

NCS - Phase 3 Engagement – Submissions

Sub. No.	Allocated Character Area	Officer Summary of Key Points raised	Officer Response & Recommendation	Referred to Other Teams	Refer to Ethos? Yes/No	Ethos Response
PARTICIPATE NILLUMBIK ONLINE FORMS (8 Submissions)						
1	N/A	It is moving in the right direction however - compliance, compliance, compliance is the issue. New residents need to be told what they can/cannot do when they buy into the area dependent on where they have bought. Too many problem arise because people don't know or if they don't care then any Character strategy is a waste of effort.	<p>The Neighbourhood Character Strategy (NCS), once approved, will inform amendments to the Nillumbik Planning Scheme, which Council enforces under the <i>Planning and Environment Act 1987</i>. Changes will include amending the local policy for Neighbourhood Character (Clause 15.01-5L) to replace the outdated 2001 design guidelines, and to potentially vary Rescode provisions through schedules to the residential zones (e.g. changes to building setbacks, fencing, or to introduce landscaping requirements). Council's planning officers take the Neighbourhood Character policy and design guidelines into account when assessing planning applications for residential land use and development in accordance with zone, overlay and other planning scheme provisions. Purchasers of properties are made aware of the zone and any overlays or planning permits that apply to those properties through Section 32 of the <i>Sale of Land Act 1962</i>. Landowners have the responsibility of complying with the zone or overlay requirements, and any existing permit conditions, when proposing new development, and can ask Council planners to highlight and explain the relevant planning requirements.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
2.a	Garden Res.	<p>(Refer submission 89A in Engagement 2 Written Response Analysis): "The inclusion of Housing Types and Land Uses into the NCS:</p> <p>Current Neighbourhood Character local policy excludes land zoned MUZ. Eltham Gateway design guidelines not listed as one of the documents reviewed as part of the development of the NCS. If Council does not intend to remove or review the Eltham Gateway design guidelines (the DDO1) applying to land in the Eltham Gateway, then implementation of the NCS as Garden Residential could be duplicative and potentially confusing for land that must already consider the design guidance of the Eltham Gateway design guidelines. If no recognition and guidance is given in the NCS as requested in our submission then we would request all land zoned MUZ should be excluded from future implementation of the NCS on this basis.</p>	<p>Although Clause 15.01-5L states that the policy applies to a residential zone, except a Mixed Use Zone (MUZ), the policy refers to plans that form part of this Clause. Those plans show that the MUZ to the south of the Eltham Activity Centre is included in Bush Garden 4, which is to become Garden Residential under the draft NCS.</p> <p>The draft Schedule to Clause 74.02 (Further Strategic Work), which Council adopted on 27 June 2023 as part of adopting the draft Municipal Planning Strategy (MPS), states to review the implementation mechanisms to ensure appropriate development in gateways. Both, current, and Draft Clause 74.02 state to undertake further strategic work on Township entrances and gateways. These two directions point to a review of all the planning controls for gateways, including DDO1 for the Eltham Gateway.</p> <p>The DDO1 provides an additional layer of planning controls that does not preclude the application of NCS design guidelines. This is reinforced by the MUZ purpose, which includes (amongst other purposes) to encourage development that responds to the existing or preferred neighbourhood character of the area. This purpose of MUZ is part of the Victoria Planning Provisions that Council cannot change.</p> <p>The DDO1 Design objectives are compatible with the Garden Residential Neighbourhood Character Objectives under the draft NCS, including low or no front fencing, generous setbacks, maintain vegetated character, and encourage development that is unobtrusive and compatible with the prevailing 1 to 2-storey character. Consequently, there is unlikely to be any conflict with the DDO1 if the NCS is adopted and implemented. Nevertheless, DDO1 is currently effectively flagged for review, which would continue if and when Council's adopted draft Clause 74.02 is inserted into the Nillumbik Planning Scheme as part of a future planning scheme amendment.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
2.b	N/A	<p>(Refer submission 89B in Engagement 2 Written Response Analysis): Objectives and Design Guidelines of the NCS should include social and environmental built for outcomes, such as 'supporting creation of a sense of community and social belonging through shared space and social interaction'.</p>	<p>Re social interaction and outcomes:</p> <p>Whilst the NCS report discussion of neighbourhood character includes "examining the relationship between people and the social, environmental and economic characteristics of place", the Neighbourhood Character Objectives and Design Guidelines for each of the NCS precincts are essentially confined to an examination of the attributes that visually differentiate one neighbourhood from another in accordance with <i>Planning Practice Note 43 Understanding Neighbourhood Character</i> (PPN 43). The NCS summarises these attributes as:</p>	No	No	N/A

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		<p>We still believe that the physical environment impacts and can be supportive of social and environmental outcomes so it is important to give guidance for this.</p> <p>Pleased with the draft NCS report's discussion of neighbourhood character, including "to understand character in a holistic way, which involves examining the relationship between people and the social, environmental and economic characteristics of place" (p14) and "Neighbourhood character is about sense of place and community value" (p15).</p>	<ul style="list-style-type: none"> Built Form Setbacks and Siting Fencing Gardens Nature Strips Footpaths Viewlines and Topography Road Network <p>The interplay of all the above attributes is the measure of a local identity and contribute to a sense of place (NCS pp14-15 & PPN 43 p 2). Additionally, PPN 43 states two broad approaches to respecting character:</p> <ul style="list-style-type: none"> respecting the scale and form of surrounding development; respecting the architectural style of surrounding development. <p>Determining whether either or both approaches should influence the design response will depend on the features and characteristics (i.e. the attributes listed above) identified in the neighbourhood character description.</p> <p>Re environmental outcomes:</p> <p>Following Phase 2 consultation on the NCS, a discussion was added in section 4.10 (p51), discussing the interrelationship between NCS, climate change and ESD. Opportunities for further work also discussed in section 8.5 (p125) in regard to ESD, vegetation and landscaping.</p> <p>Re previous response to 89B in Engagement 2 Written Response Analysis – relationship of NCS to Housing Strategy:</p> <p>The Housing Strategy has regard to the Neighbourhood Character Strategy in determining any change areas required to facilitate a local government areas growth, which is determined by demographic data and State policy directives, noting that Nillumbik is predicted to have a comparatively minimal population increase in the future and a new Housing Strategy (Council Plan action now being undertaken) will plan for appropriately accommodating such. It also provides guidance with regard to demographic forecasting on such matters as affordable housing and areas and where diversity of housing can be supported.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>			
2.c	N/A	<p>(Refer submission 89C in Engagement 2 Written Response Analysis): "How will the objectives of the NCS be translated and implemented?"</p> <p>It is disappointing that guidance has not been added to how built form does and doesn't contribute to ESD, affordability, well being and facilitating social interaction. This guidance in the NCS would assist with the translation of NCS concepts to the amendment documentation that will need to occur to ensure the Nillumbik planning scheme reflects the intent of the NCS. This is especially relevant when underlying zones and potentially overlays will need to be understood in conjunction.</p>	Refer response 2.b	No	No	N/A
2.d	Garden Res.	<p>(Refer submission 89D in Engagement 2 Written Response Analysis): "Not enough direction is provided in the NCS with regard to aging in place, placemaking, sense of belonging, social</p>	Refer response 2.b, including:	No	No	N/A

