra Charter' and recommended for protection in the Heritage	No change to draft MPS Clause 02.03-5 based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	buildings, farm houses, bridges and other features that existed since early residential and agricultural settlement."	Overlay of the Nillumbik Planning Scheme. The draft Schedule to Clause 74.02 ('Further Strategic Work'), which is linked to the MPS, states to " <i>Complete the heritage study review</i> ".	
4	Non-indigenous cultural and architectural sites and buildings of significance around Nillumbik is important to many residents. Therefore supportive of appropriate directions to protect these places.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
5	People should still be allowed/have the right to challenge any heritage listing/place of significance over a building/property.	<p>Application of the Heritage Overlay to a specific site in Nillumbik is identified through a heritage study and implemented through an amendment to the Nillumbik Planning Scheme. Planning Scheme Amendment C149nill Heritage Review is currently being prepared for exhibition, which will provide an opportunity to make public submissions that could be subsequently considered by a Panel appointed by the State Government to consider any objecting submissions.</p> <p>If a site is already protected under the Heritage Overlay and triggers a permit requirement, a property owner, developer or third party can challenge Council's decision (e.g. refusal or proposed permit conditions) at VCAT.</p>	No change to draft MPS Clause 02.03-5 based on this submission.
6	Support maintaining the heritage of some of the Shire's older buildings and areas.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
7	There are many historical sites within the Shire that need heritage protection. E.g. some of the old buildings in Hurstbridge, along Main Hurstbridge Road.	Noted	No change to draft MPS Clause 02.03-5 based on this submission.
8	Any sites deemed to be of historical, or heritage value, need to be independently, and comprehensively, verified. Places of significance should be assessed to ensure proposed development is not unnecessarily obstructed i.e. a single heritage stone found on a lot shouldn't prevent the development of the land or add additional development costs.	Places of heritage significance are identified in heritage studies and recommended for protection under the Heritage Overlay of the Nillumbik Planning Scheme. Applications triggered by the Heritage Overlay are assessed in accordance with Clause 43.01 of the Nillumbik Planning Scheme.	No change to draft MPS Clause 02.03-5 based on this submission.
9	Historical features should not be preserved where they no longer remain fit for purpose e.g. the one-way bridge on Gipson Street, Diamond Creek.	The bridge at Gipson Street, Diamond Creek is not included in the Heritage Overlay.	No change to draft MPS Clause 02.03-5 based on this submission.
10	An additional strategic direction dot point should be included which states, "Engage with Wurundjeri Woi-wurrung people regarding the maintenance and protection of important sites and the land management".	The Strategic directions for 'Heritage' under draft MPS Clause 02.03-5 provide broad direction to protect sites of Aboriginal heritage significance, which are identified and protected in accordance with the <i>Aboriginal Heritage Act 2006</i> . Any proposed development affecting an identified and registered site would involve consultation with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, which is a Registered Aboriginal Party under the <i>Aboriginal Heritage Act 2006</i> .	No change to draft MPS Clause 02.03-5 based on this submission.

No.	Key Sentiments	Officer Response	Recommended change to MPS
11	People in the Shire need opportunities for stronger education (particularly in schools) regarding traditional owners.	Noted. Awareness of traditional owners and the history and aspirations of First Nations People continues to grow within all levels of government and the community generally, including in schools.	No change to draft MPS Clause 02.03-5 based on this submission.
<b>Clause 02.03-6 Housing</b>			
1	Council should be appropriately managing the issues outlined in the strategic direction dot points, not necessarily facilitating them. The word 'facilitate' should be replaced with 'manage'.	<p>The Practitioner's Guide to Victoria's Planning Schemes (Appendix 1) identifies the word 'Facilitate' as an 'Encouraging verb' that means to make easier or less difficult. The word 'Manage' is identified as a 'Neutral verb' that means to take charge or care of; to handle, direct, govern or control in action or use.</p> <p>Words such as 'facilitate', 'promote', 'encourage' and 'support' are frequently given as examples of appropriate wording to use in an MPS or the PPF under the Practitioner's Guide.</p> <p>The draft MPS generally could be interpreted as helping to facilitate the management of issues to guide land use and development throughout the municipality.</p>	No change to draft MPS Clause 02.03-6 based on this submission.
2	The Strategic Direction should limit the size of housing.	The draft MPS provides broad strategic direction and does not contain mandatory provisions that limit the size of housing. Mandatory provisions are contained in the zones, overlays and particular provisions of the Nillumbik Planning Scheme, e.g. zone provisions specify maximum heights and site coverage of buildings and minimum garden areas, and the Design and Development Overlays for Eltham and Diamond Creek Activity Centres specify a maximum of 4-5 storeys unless existing buildings on abutting allotments are higher. The broad Strategic	<ul style="list-style-type: none"> <li>• Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to: <i>"Identify Nillumbik's housing needs in a housing strategy."</i></li> <li>• Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs through the development of a housing strategy.</li> </ul>



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No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>directions of the MPS encourage medium density housing in appropriate locations, e.g. activity centres, and for development to respect neighbourhood or landscape character.</p> <p>The directions include that future housing should include catering for a projected increase in the number of smaller households and for an aging (to be corrected to ageing) population.</p> <p>Nillumbik's overall housing needs should be identified in a housing strategy, which should be added as a Strategic direction for 'Housing' in draft MPS Clause 02.03-6, and identified as further strategic work in the draft Schedule to Clause 74.02.</p>	
3	<p>Clarification sought reagrdng the first strategic direction dot point, "Facilitate the provision and diversification of housing to meet the projected increase in the number of smaller households and the aging population, while respecting the neighbourhood character, protecting natural and heritage values and minimising environmental risk". What does environmental risk mean? Is this the risks the environment faces due to development? Or the perceived risk humans might face in a particular environment?</p>	<p>Environmental risks are outlined under draft MPS Clause 02.03-3 ('Environmental risks and amenity') as climate change, flooding, soil degradation, bushfire and potentially contaminated land. The first dot point direction effectively means, with regard to risk, that housing should be provided in a manner that minimises the type of risks that are outlined in Clause 02.03-3.</p>	<p>No change to draft MPS Clause 02.03-6 based on this submission.</p>
4	<p>Include an additional strategic direction dot point which states, "Promote the use of Environmentally Sustainable Design principles in new housing and efficiency retrofits for existing housing".</p>	<p>Clause 02.03-5 contains an 'Energy and resource efficiency heading', with a Strategic direction to Promote energy efficiency in land use and development through:</p> <ul style="list-style-type: none"> <li>○ The layout of subdivisions.</li> <li>○ The location, siting and design of buildings and places</li> <li>○ The use of renewable energy technologies.</li> </ul>	<p>No change to draft MPS Clause 02.03-6 based on this submission.</p>

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		Additionally, PPF Clause 15.01-2 'Building design' contains State and local policies that encourage environmentally sound building design principles.	
5	Strategic direction dot point 1 should be amended to ensure the diversification of housing does not come at the cost of the environment - not just simply be about minimising environmental risk.	Strategic direction dot point 1 already states this, i.e. diversify housing in a manner that minimises environmental risks. Cost to the environment is also implicit in the reference to minimising environmental risks, which are outlined in draft MPS Clause 02.03-3 ('Environmental risks and amenity'). These include climate change, which draws attention to the need to reduce reliance on fossil fuels in order to reduce greenhouse gas emissions and to meet Nillumbik's zero emissions target by 2035.	No change to draft MPS Clause 02.03-6 based on this submission.
6	The Strategic Direction provides an understanding of the changing demographics in areas of Nillumbik and consequently the housing available needs to respond to this.	Noted	No change to draft MPS Clause 02.03-6 based on this submission.
7	As the building/planning regulatory framework largely falls under the responsibilities of State and Federal Governments, Council should actively advocate to relevant State and Federal departments to request substantial changes to the building and planning regulatory framework to enable the establishment of innovative Environmentally Sustainable Design principles in housing developments. Council should consider potentially joining forces with other councils under the Council Alliance for a Sustainable Built Environment (CASBE) to assist with the promotion and implementation of sustainable built environment initiatives at a local level.	Nillumbik Shire Council continually engages in advocacy, e.g. Council is a member of the national Cities Power Partnership and has pledged to Use Council resources to support the uptake of renewable energy and several other energy initiatives (Community Action Plan, p41). Council is also partnering with the Australian Energy Foundation to provide the Nillumbik community with free, on-demand and tailored, energy efficiency and renewable energy advice (Community Action Plan, p41).  The Victorian Building Authority (VBA) states on its website that the Australian Building Codes Board (ABCB) released the National Construction Code (NCC), which was adopted	No change to draft MPS Clause 02.03-6 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		by states and territories on 1 May 2023. The NCC strengthens minimum requirements for the energy efficiency of new homes. The VBA website states: <i>"The ABCB is updating the NCC to strengthen minimum requirements for the energy efficiency of new homes. The new energy efficiency and condensation mitigation requirements commence in Victoria on 1 October 2023"</i> .	
8	This Strategic Direction seems to be contrary to the purpose of the Urban Growth Boundary and the existing rural zones (Rural Conservation Zone and Green Wedge Zone) in Nillumbik.	The Strategic directions for 'Housing' under draft MPS Clause 02.03-6 focus more on the urban areas, which are within the UGB. The next section, Rural residential development' is focussed on the balance of the Shire.	No change to draft MPS Clause 02.03-6 based on this submission.
9	While the wording and direction points in this Strategic Direction are overall fair and appropriate, scrutiny needs to be applied upon new developments and subdivisions so that the amount of lots/housing on one site is not excessive or too destructive.	The MPS provides broad direction whilst other parts of the planning scheme deal with more site specific requirements, e.g. zone and overlay provisions deal with site coverage, building heights, car parking, landscaping, etc. Council's draft Neighbourhood Character Strategy provides design guidelines to help ensure that new development respects neighbourhood character.	No change to draft MPS Clause 02.03-6 based on this submission.
10	Council should take due consideration to enforce the retention and protection of established existing canopy vegetation. Strong enforced punishments should be applied to individuals and organisation/companies that seek to remove/destroy these valuable attributes of the Shire.	Councils can issue fines under the Planning and Environment Act 1987 if there is a breach of the planning scheme or permit. A council or any person can seek an enforcement order at VCAT to halt a development or rectify a breach. In extreme circumstances, a council can seek cancellation of a permit by VCAT. The draft Schedule to Clause 74.02 ('Further Strategic Work') states to develop an urban tree canopy strategy.	No change to draft MPS Clause 02.03-6 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
11	Council should take due consideration to assure housing developments are comprehensively reviewed and assessed to ensure they respond to the character of the applicable Major Activity Centre and are not merely approved because the development falls within a medium density designated housing area of the Shire.	Development applications are assessed in accordance with the Nillumbik Planning Scheme zone, overlay and particular provisions. This includes Activity Centre Zone Schedules 1 and 2 and guidelines under the Design and Development Overlay Schedules 1 and 2 that apply to Eltham and Diamond Creek Activity Centres.	No change to draft MPS Clause 02.03-6 based on this submission.
12	Some new residential development would be desirable and reasonable in the Reynolds Road area of Eltham and Research to assist provide more diversity in housing and assist with ageing in place. Whilst the Strategic Direction seeks new housing close to existing infrastructure and transport, the Research Neighbourhood Activity Centre is close by as is Main Road.	The Strategic directions for 'Activity centres' under draft MPS Clause 02.03-1 state that the Neighbourhood Activity Centres support the Major Activity Centres. This includes medium density housing in the Research Neighbourhood Activity Centre.	No change to draft MPS Clause 02.03-6 based on this submission.
13	The Strategic Direction should not prohibit or restrict housing growth in areas that do not have immediate access to public transport. Housing growth should be accommodated in areas that are within a reasonable distance to other suitable transport options (not necessarily public transport) or where further transport options could be considered to cater for such growth in the residential population of the local area.	Draft MPS Clause 02.03-1 identifies the following areas as having further growth potential for residential subdivision in existing residential zones: <ul style="list-style-type: none"> <li>▪ Eltham and Diamond Creek Major Activity Centres.</li> <li>▪ Apollo Parkways.</li> <li>▪ Land in the Diamond Creek North Area A Development Plan and Diamond Creek Area B Development Plan to the north and north-east of the Diamond Creek Major Activity Centre.</li> <li>▪ The Plenty Low Density Residential area.</li> </ul>	No change to draft MPS Clause 02.03-6 based on this submission.
14	The assumption that there will be a greater demand for smaller dwellings due to the Shire's ageing population may not be correct. The Strategic Direction has made an assumption that older residents wishing to downsize will remain in the same locality, municipality, region	Nillumbik's overall housing needs should be identified in a housing strategy, which should be added as a Strategic direction for 'Housing' in draft MPS Clause 02.03-6, and identified as further strategic work in the draft Schedule to Clause 74.02.	<ul style="list-style-type: none"> <li>• Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to:  <i>"Identify Nillumbik's housing needs in a housing strategy."</i> </li> </ul>

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	or even state. Populations are generally cyclical in nature. As older residents leave, they are often replaced by younger residents / families. Also, most multi-unit properties currently being developed in the Shire (particularly in Diamond Creek) are multi-storey homes. Therefore, the current housing stock being built doesn't typically support older residents, given they typically seek single level dwellings for mobility and accessibility reasons.		<ul style="list-style-type: none"> <li>Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs through the development of a housing strategy.</li> </ul>
15	To develop denser residential dwellings without first significantly improving existing infrastructure, particularly transport infrastructure, will only exacerbate the issues being faced in the Shire's urban areas further. The current infrastructure is already inadequate to cope with current population levels.	Nillumbik's overall housing needs should be identified in a housing strategy, which should be added as a Strategic direction for 'Housing' in draft MPS Clause 02.03-6, and identified as further strategic work in the draft Schedule to Clause 74.02. A housing strategy includes identifying the social and physical infrastructure that is needed to support development.	<ul style="list-style-type: none"> <li>Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to: <i>"Identify Nillumbik's housing needs in a housing strategy."</i></li> <li>Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs through the development of a housing strategy.</li> </ul>
<b>Clause 02.03-6 Rural residential development</b>			
1	The strategic directions points in this section are not sufficient to addressing issues with rural residential development in the Green Wedge.	Noted	No change to draft MPS Clause 02.03-6 based on this submission.
2	An additional strategic direction point should be included that requires building envelopes for rural residential development to constrain the development footprint.	The nominated areas of Yarrambat, northern area of Plenty and North Warrandyte for rural residential development occur in the Low Density Residential Zone, which already includes provisions for requiring a building envelope to be shown in a report to accompany an application for subdivision. In the absence of reticulated sewerage, an effluent disposal area must also be shown.	No change to draft MPS Clause 02.03-6 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
3	An additional strategic direction point should be included that encourages small lot consolidation.	Already mentioned in MPS Strategic direction point 2 in Clause 02.03-9 Development infrastructure - Facilitate the consolidation of rural lots to create larger lots capable of containing effluent on site. The Restructure Overlay is also applied as the need becomes identified.	No change to draft MPS Clause 02.03-6 based on this submission.
4	An additional strategic direction point should be included that applies a Restructure Overlay to contiguous undersized lots in single ownership.	Council applies the Restructure Overlay as the need becomes identified. The Nillumbik Planning Scheme currently includes three schedules to the Restructure Overlay that have been applied to contiguous rural zoned lots in Panton Hill, Hurstbridge and Smith's Gully.	No change to draft MPS Clause 02.03-6 based on this submission.
5	An additional strategic direction point should be included that ensures Council develop a small lot policy/framework that supports action on promoting small lot consolidation.	Already mentioned in MPS Strategic direction point 2 in Clause 02.03-9 Development infrastructure - Facilitate the consolidation of rural lots to create larger lots capable of containing effluent on site. The Restructure Overlay is also applied as the need becomes identified.	No change to draft MPS Clause 02.03-6 based on this submission.
6	An additional strategic direction point should be included that seeks to review and monitor rural areas for illegal residences.	Council has a responsibility to enforce the planning scheme under the <i>Planning and Environment Act 1987</i> , which does not need to be stated in the MPS. This responsibility is exercised whenever breaches of the planning scheme are identified.	No change to draft MPS Clause 02.03-6 based on this submission.
7	An additional strategic direction point should be included which strongly discourages and limits increasing incompatible land use changes, particularly for machinery storage and industrial uses.	Already mentioned in MPS: Strategic direction point 3 in Clause 02.03-1 Settlement and the Nillumbik Green Wedge - Protect the Green Wedge from incompatible use and development.	No change to draft MPS Clause 02.03-6 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
8	An additional strategic direction point should be included that seeks enforcement action (penalties) on illegal/non-compliant residences in the rural areas and requires active monitoring of land remediation outcomes.	Council has a responsibility to enforce the planning scheme under the <i>Planning and Environment Act 1987</i> , which does not need to be stated in the MPS. This responsibility is exercised whenever breaches of the planning scheme are identified.	No change to draft MPS Clause 02.03-6 based on this submission.
9	Some additional rural residential development should be encouraged and supported given smaller properties are easier to maintain and help decrease bushfire risks. Most of these type of parcels are not large enough/ economically viable to be farmed successfully or for a profit and require a large injection of funds and resources to do so.	Strategic direction for Rural residential development in Clause 02.03-6 states: - Discourage rural residential development in the Green Wedge, unless supported by a council strategy or framework plan . Small parcels in rural areas can still be used for agriculture. Allowing residential development on small rural lots would increase the cost of land that could otherwise be acquired by adjoining property owners to expand their agricultural activities.	No change to draft MPS Clause 02.03-6 based on this submission.
10	The value placed by many rural residents on existing cleared grazing land is not reflected in the Strategic Direction. The first sentence in Paragraph 1, in particular the statement the statement "...a willingness to revegetate previously cleared areas" is considered inappropriate as many rural residents consciously choose properties that contain existing cleared pasture for the keeping of grazing animals and other rural activities. Furthermore, many of these residents are prepared to pay a premium for land with this capability. What has been written is not a true reflection of rural residential existence. It is a presumptive generalisation and should be deleted.	Draft MPS Clause 02.03-6 'Rural residential development' identifies rural residential opportunities in Yarrambat, the northern area of Plenty and North Warrandyte, which are all in the Low Density Residential Zone, i.e. the zoning supports low density residential development. The Rural Living Zone, which is the only rural zone that has a residential purpose, has not been applied in the Nillumbik Planning Scheme. The Green Wedge Zone and the Rural Conservation Zone, which cover the vast majority of Nillumbik's rural areas, do not support rural residential development. The Green Wedge Zone supports grazing animal production without a permit; however grazing requires a permit in the Rural Conservation Zone where agriculture is subservient to the predominantly conservation purpose of the zone. Both of these zones	No change to draft MPS Clause 02.03-6 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>require a permit for a dwelling, and permit applications need to demonstrate that a dwelling will not result in the fragmentation of agricultural land, be detrimental to agricultural activity on adjoining land or be detrimentally affected by agricultural activity on adjoining land. Council is more likely to grant approval if it can be demonstrated that the dwelling is required to support agriculture on the land.</p> <p>The reference to revegetation in Clause 02.03-6 is stated in a context where land is desired for a predominantly rural residential purpose rather than grazing, and can be better understood in the additional context of the planning controls described above.</p>	
11	<p>Given the contribution small, rural landholdings (rural living) make to the environmental, social and economic viability, sustainability, amenity and appeal of the green wedge (not to mention council's rate base), why hasn't this sentiment been mentioned in a positive way within the drafted Strategic Direction? The current wording is quite dismissive of the legitimate existence of existing rural residents and rural living in the Green Wedge.</p>	<p>The text under draft Clause 02.03-6 and throughout the draft MPS is not disparaging towards the Shire's rural residents or their positive contributions to Nillumbik's municipal life and environment, rather, the MPS includes descriptions of the undesirable consequences of inappropriate land use and development in rural areas, e.g. fragmentation of agricultural land, which needs to be protected for its contribution to the economy and to preserve food security into the future. This is consistent with State policies in the Nillumbik Planning Scheme for:</p> <ul style="list-style-type: none"> <li>• 'Peri-urban areas' (Clause 11.03-3S)</li> <li>• 'Protection of agricultural land' (14.01-1S)</li> <li>• 'Rural residential development' (16.01-3S).</li> </ul>	<p>No change to draft MPS Clause 02.03-6 based on this submission.</p>
12	<p>The fifth sentence in Paragraph 1 states, "There is also ongoing land use conflict between agricultural and rural residential land uses and a risk that further rural residential development will fragment rural land into unviable land parcels". What evidence is there of this being a</p>	<p>The fragmentation of rural land through inappropriate subdivision and allowing dwellings that cater for desired rural living rather than agriculture is an issue that is well understood in planning across Victoria. This is reflected in the successive changes to State planning policy</p>	<p>No change to draft MPS Clause 02.03-6 based on this submission.</p>



## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	<p>substantive issue in rural communities? If there is no evidence, why has this been included?</p>	<p>and rural zone provisions since the inception of new format planning schemes in the late 1980s and early 1990s, which have become increasingly discouraging of residential development in rural zones that primarily support agriculture (e.g. Farming Zone or Green Wedge Zone) or conservation (e.g. Rural Conservation Zone). These zones help preserve land for its agricultural, conservation or biodiversity value, and discourage rural residential development.</p> <p>With regard to agriculture, inland drying as a consequence of predicted decreasing rainfall and longer droughts, exacerbated by climate change, is envisaged to push many traditional forms of agriculture in Victoria further south towards the coast and result in viable agricultural land becoming scarcer. Additionally, there is a long term trend towards fewer and larger commercially viable farms that practice traditional forms of agriculture, e.g. broadacre cropping and grazing of dairy cattle. This trend is largely driven by rising costs of farming inputs, including transport costs; thereby forcing larger landholdings that can achieve economies of scale and sufficient economic returns to remain viable. Consequently, it is becoming increasingly important to prevent land with agricultural potential from being further fragmented in order to protect the contribution of agriculture to the economy, and to help preserve food security into the future.</p> <p>Also refer to Officer response on submission No. 10 on 'Rural residential development' under draft MPS Clause 02.03-6 with regard to describing rural living within the context of rural</p>	

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		zones and the Low Density Residential Zone in Nillumbik Shire.	
13	Rural residential development must be discouraged. If considered however, it must be assessed carefully to ensure that environmental values can be retained and protected.	Applications for rural residential development are assessed in accordance with the requirements of the Nillumbik Planning Scheme. The draft MPS will help to provide broad policy guidance on this issue.	No change to draft MPS Clause 02.03-6 based on this submission.
14	The Strategic Direction is heading in the right direction and it is supported that it recognises the issue of small lots however it could be further strengthened.	The draft MPS provides broad policy direction on the issue of small lots, which will help to inform the planning controls that are needed to address this issue. The <i>Planning and Environment Act 1987</i> requires that the Nillumbik Planning Scheme be regularly reviewed to maintain its currency and to make improvements. Every review provides an opportunity to assess if the planning controls in the scheme are effectively managing an issue, e.g. preventing small lots from further fragmenting rural areas, or if additional or different controls are required.	No change to draft MPS Clause 02.03-6 based on this submission.
15	Paragraph 1 should include reference to the rural 'Green Wedge' zones not supporting residential development as a primary land use with the exception of existing rural living areas (GWAZ - Prior to 2002).	Refer to Officer response on submission No. 10 on 'Rural residential development' under draft MPS Clause 02.03-6 with regard to describing rural living within the context of rural zones and the Low Density Residential Zone in Nillumbik Shire.	No change to draft MPS Clause 02.03-6 based on this submission.
16	Concerns regarding the wording of the strategic direction dot point reference "...unless supported by a council strategy or framework plan". This enable an exemption for Council to support rural residential development which would be contrary to the purpose of the Urban Growth Boundary and the existing rural 'Green Wedge' zones (Rural Conservation Zone and Green Wedge Zone) in Nillumbik. However, if such a	The draft MPS does not encourage rural residential development in the Green Wedge. The reference to a Council strategy or framework plan leaves the door open for Council to undertake strategic planning on this issue in the future. The Nillumbik community would be consulted on any future proposed plan, which could not be implemented without a	No change to draft MPS Clause 02.03-6 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	council strategy or framework plan required an amendment to the planning scheme, then this approach may be supported because the process would be transparent and the community would be afforded with an appropriate and essential role in the decision making process.	planning scheme amendment that also involves public notification. Also refer to Officer response on submission No. 10 on 'Rural residential development' under draft MPS Clause 02.03-6 with regard to describing rural living within the context of rural zones and the Low Density Residential Zone in Nillumbik Shire.	
17	Support the distinction made between areas for residents and lands for pasture and agriculture.	Noted	No change to draft MPS Clause 02.03-6 based on this submission.
18	Dwellings which abide to their BAL ratings and respond to the character of the area along with other relevant conditions, should be given permission to be built. Any other considerations should not be too onerous.	Refer to Officer response on submission No. 10 on 'Rural residential development' under draft MPS Clause 02.03-6 with regard to describing rural living within the context of rural zones and the Low Density Residential Zone in Nillumbik Shire. Also refer to Officer response on submission No. 12 on 'Rural residential development' under draft MPS Clause 02.03-6 with regard to rural planning policy and controls changing over time and the consequences of rural fragmentation.	No change to draft MPS Clause 02.03-6 based on this submission.
19	Support the discouragement of rural residential development in the Green Wedge.	Noted	No change to draft MPS Clause 02.03-6 based on this submission.
<b>Clause 02.03-7 Business and employment</b>			
1	The strategic directions points must strongly reflect the statements made to respect the Shire's environmental, social and economic development priorities and supporting small local businesses.	Under Nillumbik Economic Development Strategy 2020–2030, 99 per cent of businesses in the Shire are considered small. The strategic directions reflect the statements to respect the Shire's environmental, social and economic development priorities and supporting small local businesses.	No change to draft MPS Clause 02.03-7 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>Strategic direction point 1 and 2 in Clause 02.03-7 Business and employment</p> <ul style="list-style-type: none"> <li>- Promote economic development opportunities that build on and respect the cultural and physical characteristics and rural focus of the Shire.</li> <li>- Support the economic and employment viability of Activity Centres, Town Centres and the industrial land at Research.</li> </ul>	
2	<p>Strongly discourage the use of Green Wedge or Rural Conservation zoned land as 'depots', where large vehicles and machines are parked/located and bulk materials are stockpiled.</p>	<p>The submission is essentially referring to uses in the Warehouse group that are listed in the table of uses of the Green Wedge Zone (Clause 35.04 - GWZ) and Rural Conservation Zone (Clause 35.06 - RCZ) as follows:</p> <ul style="list-style-type: none"> <li>• Freezing and cool storage: GWZ: permit required (prohibited if conditions not met – goods stored must be agricultural produce or goods used in agriculture) RCZ: permit required</li> <li>• Milk depot: GWZ: permit required RCZ: prohibited</li> <li>• Rural store: GWZ: no permit unless conditions not met, (e.g. must be used in conjunction with agriculture) RCZ: permit required</li> <li>• Solid fuel depot: GWZ: permit required RCZ: prohibited</li> <li>• Vehicle store: GWZ: permit required RCZ: prohibited</li> </ul>	<p>No change to draft MPS Clause 02.03-7 based on this submission.</p>

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>Each permit application is assessed on its merits and in accordance with the zone requirements and decision guidelines.</p> <p>Prohibited uses can only be allowed if existing use rights can be established under Clause 63, which include that the use was lawfully carried out prior to the advent of the prohibition in the scheme.</p> <p>The MPS provides broad policy direction to guide decisions and cannot promote a prohibition that is contrary to what the zone provisions allow.</p> <p>If Council wished to prohibit uses that are currently allowed with a permit in the Green Wedge Zone (e.g. milk depot, solid fuel depot or vehicle store), it would have to undertake a planning scheme amendment to replace the GWZ with a more restrictive zone (e.g. RCZ). This would have to be underpinned by sound strategic justification, e.g. that the replacement zone is needed for a conservation and biodiversity purpose rather than agriculture</p>	
3	<p>Economic and business development in the Green Wedge should not compromise protecting and enhancing vegetation, habitat and biodiversity. For example, organic farming practices should be required for any new or expansion of wineries to limit damage to insect life as a result of harmful chemical use.</p>	<p>A similar strategic direction already mentioned in MPS.</p> <p>Strategic direction point 4 in Clause 02.03- 4 Agriculture</p> <p>- Promote sustainable and regenerative agriculture and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment.</p>	<p>No change to draft MPS Clause 02.03-7 based on this submission.</p>
4	<p>Any land use in rural areas must respond to the natural capability and sustainable productive potential of the land. Land uses must be locally responsive, and be protective of local soils,</p>	<p>Similar strategic directions already mentioned in MPS.</p> <p>Strategic direction point 2, 3, 4 and 4 in Clause 02.03-2 Protection of biodiversity</p>	<p>No change to draft MPS Clause 02.03-7 based on this submission.</p>