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		<p>inclusion, community and climate resilience, liveability and wellbeing ”</p> <p>These (i.e. above) should be explicitly represented in the objectives and design guidelines to give guidance for preferred future character.</p> <p>The ability to promote and support this (i.e. PPN43’s explanation of understanding and respecting character) will ultimately be reflected in the assessment tools statutory planners use to give advice and to assess developments. The NCS highlights the values being sought by residents but the Strategy does not go on to reflect these in the Garden Residential Precinct objectives (p.94) and design guidelines (p95).</p> <p>Without providing direction on preferred future objectives (as identified in the consultation) assessment will only reinforce existing narrowly defined features.</p> <p>p. 49 “4.8 Dominant car access and storage” add support developments without car storage structures.</p> <p>Addition of 4.10 doesn’t go far enough to support the physical built form expression of responding to Climate Change and Environmentally Sustainable Design.</p> <p>We reiterate the conclusion to our previous submission. We support the broad aims of the Draft Neighbourhood Character Strategy but do not believe enough guidance has been given to include the physical expression of social and sustainability values and outcomes that were identified in the engagement process. Sense of place and a holistic approach is about residents’ relationship with their neighbourhood and these connections are facilitated and enhanced by good design or hindered by poor design or lack of consideration. Supportive objectives and good design are needed to support elements such as shared facilities (internal and external), encourage social interaction and ensure the physical expression of social and sustainability outcomes are considered when assessing developments against neighbourhood character objectives.</p>	<ul style="list-style-type: none"> • How an NCS examines the attributes that visually differentiate one neighbourhood from another in accordance with <i>Planning Practice Note 43 Understanding Neighbourhood Character</i>. • The addition of section 4.10 (p51), discussing the interrelationship between NCS, climate change and ESD. • Opportunities for further work in section 8.5 (p125) in regard to ESD, vegetation and landscaping. • The relationship between a NCS and a Housing Strategy, which is currently being developed. <p>Additionally:</p> <ul style="list-style-type: none"> • The NCS and Housing Strategy will translate into the planning tools (i.e. schedules to zones) used to vary the attributes that are addressed by the Rescode Standards under Clauses 54 & 55 such as setbacks, landscaping, permeability, walls on boundaries and private open space. • Council’s other existing and proposed strategic work such as Climate Action Plan, landscaping guidelines, urban tree canopy strategy, MPS and future ESD policy will have a greater bearing on environmental outcomes in Nillumbik compared to sole reliance on the NCS. • The social implications of the NCS are essentially limited to the attributes that are identified for individual areas and precincts (in accordance with PPN43). • Social interaction is more frequently addressed by other parts of the planning scheme, e.g. active frontages to create passive surveillance opportunities in the public realm of activity centres (Schedule 1 to Clause 37.08) and Housing by or on behalf of Homes Victoria (Clause 53.20). • Other Clauses addressing passive surveillance include: <ul style="list-style-type: none"> ○ Communal open space Standard B36 (Clause 55.07-2) ○ Integration with the street Standard B51 (Clause 55.07-17) ○ Public open space provision Standard C13 (Clause 56.05-2) ○ Integration with the street Standard D5 (Clause 58.02-5). • Some examples of references to ‘social’ in the Nillumbik Planning Scheme also include: <ul style="list-style-type: none"> ○ The Council Plan provides a framework for improving the environmental, social and economic wellbeing of the community (part of the Vision under Clause 02-02 of the MPS). ○ Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services (Clause 11 for Settlement). ○ Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that (amongst other things) Maximises choices in services, employment and social interaction (Strategy under Clause 11.03-1S for Activity centres). ○ Ensure development is linked to the timely and viable provision of physical and social infrastructure (Strategy under Clause 11.03-3S for Peri-urban areas). • The NCS design guidelines will help to guide new development so that it ‘fits in’ (PPN43, p6) with surrounding existing development, especially where the existing attributes are highly valued by the community, e.g. spacious gardens, generous building setbacks, abundant vegetation and unobtrusive built forms. These attributes are widespread across Nillumbik’s residential areas and neighbourhood precincts. • Re car access and storage (NCS p49) and supporting developments without car storage structures: planning applications for residential development that seek to waive or reduce car parking requirements under Clause 52.06 will be assessed on 			

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			<p>their individual merits and would have better chance of support where there is good access to public or alternative transport options, e.g. close proximity to major activity centres and public transport hubs, and where pedestrian and cycling path networks are safe and well-connected.</p> <p>Officer Recommendation: No change to the NCS based on this submission.</p>			
2.e	N/A	With reference to our previous submission (9 October 2022) we do not believe the responses offered address the concerns raised in the officer response report (i.e. Engagement 2 Written Response Analysis).	<p>Officer responses to submission 89A-D in Engagement 2 Written Response Analysis addressed the issues that were raised appropriately and did not recommend any changes to the NCS. This is reiterated in the responses to 2.a-d.</p> <p>Officer Recommendation: No change to the NCS based on this submission.</p>	No	No	N/A
3	BR1	Strongly believes mudbrick should be encouraged and promoted within the Shire and by Council to maintain the Shire's living history, and ensure the continued enhancement of existing Nillumbik neighbourhood character. The submission outlines a range of reasons to support this view, including that there are "hundreds of existing mud brick structures and dwellings in Nillumbik, more than anywhere else in Victoria". Other reasons include harmony with bush setting and use of mudbrick provides better articulation of buildings due to deeply recessed window and door openings.	<p>The submission does not specifically request any changes to the NCS.</p> <p>Officer Recommendation: Refer to Ethos to ascertain if further emphasis of mudbrick is warranted in any of the NC precincts due to "hundreds of existing mud brick structures and dwellings in Nillumbik, more than anywhere else in Victoria".</p> <p>Officer Response to Ethos / Final recommendation: Agree with Ethos – No change to NCS.</p>	No	Yes	<p>No change required.</p> <p>Mudbrick identified as building material where it appears/appropriate – Bush residential 1 Precinct: design guidelines</p>
4.a	N/A	It is not only the Neighbourhood Character as assessed from the street which is important. The rear and side views from neighbouring properties of the proposed changes are just as important. Examples can be given whereby there appear to be no changes at the front streetscape and yet the neighbouring properties have lost their privacy and amenity due to tree and vegetation loss and building placement. This is becoming more prevalent as a consequence of allowing second dwellings on existing allotments. This practice also contributes to tree canopy loss in the more urban areas of the Shire.	<p>The NCS report recognises that Contemporary Infill development (p42) can result in visually bulky buildings with high site coverage, small setbacks and minimal canopy tree retention, which all pose a threat to neighbourhood character. There are examples of this type of newer development in Greensborough, Eltham and Diamond Creek. However, the design guidelines would help ensure that contemporary development could successfully respond to its location by reflecting the form and siting of surrounding dwellings. Examples of how the design guidelines seek to achieve this include:</p> <ul style="list-style-type: none"> • If more than one dwelling is proposed, provide sufficient separation between each dwelling to allow for the planting of canopy trees, amenity trees and understorey vegetation. (Applied to all NC areas, with vegetation to be indigenous and native in Bush Residential 1 & 2 and Rural Residential 1 & 2). • Providing for 4 metres minimum set back on one side in Bush Residential 1 & 2 and 4 metres on both sides in Rural Residential 1 & 2 for the planting of indigenous and native trees and understorey planting. • Buildings should be sited to take into account the sharing of views corridors to the Diamond Creek, the Watsons Creek, the Yarra River, elevated ridgelines, vegetated areas and canopy trees in Bush Residential 1 & 2. • Siting to take into account the sharing of views corridors also applies to Urban Canopy Residential 2 & 3. • Retain existing indigenous and native canopy trees, amenity trees and understorey vegetation and replant wherever possible applies to all NC areas. • Prepare a landscape plan to accompany all applications for new dwellings that utilises appropriate indigenous and native species as identified in the <i>Nillumbik Live Local Plant Local Guide</i> applies to all NC areas. • Applying building site coverage limit of 40% in Bush Residential 1 & 2, 50% in Urban Canopy Residential 2, and 30% in Rural Residential 1 & 2. • Applying minimum permeable surface area of 40% in Bush Residential 1 & 2, 30% in Urban Canopy Residential 2, and 50% in Rural Residential 1 & 2. 	No	No	N/A

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			<p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>			
4.b	Bush Res. 2	<p>The design guidelines for Bush Residential 2 need to be clarified. The statement that "buildings should not penetrate the native and/or indigenous tree canopy where there is one" seems to imply that there would be no impediment to any height of the proposed building if there were no canopy trees! The design guidelines also state that proposals should complement the mainly 1-2 storey existing nature of the area. This guideline needs to be strengthened so that builds which are higher than 2 storeys cannot be classified as complementing the existing 1-2 storey character</p>	<p>The main limitation to building height is zoning. The vast bulk of the Bush Residential 2 (BR2) area occurs to the east and north-east of Eltham Major Activity Centre and mainly spans two residential zones, the Neighbourhood Residential Zone (NRZ) and General Residential Zone (GRZ). Clause 32.09-10 of NRZ specifies a maximum building height of 9 metres and no more than 2 storeys at any point for dwellings and residential buildings. This can only be exceeded if:</p> <ul style="list-style-type: none"> • A schedule to the zone specifies higher limits; however the current NRZ Schedule 1 does not specify higher limits. • A proposed building does not exceed the height or number of storeys of an immediately pre-existing building on the site that was greater than the NRZ default limits. • A proposed building does not exceed the height or number of storeys of the lower of existing buildings on abutting allotments. <p>Clause 32.08-10 of GRZ specifies a maximum building height of 11 metres and no more than 3 storeys at any point for dwellings and residential buildings. This can only be exceeded if:</p> <ul style="list-style-type: none"> • A schedule to the zone specifies higher limits; however the current GRZ Schedule 1 does not specify higher limits. • A proposed building does not exceed the height or number of storeys of an immediately pre-existing building on the site that was greater than the GRZ default limits. • A proposed building does not exceed the height or number of storeys of the lower of existing buildings on abutting allotments. <p>The State Government has determined that the schedules to the residential zones can schedule heights and number of storeys up, but not down, in relation to the zone default limits. Consequently, a GRZ schedule cannot prescribe a building height below 11 metres or below 3 storeys. However, a purpose of the GRZ includes, amongst other things, to encourage development that respects the neighbourhood character of the area. This is supported by the examination of neighbourhood character areas in Nillumbik that has been undertaken by the current draft NCS and the associated design guidelines for each character area.</p> <p>Apart from the zoning and reference to buildings should not penetrate the tree canopy (where present), other BR2 guidelines that would limit building heights include:</p> <ul style="list-style-type: none"> • New development should complement the 1-2 storey building height and simple building forms of existing dwellings. • Buildings should be designed to follow the topography of the land, and minimise the need for cut and fill throughout the site. • New buildings at or near ridgelines should be designed and sited below the height of trees along the ridgeline. <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
4.c	Bush Res. 2	<p>A 4 metre setback on one side is included in the design guidelines. There is no guideline about the other side or front setback. Does this mean that buildings can abut the street or next door property?</p>	<p>Although Bush Residential 2 states a minimum side setback of 4m on one side only, other BR2 design guidelines could potentially inhibit building on the opposing side boundary, e.g.:</p> <ul style="list-style-type: none"> • If more than one dwelling is proposed, provide sufficient separation between each dwelling to allow for the planting of canopy trees, amenity trees and understorey vegetation. (Applied to all NC areas, with vegetation to be indigenous and native in Bush Residential 1 & 2 and Rural Residential 1 & 2). 	No	No	N/A

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			<ul style="list-style-type: none"> Buildings should be sited to take into account the sharing of views corridors to the Diamond Creek, the Watsons Creek, the Yarra River, elevated ridgelines, vegetated areas and canopy trees in Bush Residential 1 & 2. Retain existing indigenous and native canopy trees, amenity trees and understorey vegetation and replant wherever possible applies to all NC areas. <p>Officer Recommendation: No change to the NCS based on this submission.</p>			
4.d	Eltham North (Bush Res 1&2, and UCR2)	The suburb of Eltham North is not mentioned in the Planning Scheme Zones. It is given its own locality in other places of the draft. Is Eltham North in GRZ or NRZ?	<p>Eltham North (i.e. Nillumbik Shire portion) is mainly NRZ, except for the northern part (i.e. south of Allendale Road and north and south of Wattletree Road), which is in GRZ. However the GRZ portion is in the Urban Canopy Residential 2 character area. The western NRZ portion is in Bush Residential 2 (BR2), with the balance of Eltham North in BR1.</p> <p>Officer Recommendation: No change to the NCS based on this submission, which does not request any changes.</p>	No	No	N/A
4.e	N/A	As a more general statement it is imperative that landscape plans are followed and continually monitored to ensure Neighbourhood Character is preserved.	<p>The NCS is not a mechanism for monitoring landscape plans; however will provide guidance in the assessment of planning applications and help to inform permit conditions. Permits are enforced under the <i>Planning and Environment Act 1987</i>.</p> <p>Officer Recommendation: No change to the NCS based on this submission.</p>	No	No	N/A
5.a	N/A	The limitation of building height to 1-2 storeys and simple forms is arbitrary and unjustified. It does not take into account the varied topography, views, solar access, privacy and amenity of different sites and dwellings. It also does not allow for architectural expression, diversity and adaptation to changing needs and preferences.	<p>Dwelling Heights and Neighbourhood Character The role of this Strategy is to analyse the existing conditions of residential areas across Nillumbik, and to identify existing conditions which reflect a prevailing character that should be sought through future development. This Strategy contains an analysis of planning scheme requirements that have contributed to the current neighbourhood character outcomes, including dwelling heights and scale. Recommending dwelling heights which do not reflect the prevailing character of an identified area, would be inconsistent with preferred character. However, in accordance with Planning Practice Note 90 and 91, existing character descriptions and preferred character statements as part of this Strategy, cannot interpret existing controls such as mandatory building heights within residential zones. This Strategy will not recommend mandatory building or dwelling heights, rather it will propose built form guidelines that respect and enhance the prevailing and preferred character of an identified character area.</p> <p>Officer Recommendation: No change to the NCS based on this submission.</p>	No	No	N/A
5.b	N/A	The requirement to follow the indigenous tree canopy is unrealistic and impractical, as it would depend on the existing and future condition, location and species of trees, which are subject to natural and human factors beyond the control of developers and homeowners.	<p>Across Nillumbik Shire, vegetation is extensive and is predominately informally planted with indigenous and native canopy trees, amenity trees and low lying bush/understorey. There also remains remnant Ecological Vegetation Classes such as remnant Grassy Dry Forest, Valley Grassy Forest, Gully Woodland and other indigenous and native species. There is however also a mix of: • Formal gardens with non-native vegetation • Informally planted gardens and heavily vegetated lots with a mix of indigenous, native and non-native species • Wide grassy lawns or low-level gardens with limited vegetation A key threat to Nillumbik Shire's neighbourhood character is the loss of vegetation in private gardens, and its replacement with larger developments or non-permeable hard-scaping, such as paving. Additionally, existing landscape character is undermined by contemporary infill development that does not provide adequate garden space for planting of new vegetation, replanting of indigenous and native species or canopy trees, which require deep soil and space for roots to grow.</p> <p>Officer Recommendation: No change to the NCS based on this submission.</p>	No	No	N/A