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	waterways, vegetation, and fauna. This also helps ensure no further clearing of vegetation is allowed.	<ul style="list-style-type: none"> <li>- Protect and enhance significant remnant vegetation.</li> <li>- Facilitate the establishment of large areas of native vegetation that are interconnected by a network of habitat corridors.</li> <li>- Protect the habitat areas of native vegetation and fauna.</li> <li>- Protect and enhance the environmental, landscape and habitat values of roadside vegetation in the Shire.</li> </ul> <p>Strategic direction point 1- 4 in Clause 02.03-2 Waterways and water bodies</p> <ul style="list-style-type: none"> <li>- Protect wetlands, floodplains and waterways from land use and development that will cause disturbance and pollution.</li> <li>- Encourage land uses that improve water quality and maintain environmental flows.</li> <li>- Facilitate ongoing and sustainable management of stormwater in development.</li> <li>- Ensure land use and development avoids adverse impacts on the wider water catchment</li> </ul>	
5	In Paragraph 3, there is an opportunity to mention the Shire's shared trail network in the commentary around recreation and tourism in rural areas. The shared trails encourage visitation from which other enterprises benefit such as local accommodation providers, hospitality, the arts and other attractions.	This issue is more appropriately addressed under the 'Open space and recreational facilities' heading in draft MPS Clause 02.03-9 and in the associated map at draft MPS Clause 02.04-3, e.g. update trails network on map.	No change to draft MPS Clause 02.03-7 based on this submission.
6	Opportunities exist in tele-commuting as much of the population works out of the Shire, but in the last two years due to COVID-19, have not had to travel for work. The Strategic Direction and broader Planning Scheme should easily allow people to have a detached home office to reduce the need for people to commute out of	Home based business (defined as " <i>An occupation carried on in a dwelling, or on the land around a dwelling, by a resident of the dwelling</i> ") can occur without a permit subject to meeting the requirements of Clause 52.11-1 (e.g. " <i>The net floor area used in conducting the business including the storage of any materials</i> ")	No change to draft MPS Clause 02.03-7 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	the the municipality. This concept is more environmentally sustainable and will support local businesses through people spending locally.	<p><i>or goods must not exceed 100 square metres or one-third of the net floor area of the dwelling”).</i></p> <p>A person simply working from home on a computer could conduct the work from a shed or garage, i.e. a domestic outbuilding, which is part of the definition of a dwelling under Clause 73.03.</p> <p>An office use is prohibited in the General and Neighbourhood Residential Zones, Low Density Residential Zone, Green Wedge Zone and Rural Conservation Zone.</p> <p>A purpose built office (e.g. in the backyard) might only be possible if the office use remains ancillary to the dwelling use and does not become an independent, dominant or separate use. The law recognises that lawful ancillary development to a dominant use of land can be one that is otherwise prohibited in the zone. However, it would be inappropriate for the MPS to promote an office use in contradiction of a zone prohibition even if it could be argued that the office was ancillary to the main dwelling use.</p>	
7	Support the wording and strategic direction points of this sub-section as the diverse local employment opportunities allow residents to live and work local.	Noted	No change to draft MPS Clause 02.03-7 based on this submission.
8	Support economic and employment growth within the Shire that also preserves the characteristics of the Shire.	Noted	No change to draft MPS Clause 02.03-7 based on this submission.
9	An additional strategic direction point should be included which encourages and supports businesses that provide youth employment opportunities.	A Strategic direction for ‘Business and development’ under draft MPS Clausen 02.03-7 includes to “ <i>Encourage tourism that showcases Nillumbik’s cultural and nature-based assets and generates local employment opportunities</i> ” and has been added from Nillumbik’s Economic	No change to draft MPS Clause 02.03-7 based on this submission.

No.	Key Sentiments	Officer Response	Recommended change to MPS
		Development Strategy 2020-2030. It is not necessary for the MPS to list the categories of people or groups that would qualify as being 'local'.	
<b>Clause 02.03-7 Industry</b>			
1	Industrial precincts should not be expanded in Nillumbik.	The draft MPS does not identify areas for expansion of industry, rather it states that existing industrial land should be protected from non-industrial use and development so it can continue to be used for industrial purposes. Any new proposal to rezone land for industrial purposes would need to be supported by strategic studies and be informed by public consultation.	No change to draft MPS Clause 02.03-7 based on this submission.
2	Nillumbik's limited industrial zones are highly important and care should be taken by Council to ensure this land is not reduced or removed entirely in replacement of other uses such as commercial. This is something that is being seen in Eltham with industrial spaces turned into eateries and hospitality venues.	Noted - consistent with MPS and strategic direction for 'Industry' to:  - Protect industrial precincts from non-industrial use and development unless a council strategy supports rezoning or redeveloping the land with other uses.	No change to draft MPS Clause 02.03-7 based on this submission.
3	The reference within the strategic direction dot point "...unless a council strategy supports rezoning or redeveloping the land with other uses." is contradictory of the statement in the second sentence "To facilitate new industrial uses, these precincts should be retained for industrial uses and protected from the encroachment of other uses".	The reference to a strategic plan leaves the door open for Council to undertake a further investigation of this issue in the future. Any new proposal, e.g. to rezone land for industrial purposes, would need to be supported by a strategic study and be informed by public consultation.	No change to draft MPS Clause 02.03-7 based on this submission.



## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
4	Supportive of the recognition that Nillumbik does need a small industrial area to serve the local community.	Noted	No change to draft MPS Clause 02.03-7 based on this submission.
5	Supportive of retaining existing industrial parks for industry purposes only.	Noted	No change to draft MPS Clause 02.03-7 based on this submission.
<b>Clause 02.03-8 Transport</b>			
1	The first sentence in Paragraph 2 states, "Many unsealed local roads service traditional residential, agricultural or bush uses and would be unsuitable for new uses requiring significant increases in traffic movement". Why does the Strategic Direction focus on unsealed roads given these are not the majority. There are many local roads that are sealed and the further development of these types of roads would not be appropriate if Council is taking a sustainable urban development approach for new constructions of buildings and infrastructure.	The first sentence in paragraph 2 is describing part of the existing context of Nillumbik transportation, which is not a strategic direction.  A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy.	No change to draft MPS Clause 02.03-8 based on this submission.
2	A comprehensive transport plan must be developed with the community for the Shire that outlines how the municipality will cope with the pressures of increased number and movement of people, while ensuring sustainable approaches that reflect international best practice are utilised (i.e. where extensive roadways are no longer seen as the answer to urban congestion). Alternatives must be explored and the Strategic Direction must make this a priority. Potential solutions must also reflect the climate emergency declaration recently made by Council.	A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy.	No change to draft MPS Clause 02.03-8 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
3	The Strategic Direction must give consideration to sustainable methods of coping with the Shire's commuter and travel requirements. Transport options must be considered in the context of the climate emergency. This means exploring approaches that do not focus on continuously extending roadways as a means to improve travel.	<p>Already mentioned in MPS.</p> <p>Strategic direction 1 and 3 in Clause 02.03-8 Transport</p> <ul style="list-style-type: none"> <li>- Facilitate increased public transport usage and opportunities for walking and cycling to reduce car-dependency. [added from Climate Change Action plan pg18]</li> <li>- Facilitate development that improves connectivity and accessibility, particularly for pedestrians and cyclists, within and between activity centres, public transport stations and the wider region. [added from objectives in Eltham MAC structure plan pg27]</li> </ul> <p>A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy.</p>	No change to draft MPS Clause 02.03-8 based on this submission.
4	An additional strategic direction point should be included which recognises the increased safety risk to residents, visitors and wildlife caused by increases in traffic. Subsequently Council should put in place relevant plans and funding to mitigating this issue.	<p>Strategic directions for 'Transport' include to facilitate safe and efficient roads and to facilitate development that improves connectivity and accessibility for pedestrians And cyclist.</p> <p>A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy.</p>	No change to draft MPS Clause 02.03-8 based on this submission.
5	The Strategic Direction has taken an out-dated view of the Shire's transport and traffic issues. In light of COVID-19, the Strategic Direction should also be encouraging strategies that reduce people's need to travel. E.g improved infrastructure to allow for better tele-commuting and encourage local business hubs where people can work in a shared space environment with all essential facilities/technologies made available rather than addressing issues that	<p>The statement in paragraph one under 'Business and employment' (Clause 02.03-7) acknowledges that economic development opportunities in Nillumbik are likely to be generated by small business enterprises, especially home-based businesses, which would encompass telecommuting.</p> <p>Safe and efficient roads and accessibility for pedestrians and cyclists will be needed for other reasons besides commuting, e.g. access to services, retail, education facilities and</p>	No change to draft MPS Clause 02.03-8 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
	further support commuter travelling to more central areas of the region.	recreation. Additionally, the MPS acknowledges that traffic passes through Nillumbik to access the Western Ring Road and Whittlesea's urban growth corridor, i.e. not just Nillumbik's residents.  A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy.	
6	The amount of public and road transport options is of high importance to local residents, especially those in the more urbanised areas of Nillumbik. The Strategic Direction supports this position.	Noted	No change to draft MPS Clause 02.03-8 based on this submission.
7	Comprehensive analysis and assessment of public transport services and infrastructure needs to be undertaken before needs to be undertaken preventing such services and infrastructure. Residents of the Nillumbik over coming years/decades will suffer for the reduction in the scope of the 'Hurstbridge Line Duplication Project' i.e. the cancellation of line duplication between Montmorency and Eltham Stations. A additional strategic direction should be included to facilitate the future removal/protection/modification or duplication of the wooden Eltham Railway Bridge.	A Housing strategy will help to identify housing needs, appropriate locations and infrastructure needed to support projected growth – refer to MPS Clause 02.03-6 'Housing' and Clause 74.02 Schedule 'Further Strategic Work'.  A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy.	No change to draft MPS Clause 02.03-8 based on this submission.
8	A review of the bus routes is needed to enable the opening of future areas that are suitable for modest residential subdivision but currently do not have appropriate public transport options.	A Housing strategy will help to identify housing needs, appropriate locations and infrastructure needed to support projected growth – refer to MPS Clause 02.03-6 'Housing' and Clause 74.02 Schedule 'Further Strategic Work'.	No change to draft MPS Clause 02.03-8 based on this submission.
9	An additional strategic direction point should be included which supports the review of transport infrastructure when there are rezoning proposals of land.	A Housing strategy will help to identify housing needs, appropriate locations and infrastructure needed to support projected growth – refer to MPS Clause 02.03-6 'Housing' and Clause 74.02 Schedule 'Further Strategic Work'.	No change to draft MPS Clause 02.03-8 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
		A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy.	
10	Whilst increased public transport usage should be encouraged, there will always be significant vehicle traffic in Nillumbik; either due to the unavailability of direct public transport links between home and work / destination (first and last mile) or because of the nature of vehicle traffic in the Shire i.e. many trade workers reside in the Shire and public transport is therefore not an option for these people. The most effective way to encourage public transport usage is to reduce travel times and increase frequency of public transport. Currently public transport services in Nillumbik are infrequent and length of travel time into key destination within the Shire and beyond are lengthy.	A Housing strategy will help to identify housing needs, appropriate locations and infrastructure needed to support projected growth – refer to MPS Clause 02.03-6 'Housing' and Clause 74.02 Schedule 'Further Strategic Work'. A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy.	No change to draft MPS Clause 02.03-8 based on this submission.
11	Whilst the strategic direction of increasing cycle usage is desirable, the reality is that the vast majority of people will never cycle to work or for other purposes beyond for leisure. Observation of the number of cyclists using the road network supports this notion.	The Strategic direction to encourage walking and cycling is consistent with planning scheme policies to reduce greenhouse gas emissions and create healthy neighbourhoods.	No change to draft MPS Clause 02.03-8 based on this submission.
12	We should stop planning for high aspirational public and active transport initiatives that we only wish would eventuate. It wastes money and only results in increases road congestion.	The Strategic direction to encourage walking and cycling is consistent with planning policies to reduce greenhouse gas emissions and create healthy neighbourhoods.	No change to draft MPS Clause 02.03-8 based on this submission.
13	Many of the main arterials throughout the Shire were built decades ago and with significant population rises over recent years and the development of new estates, this has caused a significant increase in demand of existing infrastructure. However, infrastructure investment has failed to keep pace with these demands, causing significant road congestion	A Housing strategy will help to identify housing needs, appropriate locations and infrastructure needed to support projected growth – refer to MPS Clause 02.03-6 'Housing' and Clause 74.02 Schedule 'Further Strategic Work'.	No change to draft MPS Clause 02.03-8 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
	throughout the Shire. For example, Main Hurstbridge Road is a single lane road, which during peak times often comes to a standstill and is exacerbated by the rail level crossing. A by-pass road needs to be built between Yan Yean Rd and possibly Hurstbridge.	A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy.	
14	Council and the community together, and through advocacy to higher levels of government, must develop an integrated approach to bringing down transport emissions. This will involve solutions that do not simply rely on electrification of vehicles (which does not resolve traffic congestion), but facilitate a more coordinated public transport network of bus and train connections, as well as infrastructure and incentives to encourage active transport.	A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy.	No change to draft MPS Clause 02.03-8 based on this submission.
<b>Clause 02.03-9 Open space and recreational facilities</b>			
1	The first sentence of the third paragraph states, "Community facilities should be accessible to all groups including children, youth, elderly persons and those with a disability", yet open space near the Eltham Tennis Club was converted to 'pay to use facilities'. How does this action align with this Strategic Direction?	<p>The payment of annual fees or lease agreements is common practice for sports and community groups to gain access to community sports facilities.</p> <p>Draft Schedule to Clause 74.02 lists open space strategy for review as part of further strategic work, which could address public access to tennis facilities. A proposed revised strategy would be informed by public consultation.</p>	No change to draft MPS Clause 02.03-9 based on this submission.
2	Any developments within open spaces need to be consistent with the values of greatest priority as expressed by the community in the Our People, Our Place, Our Future survey i.e.	Noted. Draft Schedule to Clause 74.02 lists open space strategy for review as part of further strategic work. A proposed revised strategy would be informed by public consultation.	No change to draft MPS Clause 02.03-9 based on this submission.

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No.	Key Sentiments	Officer Response	Recommended change to MPS
	preservation of the Green Wedge, protection of biodiversity, & action on climate change.		
3	Support that the Strategic Direction acknowledges the trail networks in the Shire, the progression of open space, the linking of recreational facilities, ensuring equity and accessibility of open space and community facilities and supporting both active and passive forms of recreation. COVID-19 has shown how important open spaces and connected, shared trails are now and will continue to be for the communities of Nillumbik into the future.	Noted. It is recommended that the trails shown on the Open space and recreation facilities plan at Clause 02.04-3 be updated.	No change to draft MPS Clause 02.03-9 based on this submission.
4	The first sentence of Paragraph 1 , "Nillumbik contains extensive areas of open space for the purposes of conservation.", should be amended to include the words 'and recreation' on the end to reflect the majority of parks and reserves throughout the Shire that exist for both purposes.	The second sentence refers to recreation facilities and trail network being shown on the Open space and recreation facilities plan under Clause 02.04. It is recommended that the trails shown on this plan be updated.	No change to draft MPS Clause 02.03-9 based on this submission.
5	Reference to 'trails' should be amended to 'shared trails' as most trails in the Shire are for multiple user groups.	Reference to trails encompasses shared trails.	No change to draft MPS Clause 02.03-9 based on this submission.
6	Open recreational spaces and facilities should be strongly encouraged and facilitated.	Noted. Draft Schedule to Clause 74.02 lists open space strategy for review as part of further strategic work. A proposed revised strategy would be informed by public consultation.	No change to draft MPS Clause 02.03-9 based on this submission.

No.	Key Sentiments	Officer Response	Recommended change to MPS
<b>Clause 02.03-9 Development infrastructure</b>			
1	Support minimising infrastructure servicing demands in rural areas.	Noted	No change to draft MPS Clause 02.03-9 based on this submission.
2	The Strategic Direction must place greater emphasis on developing local renewable energy systems.	A similar strategic direction already mentioned in MPS. Strategic direction in Clause 02.03-5 Energy and resource efficiency includes to promote energy efficiency through the use of renewable energy technologies.	No change to draft MPS Clause 02.03-9 based on this submission.
3	Include an additional strategic direction dot point that states, "Develop systems for innovative and eco-friendly use of waste from farms, local grocers, other businesses, council, community".	Similar strategies already mentioned in MPS. Strategy point 1, 7 and 8 in Clause 19.03-5S Waste and resource recovery- Ensure future waste and resource recovery infrastructure needs are identified and planned for to safely and sustainably manage all waste streams and maximise opportunities for resource recovery.- Encourage technologies that increase recovery and treatment of resources to produce high value, marketable end products.- Encourage development that facilitates sustainable waste and resource recovery, including facilities for Victoria's container deposit scheme.	No change to draft MPS Clause 02.03-9 based on this submission.
4	Uncertain about the second strategic point that references the consolidation of rural lots. What are the implications for land owners? If there are negative implications of this, particularly from a financial perspective, there may need to be compensation for this.	The consolidation of rural lots is consistent with State policies for 'Protection of agricultural land' (Clause 14.01-1S) and 'Rural residential development' (Clause 16.01-3S) under the Nillumbik Planning Scheme.	No change to draft MPS Clause 02.03-9 based on this submission.
5	Support the strategic direction of ensuring there is sufficient development infrastructure to support proposed future development growth area.	Noted	No change to draft MPS Clause 02.03-9 based on this submission.

No.	Key Sentiments	Officer Response	Recommended change to MPS
6	<p>There is no dedicated subsection for community infrastructure (excluding open space and recreation). This is a significant oversight given the number of schools, kindergartens, MCH centres, neighbourhood houses, halls, senior citizens centres, arts facilities, multipurpose community centres, cemeteries, libraries and health facilities located in the municipality. As Council and the State Government are responsible for much of the provision of these types of facilities, it's imperative that the this Strategic Direction and the MPS motre broadly acknowledges the existence of these facilities and how critical they are to the liveability of our communities. Also the continued investment in existing and new public community infrastructure is and will remain critical to addressing gaps in service provision.</p>	<p>The current content in Clause 02.03-9 'Community infrastructure' was proposed to be retained, with some additions rather than deletions except for minor rewording and shown under a new sub-heading 'Open space and recreation facilities' in the Phase 3 Consultation exhibited version of the draft MPS.</p> <p>The reference to 'Community facilities' in Clause 02.03-9 in the existing planning scheme is also proposed to be retained in draft Clause MPS Clause 02.03-9 'Open space and recreation facilities'; however are not referred to under Clause 02.03-10 (to be deleted) or the proposed sub-heading 'Development infrastructure'.</p> <p>There are numerous references to community facilities in State policies of the Nillumbik planning scheme, including for 'Settlement' (Clause 11), Activity centres' (11.03-1S), 'Floodplain management' (13.03-1S), 'Cycling' (18.02-2S), Public Transport (18.02-3S), Roads (18.02-4S) and Open space (19.02-6S)</p> <p>Community facilities are also referred to in the current local policy for 'Location of medium density residential development' (Clause 16.01-1L).</p> <p>Schools are defined separately in planning schemes as education centres rather than community facilities – refer land use terms at Clause 73.03 and Nesting Diagram for 'Education centre' at Clause 73.04-4.</p>	<p>No change to draft MPS Clause 02.03-9 based on this submission.</p>
<p style="text-align: center;"><b>Clause 02.04-1 Strategic framework plan</b></p>			
1	<p>The Strategic Framework Plan map is still not accurate and is therefore not useful for utilities</p>	<p>The Strategic Framework Plan map at Clause 02.04-1 provides a broad overview of Nillumbik's main features and does not show utilities. The Infrastructure Assets Plan is at draft</p>	<p>No change to the Strategic Framework Plan map at draft Clause 02.04-1 based on this submission.</p>



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No.	Key Sentiments	Officer Response	Recommended change to MPS
	and companies who use them if they are not up-to-date.	MPS Clause 02.04-4 and shows a High Pressure Gas Pipeline and High Voltage Electricity in the same locations as the current planning scheme. The submission does not clarify which map is wrong or which utilities are shown incorrectly. A potential error is noted and can be corrected prior to planning scheme amendment stage.	
2	Marking private land as public on the Strategic Framework Plan is a major concern with unintended consequences of trespass. <b>The map should be reviewed to determine what is private and public land.</b>	The Strategic Framework Plan map at Clause 02.04-1 provides a very broad conceptual overview of the municipality and is not intended to accurately define cadastral property boundaries. The submission does not clarify which public or private land is shown incorrectly. A potential error is noted and can be corrected prior to the planning scheme amendment stage.	Review the Strategic Framework Plan map at draft MPS Clause 02.04-1 for potential improvements to how 'Public Use' is shown prior to planning scheme amendment stage.
3	<p>The area south of Sugarloaf Reservoir is incorrect on the plan and required the following amendments be made:</p> <p>The area immediately west of Ashmore Road is private property zoned Special Use Zone 2 (SUZ2) and should be indicated as 'Conservation'</p> <p>The area immediately west of the above land is private property zoned Rural Conservation Zone 4 (RCZ4) and should be indicated as 'Environmental Rural (Green Wedge)'</p> <p>The area immediately west of the above land is Melbourne Water property zoned Public Use Zone 1 (PUZ1) and all Melbourne Water land south of Simpsons Road is not open to public access and should not be shown as 'Public Use'.</p> <p>The Melbourne Water Aqueduct land, from Skyline Road west to the Warrandyte-Kinglake Nature Reserve, is Melbourne Water land zoned PUZ1 and is not open to public access (fenced</p>	Potential errors are noted and can be corrected prior to the planning scheme amendment stage. Note the map is a broad conceptual view of the municipality and is not intended as a planning zone map under the Nillumbik Planning Scheme.	Review the Strategic Framework Plan map at draft MPS Clause 02.04-1 for potential improvements to how the map reflects zoning prior to planning scheme amendment stage.