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5.c	N/A	The requirement to site buildings below the height of trees along ridgelines is also unreasonable, as it would severely limit the development potential of such sites and deprive them of views and solar access. The requirement to use natural materials such as mudbrick, a muted colour palette of earthen and bush tones, non-reflective materials and finishes, and pitched roofs with prominent eaves is prescriptive and subjective, and does not allow for variation, contrast and innovation in design. It also does not consider the environmental performance, durability, maintenance and cost implications of such materials and finishes.	Refer above to 5.b - and page 46 of the draft NCS. Canopy tree cover in Nillumbik is predominantly a species indigenous to Nillumbik municipal area at 16 m minimum height at maturity. Amenity Trees are a species indigenous to Nillumbik with a minimum height of 8 metres at maturity. In regard to muted tones and materials, refer to officer response to 13.b below. Officer Recommendation: No change to the NCS based on this submission.	No	No	N/A
5.d	N/A	The requirement to set back buildings a minimum of 4m from one side boundary is excessive and unnecessary. It would reduce the usable site area, limit design flexibility and compromise internal amenity.	Refer to page 48 of the draft NCS noting siting and scale are central elements of determining an area's neighbourhood character. In terms of character, it is important that new developments differ in detailed design elements, whilst simultaneously respecting the form, siting, scale and vegetation coverage of existing dwellings in a streetscape or character area. In Nillumbik Shire, it is critical that new development respects the varying topographic conditions, limiting development located on ridgelines and the penetration of built form above tree canopy coverage. New developments with substantially reduced setbacks interrupt the established pattern of streets and increases the built form enclosure of the street. As Nillumbik Shire is predominately characterised by large allotments that follow a curvilinear subdivision layout, the siting of new buildings on irregular-shaped lots may also disrupt existing streetscape rhythm. Officer Recommendation: No change to the NCS based on this submission.	No	No	N/A
5.e	N/A	NCS does not specify what constitutes sufficient separation, how many trees are required, where they should be located, how they should be maintained, or how they would affect the amenity, privacy and safety of dwellings.	Design Guidelines for each of the character areas identify the required design response including minimum setbacks to allow for planting of trees and minimum permeability requirements. An application (as is the case currently) would need to provide a landscape plan to identify the location and extent of vegetation in meeting the design response. Notably a recommendation in further supporting this in the draft NCS (refer page 125) is to advance further work in supporting vegetation and landscaping guidelines document would correspond with the directions and recommendations of the Nillumbik Live Local Plant Local Guide, and support the delivery of the various landscape objectives in this Neighbourhood Character Strategy. Officer Recommendation: No change to the NCS based on this submission.	No	No	N/A
5.f	N/A	The requirement to site buildings to take into account the sharing of view corridors is also ambiguous and subjective. It does not define what constitutes a view corridor, how it should be measured, who has a right to a view, or how it should be balanced with other considerations such as solar access, privacy and amenity.	Refer above response to 5.e. Also refer to page 51 of the draft NCS: Responding to climate change and Environmentally Sustainable Design (ESD) is a multi-faceted area that cannot solely be addressed by Neighbourhood Character, or one strategy or policy more generally. Neighbourhood Character can only address some matters that contribute to ESD outcomes. Neighbourhood Character Design Guidelines include design responses that are interrelated to ESD and climate change adaptation and mitigation. Design guidelines can include built form and landscaping responses that not only contribute to advancing the preferred neighbourhood character and 'feel' of an area, but also result in ESD outcomes. Examples include: <ul style="list-style-type: none"> • Increased requirements for vegetation and tree canopy planting, improving shade and temperature control and minimising urban heat island effect • Increased site permeability, allowing for deep planting which minimises runoff • Requirements to reduce the appearance and widths of carports and driveways, increasing site permeability and minimising urban heat island effect • Use of eaves on dwellings, improving the regulation of internal temperature by providing increased shade to the dwelling 	No	No	N/A

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			<p>However, dwelling and roofing colours is an area of tension between Neighbourhood Character and ESD. Lighter coloured building surfaces and roofs that have a high light reflectance value (LRV), are not always suitable in meeting neighbourhood character objectives. On the other hand, lighter colours and building materials are better from an ESD perspective as they do not absorb heat, rather they reflect it and therefore can reduce energy use and urban heat island effect.</p> <p>In summary, the interrelationship between Neighbourhood Character and ESD is complex. However, ESD policy directions are built into the Victorian Building Code (e.g. 6 Star built form ratings) and are also embedded into the Nillumbik Planning Scheme through Rescode standards.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>			
5.g	N/A	The requirement to retain existing indigenous and native canopy trees, amenity trees and understorey vegetation is unrealistic and unreasonable. It does not recognise that some trees may be diseased, damaged, hazardous or inappropriate for the site or the dwelling. It also does not allow for removal or replacement of trees that may be incompatible with the design or function of the dwelling or that may cause nuisance or damage to property or infrastructure.	<p>The NCS design guidelines will help to guide new development so that it 'fits in' (PPN43, p6) with surrounding existing development, especially where the existing attributes are highly valued by the community such as spacious gardens, generous building setbacks and abundant vegetation. These attributes are widespread across Nillumbik's residential areas and neighbourhood precincts. The design guidelines (e.g. for Bush Residential 1 & 2) provide for alternative approaches where retention of canopy or amenity trees cannot be achieved, or a tree is considered appropriate for removal, e.g. "<i>the site should provide adequate space for offset planting of indigenous and native trees that will grow to a mature height similar to the mature height of the tree to be removed</i>" (Gardens and landscaping guideline for BR1, p64 and BR2, p75). Also refer response 5.b</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
5.h	N/A	The requirement to prepare a landscape plan that utilises appropriate indigenous and native species does not allow for diversity, choice or personal preference in garden design or plant selection. It also does not consider the suitability, availability or cost of such species or their compatibility with the design or function of the dwelling or with other plants in the garden. It also does not consider the environmental performance, efficiency or affordability of different building designs or materials.	<p>Refer to response to 5.b above, noting the NCS does not restrict the removal of diseased or dangerous trees, and availability of species is considered in the Live Local Plan Local species guidelines which are updated accordingly - noting availability of species is considered in this document. The NCS does not limit consideration of building product which is affordable or has heightened environmental performance standards. It does however require that such building products are consistent with neighbourhood character objectives.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
5.i	N/A	The requirement to provide at least 40 per cent of the site as permeable surface is excessive and unnecessary. It does not recognise that some sites may have adequate drainage systems or stormwater management measures that would reduce the need for permeable surfaces. It also does not consider the impact of permeable surfaces on soil erosion, weed invasion or maintenance.	<p>Refer response 5.b.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
5.j	N/A	The requirement to locate garages and carports behind the line of the front dwelling façade is unreasonable and impractical. It would reduce the functionality, convenience and security of garages and carports and would create awkward and inefficient access and circulation. It would also limit the design options and architectural expression of dwellings and would create a bland and uniform streetscape with no variation or articulation.	<p>Refer to page 49 of the draft NCS. The siting and design of car access and storage have a direct impact on the character of streetscapes. Additional or widened crossovers result in increased hard paving and loss of nature strip planting. Reduced garden space and permeable ground for sustaining vegetation also occurs due to hard paving areas within front setbacks for car parking or other purposes. Landscaping along driveways to soften this impact is often non-existent or too narrow. Car parking structures vary greatly across the Nillumbik Shire. Car parking structures can dominate the frontage of a property in two ways. Firstly, by being located in line with or forward of the dwelling. Secondly, by occupying a large proportion of the frontage, for example by the use of a triple or double garage. Both of these car parking structure types are present in</p>	No	No	N/A