No.	Key Sentiments	Officer Response	Recommended change to MPS
	with locked gate and signage banning public access) and should not be shown as 'Public Use'.		
4	No bike paths are currently planned to connect Eltham Lower Park to Griffith Park and from Griffith Park to Sweeneys and beyond. A bridge over Diamond Creek will subsequently be required.	This issue could be addressed in a review of the open space strategy, which is identified as further strategic work in the draft Schedule to Clause 74.02.	No change to the Strategic Framework Plan map at draft Clause 02.04-1 based on this submission.
<b>Clause 02.04-2 Faunal habitat and remnant vegetation plan</b>			
1	An additional 'Strategic Habitat Link' to should be shown from Kinglake National Park, through Christmas Hills, Sugarloaf Reservoir and Bend of Islands, to Yarra River and Warrandyte State Park to the south. The importance of this habitat link is highlighted in the Yarra Strategic Plan. A practical example of the importance of this link is the return of the lyrebird to the Bend of Islands and WSP after 40 years absence following the 1962 fires.	The Faunal Habitat and Remnant Vegetation Plan map at draft MPS Clause 02.04-2 could be reviewed to potentially show additional Strategic Habitat Links prior to planning scheme amendment stage.	Review the Faunal Habitat and Remnant Vegetation Plan map at draft MPS Clause 02.04-2 to potentially show additional Strategic Habitat Links prior to planning scheme amendment stage.
2	The 'Remnant Vegetation' area north of Henley Road in the Bend of Islands is not correct. The southern edge should be extended to the northern edge of the power line easement. Of the properties north of Henley Rod, the first 4 properties west of Skyline Road have remnant vegetation except, for the power line easement, and should be shown as such.	The Faunal Habitat and Remnant Vegetation Plan map at draft MPS Clause 02.04-2 could be reviewed to correct potential errors in how remnant vegetation is shown prior to planning scheme amendment stage.	Review the Faunal Habitat and Remnant Vegetation Plan map at draft MPS Clause 02.04-2 to correct potential errors in how remnant vegetation is shown prior to planning scheme amendment stage.
3	The narrow purple lines are not defined in the legend.	The Faunal Habitat and Remnant Vegetation Plan map at draft MPS Clause 02.04-2 can be corrected to define the narrow purple lines in the map legend prior to planning scheme amendment stage.	Correct the Faunal Habitat and Remnant Vegetation Plan map at draft MPS Clause 02.04-2 to define the narrow purple lines in the map legend prior to planning scheme amendment stage.

No.	Key Sentiments	Officer Response	Recommended change to MPS
4	Support the clear mapping of hotspots and open space areas. However there should be more planned in future.	Noted	No change to the Faunal Habitat and Remnant Vegetation Plan map at draft MPS Clause 02.04-2 based on this submission.
<b>Clause 02.04-3 Open space and recreation facilities plan</b>			
1	The Green Wedge Regional Shared Trail is missing from the St Andrews Pony Club. The map needs to show a link through to Kinglake National Park at Marshalls Road.	Noted. The trails shown on the Phase 3 Consultation Version of the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3 have been updated since exhibition and can be further reviewed prior to planning scheme amendment stage.	Review the trails shown on the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3 prior to planning scheme amendment stage.
2	The existing verge trail on Dawson Road is missing between Kings Road and the Eltham-Yarra Glen Road.	Noted. The trails shown on the Phase 3 Consultation Version of the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3 have been updated since exhibition and can be further reviewed prior to planning scheme amendment stage.	Review the trails shown on the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3 prior to planning scheme amendment stage.
3	The Proposed Trail line south of Sugarloaf Reservoir should be deleted. This area is not suitable for a public trail for a number of reasons - refer to <b>BICA Report</b> . The environmental significance of this area is highlighted in the recently released Yarra Strategic Plan. With the adjacent Bend of Islands to the south, and Sugarloaf Reservoir to the north, it forms a significantly large area where domestic animals are prohibited. The introduction of dogs and horses through the middle of this area would have a significant detrimental effect. It should also be noted that the Northern Trails Strategy does not illustrate a trail through this area.	Noted. The trails shown on the Phase 3 Consultation Version of the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3 have been updated since exhibition and can be further reviewed prior to planning scheme amendment stage.	Review the trails shown on the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3 prior to planning scheme amendment stage.
4	Support illustration the off-road & shared trail networks across the Shire.	Noted	No change to the Faunal Habitat and Remnant Vegetation Plan map at draft MPS Clause 02.04-2 based on this submission; however trails shown on the plan are recommended to be

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
			reviewed prior to planning scheme amendment stage.
5	The Melbourne Water Aqueduct land, from Skyline Road west to the Warrandyte-Kinglake Nature Conservation Reserve, is Melbourne Water property zoned Public Use Zone 1 (PUZ1) and is not open for public access (fenced with locked gates and signage banning public access at all road interfaces etc.) This should not be shown as 'National Parks and Other Parks'.	<p>Noted. The following changes are recommended to the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3:</p> <ul style="list-style-type: none"> <li>Remove the trail shown to the south of the Sugarloaf Reservoir</li> <li>Review the status of the land shown as National Parks and Other Parks that occurs in the Public Use Zone 1 adjacent to the south-west of Sugarloaf Reservoir.</li> </ul> <p>The map should be reviewed and any changes made prior to planning scheme amendment stage.</p>	Review the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3 to potentially remove the aqueduct trail and to alter how public land is shown in relation to the Sugarloaf Reservoir prior to planning scheme amendment stage.
6	The area to the south-west of Sugarloaf Reservoir is not open to public access and should not be shown as 'National Parks and Other Parks'	<p>Noted. The following changes are recommended to the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3:</p> <ul style="list-style-type: none"> <li>Remove the trail shown to the south of the Sugarloaf Reservoir</li> <li>Review the status of the land shown as National Parks and Other Parks that occurs in the Public Use Zone 1 adjacent to the south-west of Sugarloaf Reservoir.</li> </ul> <p>The map should be reviewed and any changes made prior to planning scheme amendment stage.</p>	Review the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3 to potentially remove the aqueduct trail and to alter how public land is shown in relation to the Sugarloaf Reservoir prior to planning scheme amendment stage.
7	The sections of Warrandyte Kinglake Nature Conservation Reserve south west of Buttermans Track, should be shown to link up with the area near Rob Roy Road.	The submission is vague in relation to description of an 'area near Rob Roy Road'; however the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3 can be reviewed to ascertain if the land between Warrandyte Kinglake Nature Conservation	Review the Open Space and Recreation Facilities Plan map at draft MPS Clause 02.04-3 to ascertain if land between Warrandyte Kinglake Nature Conservation Reserve and Rob Roy Road should be shown differently prior to planning scheme amendment stage.

No.	Key Sentiments	Officer Response	Recommended change to MPS
		Reserve and Rob Roy Road should be shown differently prior to planning scheme amendment stage.	
<b>Clause 02.04-4 Infrastructure assets plan</b>			
1	The Plan provides clear boundary markers and illustrates the Urban Growth Boundary and boundaries around townships.	Noted	No change to the Infrastructure Assets Plan map at draft Clause 02.04-4 based on this submission.
<b>Clause 72.04-2 Further strategic work</b>			
1	The issue of the high number of small lots in the Green Wedge was an issue that was going to be tackled by the previous Council but in the end was never pursued with the community. There needs to be local policy within the Planning Scheme stopping and the consolidation of small lot subdivisions in the Green Wedge. This work should be listed in Clause 74.02 - Further Strategic Work and given a high priority for action.	The Strategic direction point 2 at Clause 02.03-9 Infrastructure to Facilitate the consolidation of rural lots to create larger lots is consistent with State policy in the Nillumbik Planning Scheme for 'Protection of agricultural land' (14.01-1S). Both of these directions provide scope for Council to investigate how best to achieve the policy direction with the available suite of planning controls under the Victoria Planning Provisions.	No change to the draft Schedule to Clause 74.02 based on this submission.
2	Concerns regarding the intention of Council "Preparing options with strategic justification for a draft Environmentally Sustainable Development planning policy". This provides the justification for council to revisit changes to the planning zones, controls and overlays within the RCZ and GW areas of rural Nillumbik. Changes to overlays in these zones were previously rejected by Planning Panels Victoria and the Minister for Planning (referring to the outcomes of C101 and C81). Therefore, there is no justifiable grounds to revisit these planning	ESD policies generally help statutory planners to assess development proposal for their environmental efficiency rather than result in changes to zones and overlays.	No change to the draft Schedule to Clause 74.02 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	matters. Further to this, there is no justification to revisit any existing planning controls.		
3	The further strategic work Council should concentrate on is the reduction of both red and green tape to facilitate the better and more efficient passage of applications. As the community rebuilds after the destructive restrictions and shutdowns from COVID-19, Council needs to take a pro-active role in facilitating and encouraging new development to get our economy moving once more.	The State Government and the Minister for Planning take the lead in determining how to make the planning system more efficient.	No change to the draft Schedule to Clause 74.02 based on this submission.
4	Develop strategies to cope with solar panel disturbance regarding the design of homes and built form and how new homes are designed to achieve optimum coverage.	<p>The MPS and the PPF provide broad policy direction to improve the design of buildings with regard to energy efficiency, which would cover the use of solar panels.</p> <p>The Victorian Building Authority (VBA) states on its website that the Australian Building Codes Board (ABCB) released the National Construction Code (NCC), which was adopted by states and territories on 1 May 2023. The NCC strengthens minimum requirements for the energy efficiency of new homes. The VBA website states:</p> <p><i>“The ABCB is updating the NCC to strengthen minimum requirements for the energy efficiency of new homes. The new energy efficiency and condensation mitigation requirements commence in Victoria on 1 October 2023”.</i></p>	No change to the draft Schedule to Clause 74.02 based on this submission.
5	Set out future plans and strategies regarding electric vehicle charging station placement.	This is an emerging issue and further work may be necessary to examine this issue more closely. It would be premature for Nillumbik Shire Council s MPS to address this issue at this stage.	No change to the draft Schedule to Clause 74.02 based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
6	Undertake a review of all sites in the Shire which may incur flooding and where residential properties may be at risk.	Catchment Management Authorities (CMAs) periodically undertake flood studies that help Councils to prepare planning scheme amendments to apply, delete or alter the coverage of planning controls such as UFZ, SBO, LSIO or FO. Nillumbik occurs within the Port Phillip and Western Port Catchment which is under the jurisdiction of Melbourne Water as the CMA.	No change to the draft Schedule to Clause 74.02 based on this submission.
7	A review of the Bushfire Management Overlay should occur to ascertain whether new areas should be added or existing areas removed.	The State Government generally takes the lead on any changes to the coverage of the Bushfire Management Overlay based on scientific modelling and CFA advice,	No change to the draft Schedule to Clause 74.02 based on this submission.
8	Complete a future Housing Strategy that looks specifically at the needs of longer term housing needs and trends and affordable and social housing provision within the Shire.	The development of a housing strategy has been recommended in Officer response to submissions on 'Housing' under draft MPS Clause 02.03-6.	Add " <i>Nillumbik's housing needs through the development of a housing strategy</i> " to the 'Identify' list in the draft Schedule to Clause 74.02 and add " <i>The Neighbourhood Character Study</i> " to the 'Review' list.
9	Consider a transport review of Shire which investigates areas which do not have sufficient public transport use.	A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy and will be informed by public consultation before being finalised.	No change to the draft Schedule to Clause 74.02 based on this submission.
General Feedback			
1	Residents of the green wedge and their (private) properties need to be acknowledged along with their contribution to its environmental, social and economic viability, sustainability, amenity and appeal.	The draft MPS acknowledges under draft MPS clause 02.03-6 ('Housing') that " <i>Residential settlement in rural areas is usually based on an appreciation of the bush and often a willingness to revegetate previously cleared areas</i> ".  The role of the MPS is not to elaborate on the positive contributions of residents to Nillumbik's municipal life, rather its role is to address the planning issues faced within the municipality that is informed by strategic work and is	No changes to the draft MPS based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		consistent with State planning policies under the Nillumbik Planning Scheme.	
2	The MPS needs to reflect the true reality and on-ground identity of the Nillumbik Green Wedge - particularly acknowledging that the Nillumbik Green Wedge is not simply wilderness but incorporates diverse and dynamic rural places where people live, work, play and enjoy their varied lifestyles.	The role of the MPS is not to elaborate on the positive contributions of residents to Nillumbik's municipal life, rather its role is to address the planning issues faced within the municipality that is informed by strategic work and is consistent with State planning policies under the Nillumbik Planning Scheme.	No changes to the draft MPS based on this submission.
3	For large rural properties, there should be more flexibility for uses in line with changing living conditions (e.g. allowing more than one dwelling on larger properties or by creating a larger buffer area between the residential properties and rural properties with more diverse property sizes). to address the Shire's housing needs, stimulate the local economy and improve bushfire management.	Rural residential development and proliferation of dwellings is not supported in rural zones or by State planning policy under the Nillumbik Planning Scheme – refer: <ul style="list-style-type: none"> <li>• 'Peri-urban areas' (Clause 11.03-3S)</li> <li>• 'Protection of agricultural land' (14.01-1S)</li> <li>• 'Rural residential development' (16.01-3S).</li> </ul>	No changes to the draft MPS based on this submission.
4	Under the planning provisions and BMO, there is no scope to replace vegetation that is removed and will eventually be lost for future generations.	Removal of native vegetation in rural areas frequently requires a permit under Clause 52.17 of the Nillumbik Planning Scheme. Any net loss of vegetation or adverse impacts on landscapes, biodiversity or rural amenity is taken into account in the assessment of building applications triggered by the BMO.	No changes to the draft MPS based on this submission.
5	That the phrase "climate change" be altered to "climate emergency" in recognition of Council's recent declaration of the climate emergency but also in response to the grave risk that the climate emergency poses to Nillumbik. E.g. "The climate emergency is the biggest threat to Nillumbik's future."	Officer responses to submissions on draft MPS Clause 02.01 'Context' have recommended to include reference to climate emergency extracted from Council's Climate Action Plan.	<ul style="list-style-type: none"> <li>• Add sentence to 'Context' with regard to climate change to tie to 'Vision' as taken from the adopted Climate Action Plan 2022-2032: "As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively</li> </ul>



## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
			<i>integrate climate change mitigation and adaptation into all Council actions."</i>
6	The MPS should recognise the current Reconciliation Action Plan should be referred to when assessing development plans for Nillumbik Shire.	The Reconciliation Action Plan is still being prepared. However, not including the Reconciliation Action Plan is consistent with not including reference to other plans and strategies in the MPS, which would otherwise soak up the 5,000 word count limit for the MPS in the Ministerial Direction on the Form and content of Planning Schemes.	No changes to the draft MPS based on this submission.
7	The COVID pandemic has made people fearful to leave their homes. Specific strategies need to be developed to rebuild a resilient population.	Encouraging people to leave their homes is not the role of the MPS, rather, its role is to outline the planning issues faced within the municipality and how planning should address those issues based on strategic work and in accordance with State planning policies under the Nillumbik Planning Scheme.	No changes to the draft MPS based on this submission.
8	Most of the land in Nillumbik is green wedge land. Therefore, native species need higher protection from inappropriate development, inappropriate fire regimes and land uses.	Noted. Consistent with draft Strategic direction point 3 in Clause 02.03-1 'Settlement and the Nillumbik Green Wedge', which states: - Protect the Green Wedge from incompatible use and development. This should also be seen in the context of the purpose of rural zones that have been applied in the Green Wedge.	No changes to the draft MPS based on this submission.
9	Planning permits should no longer be issued in dangerous areas. The financial risk coupled with people's lives is of great risk due to fire and building in flood prone areas should not be allowed.	Planning permits are issued in accordance with the provisions of zones, overlays or particular provisions that trigger a permit application. The MPS cannot promote a blanket prohibition of a land use or development that is otherwise potentially permitted by the zoning.	No changes to the draft MPS based on this submission.
10	Need to eliminate medium and high density housing.	Not consist with current policy. Strategic direction point 2 in Clause 02.03-6 Housing	No changes to the draft MPS based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		<p>- Facilitate medium density housing development that is compatible with the character of the area in identified locations that are close to infrastructure.</p> <p>The State Government and Minister for Planning would not support a blanket prohibition of medium density housing in Nillumbik Shire that is contrary to State planning policies that direct medium density housing to appropriate locations, e.g. activity centres and identified growth areas.</p>	
11	It's important that obstacles are NOT put in place to phase out farms and other agricultural land uses.	The draft MPS does not seek to phase out farms and supports agriculture in Nillumbik Shire's Green Wedge, including in the Rural Conservation Zone (RCZ) provided that the conservation values expressed in the RCZ schedules are protected.	No changes to the draft MPS based on this submission.
12	Stop trying to steer Shire residents in the direction of 'no farms', no animals on farms. There is too much control given to the extreme green element of our communities.	The draft MPS supports agriculture in Nillumbik Shire's Green Wedge, including in the Rural Conservation Zone (RCZ) provided that the conservation values expressed in the RCZ schedules are protected.	No changes to the draft MPS based on this submission.
13	There needs to be appropriate funding and capacity for council to respond to climate change and to protect the from the community highly valued biodiversity values.	Council could point to the strategic work that needs to be undertaken, as outlined in the draft Schedule Clause 74.02, to potentially secure funding, e.g. to review " <i>The environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire</i> ".	No changes to the draft MPS based on this submission.
14	Council need to start using local trades or converse with Indigenous peoples for upcoming works so it matches with the aspirations of the MPS.	This might be addressed in the Reconciliation Action plan that is currently being developed.	No changes to the draft MPS based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
15	Nillumbik would benefit from an approach to housing that encourages innovative models such as long-term leases of land for the creation of intentional communities	Officer responses to submissions on other draft MPS clauses (e.g. Clause 02.01 'Context') have recommended to add references to Housing Strategy in Clause 02.03-6 'Housing' and Schedule to Clause 74.02 'Further Strategic Work'.	<ul style="list-style-type: none"> <li>Add a fourth dot point to the strategic directions for 'Housing' in draft MPS Clause 02.03-6 to: <i>"Identify Nillumbik's housing needs in a housing strategy."</i></li> <li>Insert a dot point in the Schedule to Clause 74.02 to identify Nillumbik's housing needs through the development of a housing strategy.</li> </ul>
16	What instruments will be locked in place to future-proof decision making around protecting the Green Wedge?	The current Green Wedge Zone and Rural Conservation Zone have been applied to protect the Green Wedge. The MPS will both, help to guide decisions on permit applications' and be a Catalyst for Council to further examine the planning controls, e.g. draft Schedule to Clause 74.02 'Further strategic work' states to review <i>"The environmental framework within the scheme, with a focus on optimising and tailoring the strategic basis, application and content of planning controls designed to protect biodiversity outcomes in the Shire"</i>	No changes to the draft MPS based on this submission.
17	Resilience to bushfire requires proper maintenance of open spaces. The Shire is very keen to point out to landowners their responsibilities but they fail in their own duties.	Noted	No changes to the draft MPS based on this submission.
18	Council needs to maintain road verges and open spaces - particularly clearing debris that becomes fuel load for bushfire risk.	Noted	No changes to the draft MPS based on this submission.
19	How does the MPS value the consultation feedback and whilst maintaining the integrity of the natural aspects of the Shire to mitigate climate change? Popular opinion must not guide the health of Nillumbik if it goes against the needs of the planet.	As Community Engagement Policy (p5) states "community engagement does not necessarily mean achieving consensus. However, it does involve seeking broad, informed input into the decision-making process to achieve the best possible outcomes."	No changes to the draft MPS based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		The decision maker will undertake an assessment of the proposal and decide whether the proposal meets the relevant planning objectives or achieves an appropriate balance between competing planning policies (PPN 59).	
20	The Environment Act definition of 'conservation' should guide the MPS.	Noted	No changes to the draft MPS based on this submission.
21	Reframing the way we use the land and live on the land is going to be fundamental to a sustainable future. The MPS needs to promote the diversity of uses to maintain the unique character of Nillumbik however ensuring these are not in conflict with sustainable land use practices.	Balancing planning issues is a challenge that Councils and communities face together.	No changes to the draft MPS based on this submission.
22	In Eltham, more support needs to be given to 'friends groups' and residents who wish to plant out roadsides with native/indigenous vegetation.	This may be an issue to be addressed by local laws under the <i>Local Government Act 2020</i> .	No changes to the draft MPS based on this submission.
23	Air quality, light pollution, noise pollution and radio frequency interference needs to be monitored, measured and reported for their effects on biodiversity - particularly impacts on fauna.	Potential adverse impacts from emissions are considerations in the assessment of planning applications in accordance with zone provisions and decision guidelines.	No changes to the draft MPS based on this submission.
24	Biolinks are crucial to the Shire's biodiversity and must be protected and extended. The MPS must strongly indicate support for this.	<p>Noted. Similar strategic direction already mentioned in MPS. Strategic direction point 4 and 5 in Clause 02.03-2 Protection of biodiversity</p> <ul style="list-style-type: none"> <li>- Protect the habitat areas of native vegetation and fauna.</li> <li>- Protect and enhance the environmental, landscape and habitat values of roadside vegetation in the Shire.</li> </ul> <p>Strategic Habitat Links are shown on the Faunal Habitat and Remnant Vegetation Plan map under draft MPS Clause 02.04-2, which is</p>	<ul style="list-style-type: none"> <li>• Correct the Faunal Habitat and Remnant Vegetation Plan map at draft MPS Clause 02.04-2 to define the narrow purple lines in the map legend prior to planning scheme amendment stage.</li> <li>• Correct the Faunal Habitat and Remnant Vegetation Plan map at draft MPS Clause 02.04-2 to define the narrow purple lines in the map legend prior to planning scheme amendment stage.</li> <li>• Review the Faunal Habitat and Remnant Vegetation Plan map at draft MPS Clause</li> </ul>