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			<p>Nillumbik Shire. As a result, streets are less attractive for pedestrians, passive surveillance is reduced, and the positive aspects of neighbourhood character in the streetscape are undermined. In order to address this, dominant car parking structures should be discouraged. Guidelines should also seek to minimise the hard surfaces in front setbacks and reduce the crossovers to one per property. Landscaped strips should be encouraged along driveways located along property boundaries. Landscaping works to break up expanses of hard, impervious surfaces, particularly where driveways abut across property boundaries. Additionally, garages that are recessed behind the dwelling façade contribute towards rather than reduce building articulation.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>			
5.k	N/A	The requirement to minimise paving in front yards, including the driveway, is unrealistic and unnecessary. It does not recognise that some paving may be required for access, parking, service or recreation purposes or that some paving may enhance the appearance or function of the front yard. It also does not consider the suitability, durability, maintenance or cost of different paving materials or finishes.	<p>Refer above response to 5.j.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
5.l	N/A	The requirement to provide only one vehicular crossover per typical site frontage is arbitrary and unjustified. It does not take into account the size, shape, slope or orientation of different sites or dwellings or how they would affect the provision of access, parking or landscaping. It also does not consider the traffic, safety or convenience implications of different access arrangements or the potential for shared or consolidated access.	<p>Refer above response to 5.j.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission</p>	No	No	N/A
5.m		The requirement to limit the width of vehicle accessways and minimise hard paving within the front setback is excessive and unnecessary. It does not recognise that some accessways may need to be wider or longer to accommodate different vehicles, turning movements or parking spaces or that some hard paving may be required for drainage, stability or maintenance purposes. It also does not consider the impact of narrow or soft accessways on the amenity, safety or accessibility of dwellings or on the appearance or function of the front yard.	<p>Refer above response to 5.j.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission</p>	No	No	N/A
5.n		The requirement to set back fencing from the front site boundary to allow for landscaping in front of the fence is unreasonable and impractical. It would reduce the usable site area, compromise privacy and security and create a disjointed and inconsistent streetscape with varying fence alignments. It would also create maintenance and ownership issues for the landscaping in front of the fence.	<p>Refer to page 47 of the draft NCS. The treatment of front boundaries varies throughout Nillumbik Shire, with many residential areas characterised by no front fencing or low fences that allow views to the front garden or dwelling, use vegetation as a border treatment or have open frontages. The combined effect of these boundary characteristics is open streetscapes and a vegetated dominated atmosphere where fences are a less prominent feature.</p> <p>As the majority of areas within Nillumbik Shire are characterised by no or low front fencing, the introduction of more dominant fencing styles that block views to gardens and dwellings directly impact existing character. High, solid fences undermine the blending of vegetation in the public and private realms, which is a key characteristic of Nillumbik Shire's residential areas. High, solid front fences are starting to emerge in areas under pressure for redevelopment, as well as areas with frontages to major roads or smaller roads of high usage.</p> <p>Officer Recommendation:</p>	No	No	N/A

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			No change to the NCS based on this submission			
5.o		The requirement to provide no or a low, open style fence up to 1.2m in height within 3 metres of a street is prescriptive and subjective. It does not allow for variation, contrast or innovation in fence design or material. It also does not consider the impact of fence height, style or material on the amenity, privacy, security or identity of dwellings or on the character, appearance or function of the street.	Refer to response 1.n above. Officer Recommendation: No change to the NCS based on this submission	No	No	N/A
5.p		The proposed neighbourhood character is overly restrictive and fails to represent the diversity, dynamism, and potential of the community, limiting housing design and choice while disregarding residents' aspirations and imposing unnecessary burdens.	Nillumbik Shire is renowned as the Green Wedge Shire, highly valued for its diverse environments and natural assets, with townships characterised by steep ridges and sloping hills, rivers and creeks, residential areas nestled within dense bush vegetation and semi rural landscapes. Accordingly, this Nillumbik Shire Council Neighbourhood Character Strategy is being undertaken to update and accurately reflect valued and existing characteristics and to establish the preferred neighbourhood character for the Shire. Council recognises that the existing Neighbourhood Character Study and Precinct Guidelines from 2001 (amended in 2003) are dated and a new Strategy is required, particularly to recognise developments in the over-arching policy framework. This Neighbourhood Character Strategy will identify trends in new development that may have had an impact on existing character in the years since the original study was undertaken. The Strategy carefully considers character boundaries and identifies residential areas that may require further protection in the Nillumbik Planning Scheme. The identified character types and precincts will be used to develop preferred character objectives and design guidelines. Ultimately, a suite of planning controls will give effect to the preferred character statements and associated design guidelines, based on identified future character attributes and housing growth targets. This Neighbourhood Character Strategy will be one of a series of documents, including a future Housing Strategy, that are required before preparing an overarching Residential Development Framework (RDF) for the Shire. An RDF will provide a means to balance the outputs of a Housing Strategy and Neighbourhood Character Strategy to holistically plan for housing change over a 15 year period; an obligation under State Planning Policy. Ultimately, the Neighbourhood Character Strategy, Housing Strategy and Residential Development Framework will enable the Nillumbik Shire to meet future housing growth and demographic trends, while still ensuring new development reflects preferred character across the Nillumbik Shire. Officer Recommendation: No change to the NCS based on this submission	No	No	N/A
6	Bush Res 2	I disagree with the inclusion of "predominantly" in NCS Bush Residential 2: ie the draft currently reads "predominantly 1-and 2-storey dwellings". The stated aim is to preserve neighbourhood character, which includes solely 1- and 2-storey dwellings. There is no reason to use "predominantly" and it should be removed. If Nillumbik Council insists on permitting those 3-4 storey apartment complexes which now dominate the central activity zone then so be it, but they must be restricted to that area. No creeping across Bible St or other sites outside the central activity zone! It's ridiculous to pretend that the bushy vista can be preserved if you permit 3+ storey dwellings across the Shire. Take out "predominantly" and use only "1- to 2-storey dwellings"!	Dwelling Heights and Neighbourhood Character: The role of this Strategy is to analyse the existing conditions of residential areas across Nillumbik, and to identify existing conditions which reflect a prevailing character that should be sought through future development. This Strategy contains an analysis of planning scheme requirements that have contributed to the current neighbourhood character outcomes, including dwelling heights and scale. Recommending dwelling heights which do not reflect the prevailing character of an identified area, would be inconsistent with preferred character. However, in accordance with Planning Practice Note 90 and 91, existing character descriptions and preferred character statements as part of this Strategy, cannot interpret existing controls such as mandatory building heights within residential zones. This Strategy will not recommend mandatory building or dwelling heights, rather it will propose built form guidelines that respect and enhance the prevailing and preferred character of an identified character area. Also refer response 4.b with regard to building heights and number of storeys in NRZ and GRZ. Officer Recommendation: No change to the NCS based on this submission	No	No	N/A

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7.a	Bush Res 1	The Neighbourhood Character Objectives states: (1) To ensure new development reflects the preferred built form, characterised by ... dwellings with VARIED ARCHITECTURAL STYLE..." Then, the Design response states: "Buildings should provide a pitched roof with prominent eaves". The last statement does not describe the predominant architectural style of the area. It prescribes a specific architectural style and contradicts the NC objective (1) which refers to 'a varied architectural style'. I would like to suggest removing this prescriptive statement which is overly restrictive in a setting characterised predominantly by vegetation. There are a number of buildings in my area with FLAT roofs, some with deep eave overhangs, others hidden behind parapet walls, a house with a steeply pitched gabled roof and eaves, another that has no eaves and a number of houses with conventional hipped roofs with ordinary eaves (not prominent ones).	<p>All precincts promote prominent eaves. However, it might be useful to define what would be considered to be 'prominent' with regard to eaves, e.g. typically 600mm wide or greater, which also have environmental benefits. Eave widths that are 45% of the height from the window sill to the bottom of the eaves will shade north-facing windows in summer and allow solar access in winter, which will provide passive cooling and heating that contribute to a building's energy efficiency and reduce energy consumption. Eave widths of 600mm would achieve these benefits when distance between a window sill and the bottom of the eave is between 1200-1350mm. 600mm-wide eaves would have similar benefits for walls when floor to ceiling heights are around 2400mm. Cooling through shading in warmer months will become increasingly important as temperatures rise due to global warming. Prominent eaves also contribute to the articulation of buildings.</p> <p>Additional comment post-referral to Ethos:</p> <p>Architectural style also includes method of construction and building materials, and not just building form. All precincts promote prominent eaves, which, as the submitter points out, can be included with flat roofs; however pitched roofs are more common and contribute to a prevailing character.</p> <p>Officer Recommendation:</p> <p>Refer to Ethos for a response, including consideration of officer response with regard to defining 'prominent' eaves and their benefits for the environment and building articulation.</p> <p>Officer Response to Ethos / Final recommendation:</p> <p>Agree with Ethos that only adding definition of 'prominent eaves' would avoid being overly prescriptive within design guidelines. Therefore, add 'Prominent eaves' to Table 1 'Definition of Terms', with appropriate definition to be determined having regard to improving building articulation and energy efficiency.</p>	No	Yes	<p>'Prominent' used to encourage a positive built form outcome which include eaves.</p> <p>This level of prescription is restrictive/not necessary.</p> <p>Can add basic definition re prominent in glossary.</p>
7.b		I do not agree with the statement that carports and garages are or should be integrated with the house. There are many very steep sites in the Bush Residential 1 area neighbourhood where it is impractical to get a vehicle down (or up) to the house and the carport must be separate, near the road, out of necessity. There are also occasions where it is preferable to have a carport for a trailer or caravan further away from the dwelling. I agree these should be behind the dwelling and screened by vegetation but not that every garage or carport should be integrated with the dwelling.	<p>Refer response 5.j in regard to garage/carport storage.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
8	Hurstbridge ACA – N/A	I am very impressed with the thoroughness and clarity of expression in the whole report. I think it covers my area, Hurstbridge, very well.	<p>Supportive</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
EMAILS (5 Submissions)						
9.a	N/A	<p>Cover Photo</p> <p>The new cover photo is a welcome change and sets the scene for what the readers, be they home owners, prospective home owners, developers, Council Planning staff or VCAT personnel, should expect to see and respect in the urban areas of Nillumbik, ie. Extensive eucalypt tree canopy, gardens with a variety of vegetation with the emphasis being on indigenous or native vegetation,</p>	<p>Supportive.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A

Sub. No.	Allocated Character Area	Officer Summary of Key Points raised	Officer Response & Recommendation	Referred to Other Teams	Refer to Ethos? Yes/No	Ethos Response
		natural materials in muted earthy tones, streets not necessarily bordered by footpaths and the built form not dominating the streetscape.				
9.b	N/A	<p>Definitions and Acronyms</p> <p>The inclusion of extra definitions eg Amenity Trees and Canopy Trees is very useful.</p> <p>The definition of Muted Colour Palette is given as 'Earthen and bush tones, particularly greens, browns and greys.' It may be useful to include an extra description or qualifying adjective to prevent eg bright greens as seen in some deciduous trees being considered appropriate, or the almost white, light greys popular with Hampton style houses.</p> <p>Including a list of acronyms is a worthwhile addition.</p>	<p>Refer response 11.b re wording for Muted colour palette; otherwise supportive re definitions of Amenity and Canopy Trees, and inclusion of acronyms.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
9.c	N/A	<p>Point 2.4 Strategic Documents</p> <p>The inclusion of more detail re Vegetation and Landscaping is appreciated.</p>	<p>Supportive.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
9.d	GR	<p>4. Key Issues and Threats</p> <p>Point 4.9 Colours and materials.</p> <p>Colours and materials are important throughout the whole area covered by the Neighbourhood Character Strategy. The muted colour palette should apply across the board. It is currently not included in Garden Residential precinct.</p>	<p>Refer response 11.b re Muted colour palette.</p> <p>Officer Recommendation:</p> <p>Refer to Ethos for explanation of why references to Muted colour palette are absent in Garden Residential (and UCR 1 and 2), and to ascertain if inclusion of references to Muted colour palette in the descriptions and guidelines of GR (and UCR 1 and 2) is warranted.</p> <p>Officer Response to Ethos / Final recommendation:</p> <p>Agree with Ethos – add Muted colour palette as design guideline to Garden Residential and Urban Canopy Residential 1 & 2.</p>	No	Yes	<p>Agree.</p> <p>If muted colour palette preferred – add as design guideline for all precincts.</p>
9.e	N/A	<p>Point 4.10 Response to Climate Change and ESD</p> <p>The relationship between light/heat reflection of the dwelling compared to the effect of the reflected heat on the surrounding area needs to be taken into account. The first four points in the Considerations and Implications for Guidelines should be emphasised and given more weight than the fifth. The fifth, which promotes building and roofing colours and materials which could be seen as contrary to Neighbourhood Character outcomes, should be used as a last resort. There is the potential for a developer to provide minimum amount of trees/vegetation and permeability but instead use pale greys or whites and shiny/glossy paints and roofing, in an attempt to satisfy criteria. This would be detrimental to retention of Neighbourhood Character.</p>	<p>NCS section 4.10 discussion includes that dwelling and roofing colours is an area of tension between Neighbourhood Character and ESD. Lighter coloured building surfaces and roofs that have a high light reflectance value (LRV), are not always suitable in meeting neighbourhood character objectives. On the other hand, lighter colours and building materials are better from an ESD perspective as they do not absorb heat, rather they reflect it and therefore can reduce energy use and urban heat island effect. The fifth point under 'Considerations and Implications for Guidelines' is framed in a manner that takes into account the tension between NC and ESD. Planning decisions frequently need to find a balance between competing objectives in favour of net community benefit. This is consistent with the objectives of planning under section 4 of the <i>Planning and Environment Act 1987</i>. A planning application will need to address all of the relevant planning scheme policies and not just neighbourhood character. Consequently, it would be inappropriate to elevate the first four points above the fifth; to do so would also be at odds with Council's Climate Action Plan.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
9.f	Eltham	<p>Neighbourhood Character Precincts</p> <p>The continued use of eg 'predominantly', 'complement', 'should', 'reflect' does not give a strong statement about the current situation and/or the preferred character of the various precincts. They should be replaced. The continued use of 'predominantly' in relation to 1-2 storey houses is difficult to reconcile with what one sees when driving or walking around Eltham, other than in the ACZ.</p>	<p>There are 26 instances where the terms 'Predominant' and 'Predominantly' are used in the Nillumbik Planning Scheme, including Victoria Planning Provisions that appear in all Victorian planning schemes, e.g. in Standard B13 of Clause 55.03-8 Landscaping objectives.</p> <p>Refer response 11.h re use of the term 'should' and mandatory provisions.</p> <p>"Complement" appears 38 times, including in Standard B22 of Clause 55.06-2 Front fences objective.</p> <p>"Reflect" – 54 times, including State policy Clause 15 'Built Environment and Heritage'.</p>	No	No	N/A