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
		recommended to be reviewed prior to planning scheme amendment stage.	02.04-2 to potentially show additional Strategic Habitat Links prior to planning scheme amendment stage.
25	There needs to be a more active tree planting program in the Major Activity Centres and residential areas.	Develop an urban tree canopy is listed in the draft Schedule to Clause 74.02 'Further Strategic Work.	No changes to the draft MPS based on this submission.
26	How exactly does Council propose to meet its target of net zero emissions by 2035? I.e. what are the current level of emissions, what are the key contributors (by %), and what is the plan to address each of these? Also it's unclear as to what the target emissions level should be? Has a cost / benefit analysis of implementing the Council's Climate Plan to achieve net zero emissions by 2035 been completed? Furthermore, what is the cost to ratepayers of achieving a net zero emissions target by 2035 (including consultants fees, Council and contractor wages for implementing, monitoring and maintaining the Climate Action Plan, purchasing alternative materials, equipment & plant in support of the plan, etc.)	Several of the answers to submitter's questions can be ascertained directly from the Climate Action Plan ('the Plan'), e.g.: <ul style="list-style-type: none"> <li>Re 1<sup>st</sup> question: Section 4 of the Climate Action Plan outlines eight focus areas for Climate Action, e.g. Focus Area 1 includes to <i>"Embed delivery of the Climate Action Plan within the CEO's contract / performance plan"</i>.</li> <li>Re monitoring: Section 4 of the Plan refers to indicators from data collection to help track progress in achieving the Plan's goals and objectives.</li> <li>Implementation (which also addresses the cost questions) is outlined in Section 5, e.g. <i>"An Implementation Plan that specifies key climate action initiatives will be prepared every year. These key climate initiatives will be considered in Council's annual budget process."</i></li> </ul>	No changes to the draft MPS based on this submission.
27	Concerns regarding approved permits not being adhered to i.e. that developers are not following building or site plans and restrictions after they are granted.	Under the <i>Planning and Environment Act 1987</i> , Council has the ability to issue fines for breaches of the planning scheme and permits, or seek enforcement action through VCAT.	No changes to the draft MPS based on this submission.
28	Council needs to uphold environmental preservation and renewal as key qualifier for development applications.	Environmental impacts are frequently considered in the assessment of planning applications and often inform permit conditions if approval is granted.	No changes to the draft MPS based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
29	Nillumbik is looking tired and worn down and needs a facelift but with limited Council funds this can't happen. Resident have had to endure increased traffic and wear and tear of local infrastructure due to the new developments in neighbouring councils however without being able to reap any of the benefits that came along with these additions. Nillumbik Shire Council didn't previously have the vision to enable an increase in some development to support infrastructure upgrades. To this end, the Strategic Direction should support additional development in some rural areas which can increase Council's rate base and allow for much needed affordable housing for generations to come. Development can be constructed in harmony with the environment and strike a balance between rural and residential land.	<p>Strategic direction in Clause 02.03-6 Rural residential development</p> <p>- Discourage rural residential development in the Green Wedge, unless supported by a council strategy or framework plan.</p> <p>Rural residential development and proliferation of dwellings is not supported in rural zones or by State planning policy under the Nillumbik Planning Scheme – refer:</p> <ul style="list-style-type: none"> <li>• 'Peri-urban areas' (Clause 11.03-3S)</li> <li>• 'Protection of agricultural land' (14.01-1S)</li> <li>• 'Rural residential development' (16.01-3S).</li> </ul>	No changes to the draft MPS based on this submission.
30	For each ordinance subsections, it should be clearly evident how it has been informed by the overarching vision and purpose of Nillumbik as a Green Wedge and Conservation Shire. This community led aspiration has been presented to Council many times, including in the recent Our People, Our Places, Our Future consultation and should be clearly reflected in all Council Plans and Strategies, including all aspects of the MPS. The top priorities for the community being preservation of the green wedge, protection of biodiversity, & action on climate change.	The Strategic directions in the draft MPS have addressed protection of the Green Wedge (e.g. at Clause 02.03-1) and biodiversity (e.g. at 02.03-2) and outlined action on climate change (e.g. 02.01 and 02.03-3).	No changes to the draft MPS based on this submission.
31	Recurrent with each subsection of the MPS, there is the need to not only develop policies, plans and guidelines, but also a commitment to have resource allocations to monitor their implementation and ongoing adherence, to	The MPS is not intended to be a detailed plan. Its purpose is to outline broad Strategic directions that help to guide planning decisions and outlines strategic work that ultimately informs appropriate planning provisions to help	No changes to the draft MPS based on this submission.

## MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
	ensure effectiveness. This is a gaping deficit in current practice across the Council.	address planning issues faced by the municipality. A regular review of the planning scheme in accordance with the <i>Planning and Environment Act 1987</i> helps to ascertain the effectiveness and currency of the planning scheme's policies and provisions.	
32	Rural living is the primary use of the smaller 'hobby' properties, including both productive land and bush blocks. This is a positive quality for the Green Wedge with thriving diverse communities that provide population, physical effort and investment to sustain the Green Wedge, support for local economies and providing valuable rates for council. The MPS should be revised to ensure that these qualities are reflected and acknowledges existing rural residents in a positive way.	The role of the MPS is not to elaborate on the positive contributions of residents to Nillumbik's municipal life, rather, its role is to address the planning issues faced within the municipality that is informed by strategic work and is consistent with State planning policies under the Nillumbik Planning Scheme. Rural residential development and proliferation of dwellings is not supported in rural zones or by State planning policy under the Nillumbik Planning Scheme – refer: <ul style="list-style-type: none"> <li>• 'Peri-urban areas' (Clause 11.03-3S)</li> <li>• 'Protection of agricultural land' (14.01-1S)</li> <li>• 'Rural residential development'.</li> </ul>	No changes to the draft MPS based on this submission.
33	The MPS is a poor strategy that uses ambiguous and vague terms and does not offer any integrated planning policies to ensure the protection and conservation of remnant vegetation across all of the Shire whilst managing climate change and associated environmental risks.	The MPS is not meant to be a detailed plan and has a 5,000 word count limit in which to articulate the broad Strategic directions in planning for the municipality. The word count limit is set by the Ministerial Direction on the Form and Content of Planning Schemes.	No changes to the draft MPS based on this submission.
34	The MPS guides the management of development in the context of bushfire risk over protection and conservation of remnant vegetation at a time when the planet is undergoing significant loss of biodiversity, loss of insects and fauna and the climate is warming. This should be reversed.	Removal of native vegetation in rural areas frequently requires a permit under Clause 52.17 of the Nillumbik Planning Scheme. Any net loss of vegetation or adverse impacts on landscapes, biodiversity or rural amenity is taken into account in the assessment of building applications triggered by the BMO.	No changes to the draft MPS based on this submission.

MPS - Phase 3 Engagement - Summary of Submissions

No.	Key Sentiments	Officer Response	Recommended change to MPS
35	<p>The MPS overall is good. Main additional input would be to support urban growth further into Reynolds Road to allow for further subdivision as the area is fully surrounded by residential zones. Furthermore, the area is connected to amenities. Consideration for a bus on Reynolds Road should also be entertained e.g. a re-route of the bus route that comes up Mt Pleasant Road.</p>	<p>Areas identified as having further growth potential for residential subdivision in existing residential zones include:</p> <ul style="list-style-type: none"> <li>▪ Eltham and Diamond Creek Major Activity Centres.</li> <li>▪ Apollo Parkways.</li> <li>▪ Land in the Diamond Creek North Area A Development Plan and Diamond Creek Area B Development Plan to the north and north-east of the Diamond Creek Major Activity Centre.</li> <li>▪ The Plenty Low Density Residential area.</li> </ul> <p>A draft Integrated Transport Strategy is currently being developed that will eventually inform any future changes to planning scheme policy and will be informed by public consultation before being finalised.</p>	<p>No changes to the draft MPS based on this submission.</p>