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		<p>The use of stronger and more specific wording re colour palette is welcomed.</p> <p>The reference to and differentiation between canopy and amenity trees is welcomed. Discussions often arise at VCAT between an applicant's landscape designers and Council and resident respondents regarding what Nillumbik defines as a canopy tree so this will clarify the issue.</p>	<p>Supportive of wording re colour palette and canopy and amenity trees.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>			
9.g	GR	<p>Garden Residential Preferred Character Statement. Several streets eg York, John, Napoleon, Franklin have no footpaths at all. 'Either' side of the street is ambiguous and can imply there are footpaths 'on either side' ie both. This should be reworded. Design Response.. There is no mention of a muted colour palette of earthen and bushy tones. This should be included. The Garden Residential area between Main Road and Bible St and again past the ACZ between Main Road and the hinterland of BR2 of Eltham could be said to set the scene. This area, even if it becomes a higher density area than for example the BR2 side of Bible St, still needs to reflect the same values in respect to colour palette and materials. Does a 2m side setback allow sufficient space for a driveway and garden area to provide softening of the built form? If not, this should be rectified. Setbacks between dwellings should allow for sustainable planting and maturation of trees/vegetation. 'Allow for planting' does not necessarily imply this outcome.</p>	<p>Officer Recommendation:</p> <p>Refer to Ethos to ascertain:</p> <ul style="list-style-type: none"> If Garden Residential character description or preferred statement should include references to no footpaths. Officer Response to Ethos / Final recommendation: Agree with Ethos – No change to the NCS based on this submission. If 'either' should be replaced with 'one side' or 'both sides', as relevant in Garden Residential (and wherever relevant in other NC typologies). Officer Response to Ethos / Final recommendation: Ethos did not respond on this issue – Agree with submitter: replace 'either' with 'one side' or 'both sides', as relevant in Garden Residential (and wherever relevant in other NC typologies) to improve clarity. If reference should be inserted to muted colour palette in Garden Residential. Officer Response to Ethos / Final recommendation: Agree with Ethos – Insert reference to Muted colour palette in Garden Residential (and Urban Canopy Residential 1 & 2). If a 2m minimum side setback in Garden Residential inhibits ability to both, locate garages and carports behind the line of the front dwelling façade, and simultaneously provide landscaping and plantings to soften the appearance of driveways. Officer Response to Ethos / Final recommendation: Agree with Ethos – No change to minimum side setback of 2 metres in Garden Residential – agree to more detail to encourage planting and landscaping, with wording for detail to be determined in further consultation with Ethos (also see below with regard to enabling trees / selected species to grow to maturity). If wording for Garden Residential guideline re setbacks between dwellings should be reviewed to address any implications on the ability of trees to grow to maturity. Officer Response to Ethos / Final recommendation: Ethos did not respond specifically on this issue – further detail to encourage planting and landscaping (see above) should include ensuring that setbacks should be sufficient to enable trees / selected species to grow to maturity. 	No	Yes	<ul style="list-style-type: none"> No change required – averaging out process, whereby footpaths are occasionally present across the precinct. Agree – re colour palette. No change required re minimum side setback – can add more detail re to encourage planting and landscaping.
9.h	UCR1&3	<p>8.2 Proposed Zone Schedules Design Guidelines None specified' is the response to 'Minimum Street Setbacks' for all precincts. Why is this so? When Nillumbik's Strategic Planning department was asked this question, the reply was that specific measurements were not the role of the NCS. But to my query then as to why there were specific minimums for side setbacks, front fences, permeability etc there was no reason forthcoming. Street setbacks are a crucial component in seeing</p>	<p>Refer responses 4.c and 11.i re setbacks</p> <p>Officer Recommendation:</p> <p>Refer to Ethos to ascertain:</p> <ul style="list-style-type: none"> If Permeability measurement should be included for UCR1 and, if not, why not. Officer Response to Ethos / Final recommendation: Agree with Ethos – No change to the NCS based on this submission. Minimum permeability to be determined without variation to Rescode (Clauses 54 & 55) requirements. If Site Coverage or Permeability measurement should be included for UCR3 and, if not, why not. 	No	Yes	No change required – minimum site coverage and permeability requirements applied to heavily vegetated character areas and proposed SLO.

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		<p>the Neighbourhood Character of an area. A minimum measurement should be included.</p> <p>Why is there no Permeability measurement for UCR1?</p> <p>Why is there no Site Coverage or Permeability measurement specified for UCR3?</p> <p>Why is there no Site Coverage or Permeability measurement specified for Garden Residential?</p>	<p>Officer Response to Ethos / Final recommendation: Agree with Ethos – No change to the NCS based on this submission. Minimum site coverage and permeability to be determined without variation to Rescode (Clauses 54 & 55) requirements.</p> <ul style="list-style-type: none"> If Site Coverage or Permeability measurement should be included for GR and, if not, why not. <p>Officer Response to Ethos / Final recommendation: Agree with Ethos – No change to the NCS based on this submission. Minimum site coverage and permeability to be determined without variation to Rescode (Clauses 54 & 55) requirements.</p>			
9.i	N/A	<p>8.7 Further Work</p> <p>All suggested further work mentioned is important: colours, materials, fences and treed setbacks, front, rear and sides.</p> <p>With regard to vegetation, landscaping and rear setbacks, this is an integral part of Neighbourhood Character. Without consideration of the rear of a property our neighbourhood could end up with a row of street facades totally at odds with the character of the rear of the site.</p> <p>This updated draft contains many improvements on the initial draft. Thank you for the opportunity to comment.</p> <p>As the Neighbourhood Character Strategy will inform the Housing Strategy it is essential that the NCS is completed before the Housing Strategy is commenced. I look forward to reviewing the next version with the expectation that the remaining concerns as outlined above will have been satisfactorily rectified.</p> <p>From experience at VCAT, a strongly worded and detailed Neighbourhood Character Strategy is essential in protecting what we value about Eltham. I look forward to the strategy with its statements, outcomes, objectives, being incorporated into the Planning Scheme in whatever way will best allow it to carry maximum weight.</p>	<p>Refer response re 11.g re sequence of strategic work and implementation.</p> <p>Refer responses 11.c and 11.j re further work.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
10.a to 10.e	Garden Res. (10.a & 10.d) (2.a & 2.d)	<p>With reference to our previous submission (9 October 2022) we do not believe the responses offered address the concerns raised in the officer response report.</p>	<p>Refer responses 2.a – 2.e.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
11.a	Eltham (includes BR1&2, UCR1&2, GR)	<p>1. Local Character and its importance</p> <p>On p35 of NCS 2, in relation to Eltham under the heading of "How can neighbourhood character be improved?", it states: "prioritise low rise/ single storey and low density".</p> <p>Query whether "prioritise" is the appropriate word, as it suggests that perhaps there would need to be two alternative developments proposed for the same site, only one of which is low rise/single storey and low density so that it is given preference. This scenario seems unlikely, therefore, changing "prioritise" to "require" might be clearer. As Eltham's</p>	<p>The term 'prioritise' is frequently used in the Nillumbik Planning Scheme (and Victoria Planning Provisions), e.g.:</p> <ul style="list-style-type: none"> State policy for Bushfire planning (Clause 13.02-1S) Objective states to "prioritise the protection of human life". State policy for Sustainable and safe transport (Clause 18.01-3S) Strategy states to "prioritise the use of sustainable personal transport". State policy Cycling (Clause 18.02-2S) Strategy states to "prioritise cycling links and cyclists". State policy for Freight (Clause 18.02-5S) Strategy states to "prioritise new technologies". 	No	No	N/A

Sub. No.	Allocated Character Area	Officer Summary of Key Points raised	Officer Response & Recommendation	Referred to Other Teams	Refer to Ethos? Yes/No	Ethos Response
		steep slopes can make single storey dwellings impractical, this phrase could perhaps be replaced by: "require low rise/ single storey (unless the topography of the site makes this impractical) and low density".	<ul style="list-style-type: none"> State Projects (Clause 52.30) Purpose states to "prioritise the planning and assessment of those state projects to support Victoria's economic recovery from the coronavirus (Covid-19) pandemic". <p>The design guidelines generally require topography to be taken into account, e.g. Eltham includes Bush Residential 1 and 2, Urban Canopy Residential 1 and 2 and Garden Residential, which all state that: "Buildings should be designed to follow the topography of the land, and minimise the need for cut and fill throughout the site".</p> <p>Officer Recommendation: No change to the NCS based on this submission.</p>			
11.b	UCR1&2, GR	<p>2. Key Issues and Threats (pages 41-52)</p> <p>a) Muted colour palette</p> <p>Section 4.9 starting on p50 relates to "Inconsistent Colours & Materials" and states: "In Nillumbik Shire, the consistency of colours and materials is a defining aspect of the character of some localities. However, the colour palettes and materiality of contemporary design schemes of new builds in some localities has caused built form to stand out from their surroundings, rather than blending in within them."</p> <p>And: "Many residential areas feature dwellings which use natural material finishes and a muted colour palette of earthen and bush tones such as greens, browns and greys, which complement Nillumbik Shire's 'leafy' character feel and landscaped setting."</p> <p>Pleased to note that there is a new definition that seeks to address this issue, namely Muted colour palette, that defines this as: "Refers to earthen and bush tones, particularly greens, browns and greys" and gives examples of this in Appendix B.</p> <p>Interested to see that the Further Work listed in section 8.7 on p125 of NCS 2 includes the following and queries whether Council is proposing to undertake such further work: "Dwelling materiality, roofing and colour palette: further work to be undertaken to identify materials and surface colours that are appropriate within the identified neighbourhood character settings while also responding to relevant ESD principles, such as Light Reflectance Value (LRV)."</p> <p>It seems desirable for this further work to be undertaken to make it absolutely clear what are considered to be muted earthen and bush tones and avoid any dispute regarding the use of shades of green and shades of grey that do not resemble the colour palette of the local "bush".</p> <p>The reference to "a muted colour palette" may be capable of misinterpretation because the ordinary meaning of "muted" does not relate to colour in any way in the Oxford English Dictionary (OED). Submit that it would be unfortunate if this definition were to be interpreted as allowing the use of gloss or semi-gloss paint where:</p>	<p>The terms 'muted tones' or 'earthy muted tones' or 'muted and local earth coloured tones' or 'muted colour palette' are frequently used in the Nillumbik Planning Scheme without referring to specific colours, e.g.:</p> <ul style="list-style-type: none"> Building design in Nillumbik (Clause 15.01-2L-01) states to "Encourage muted tones for external surfaces and avoid bright or contrasting colours". Schedule 1 to Clause 37.08 Activity Centre Zone 'Eltham Activity Centre' states "To ensure buildings are of a high quality design and construction and include the use of materials and colours of muted tones that blend in with the surrounding environment". Schedule 1 to Clause 42.03 Significant Landscape Overlay 'Eltham Town Centre' states "New development will employ earthy muted tones, natural building materials and innovative design". Schedule 1 to Clause 43.02 Design and Development Overlay 'Eltham Gateway' Design guidelines state "Muted and local earth coloured tones should be used as the building's base colour". Schedule 5 to Clause 43.02 Design and Development Overlay 'Hurstbridge Township' General design requirements state "Materials should be non-reflective and of a muted colour palette that reflects the landscape character and heritage". <p>The above guidelines are considered to be effective without the need to specify particular colours and could have been similarly applied to the NCS with reasonable effect. However, the definition of Muted colour palette in the NCS goes further than the above provisions by including references to specific colours such as <i>greens, browns and greys</i>. To further amend the definition of Muted colour palette in the manner proposed by the submission, e.g. a particularly shade of green, is unnecessary and would be overly prescriptive. This also applies to the shade of green illustrated in the image in the bottom left hand corner of p139 (Appendix B), which does not appear to be a bright shade of green.</p> <p>The query on the absence of references to Muted colour palette in UCR 1 and 2 and Garden Residential appears reasonable and may need an explanation.</p> <p>Officer Recommendation: Refer to Ethos for explanation of why references to Muted colour palette are absent in UCR 1 and 2 and Garden Residential, and to ascertain if inclusion of references to Muted colour palette in the descriptions and guidelines of these character areas is warranted.</p> <p>Officer Response to Ethos / Final recommendation: Agree with Ethos – Insert reference to Muted colour palette as a design guideline for all precincts.</p>	No	Yes	<p>Agree.</p> <p>If muted colour palette preferred – add as design guideline for all precincts.</p>

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		<p>- there are no additional provisions such as on p75 where the Design Guidelines - Bush Residential 2 state the following under "Design Responses": <i>"Use non-reflective materials and finishes for walls, roofs and windows"</i> or</p> <p>- VCAT considers that the meaning of the word "muted" (even where "non-reflective" also applies) is insufficient to prevent the use of, say, semi-gloss paint.</p> <p>Although there is a definition on p4 of "Light Reflectance Value" as: <i>"The light reflectance value of an individual colour indicates the amount of light and heat that individual colour will reflect"</i>, there is no definition of "non-reflective". The absence of such a definition could give rise to argument as to what type of paint or other finish can, or cannot, be used.</p> <p>Noted that there are no references to the Muted colour palette in relation to the following areas:</p> <ul style="list-style-type: none"> - in the Preferred Character Statement and Neighbourhood Character Objectives for Urban Canopy Residential 2 on p89 and - in the Design Response for Design Guidelines - Garden Residential on p101. <p>Queries (in relation to above):</p> <ul style="list-style-type: none"> • Replace image in the bottom left hand corner of p139 with another that has a shade of green that is closer to the greyish green hue of eucalyptus leaves? • If further work re materials and colours has not been undertaken before NCS is implemented, suggest to expand references to grey and green to make it clear that these colours must be close to the colour of eucalyptus leaves. • Alternatively, in addition to, or as part of, Appendix B there could be a brief approved list of paint colours produced by different manufacturers that allows for variations if the specific colour ceases to be made and for its future expansion once the further work listed in section 8.7 has been undertaken. • Muted colour palette to explicitly exclude the use of black (which is often used for roofs in combination with grey rendered walls) and white. • To deal with interpretation (or misinterpretation) surrounding use of 'muted' and 'non-reflective', the Muted colour palette definition could be further expanded as follows: <i>"Refers to earthen and bush tones, particularly browns, and greens [remove ", browns" here] and greys in shades that resemble the colour of eucalyptus leaves, in a matt finish"</i>. <p>In contrast to "muted", the OED defines "matt" to include: "(Of colour, surface, etc) dull, without lustre".</p>				

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		<ul style="list-style-type: none"> Reason for omission of references to Muted colour palette for UCR2 and Garden Residential and, in the absence of a valid reason, suggest that these sections of NCS be amended to include references to the Muted colour palette. 				
11.c	N/A	<p>2. Key Issues and Threats (pages 41-52)</p> <p>b) Loss of vegetation in rear setbacks</p> <p>Would like to know if Council is proposing to undertake further work that will lead to implementing rear setback canopy tree planting and biodiversity, as described in Section 8.7 on p125.</p>	<p>The draft Schedule to Clause 74.02 Further Strategic Work, which was adopted by Council in June 2023 together with the draft MPS, includes to develop an urban tree canopy strategy. This strategy would include examining appropriate implementation tools that could also address canopy trees within rear setbacks.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
11.d		<p>3. Implementation of the future Housing Strategy</p> <p>Notes that section 1.2 on p9 of NCS2 states: "<i>This Neighbourhood Character Strategy will be one of a series of documents, including a future Housing Strategy, that are required before preparing an overarching Residential Development Framework (RDF) for the Shire.</i>"</p> <p>Submits that, as the NCS is an essential tool for identifying the form of future development within the Nillumbik Shire, the NCS must be finalised and incorporated in the Nillumbik Planning Scheme before the Housing Strategy is completed, as seems to be intended by the following statement on p114: "<i>The Neighbourhood Character areas identified in this Strategy will inform the preparation of a Housing Strategy and Residential Development Framework (to be undertaken as separate pieces of work), that will be implemented for residential areas in the Shire.</i>"</p>	<p>The statements on p9 and p114 do not imply that the NCS will be implemented separately to the Housing Strategy and the RDF; however state that the NCS will inform the subsequent strategic work. The NCS, Housing Strategy and RDF are all interrelated pieces of work, with a component of the RDF being a Housing Framework Plan that will be identified in the Housing Strategy, and the latter will take the NCS into account. The Framework Plan will essentially inform the application of residential zones in Nillumbik and the NCS will inform the neighbourhood character component in the proposed schedules to those zones. The RDF will provide the architecture to inform an amendment to the Nillumbik planning scheme that will draw on the strategic work undertaken in the NCS and Housing Strategy.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
11.e	Eltham & Eltham North; BR1&2, UCR1-3	<p>4. Preferred neighbourhood character</p> <p>Character attributes, Preferred Character Statements or NC Objectives in BR1&2 and UCR1-3 frequently refer to predominantly low scale, 1-2 storey dwellings; however 'storey' is not defined. This is problematic in relation to single-storey split-level homes on steep hills. Consequently, suggest amending references to 'predominantly low scale, 1-2 storey dwellings' to:</p> <p><i>"Predominantly 1 storey dwellings and occasional 2 storey or split level single storey dwellings sited on steep topography."</i></p>	<p>The Nillumbik Planning Scheme defines 'Storey' in Clause 73.01 'General Terms' as:</p> <p><i>"That part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine."</i></p> <p>The term 'split-level' is not defined in the scheme; however parts of the scheme encourage split-level design on sloping land, e.g.:</p> <ul style="list-style-type: none"> Schedule 2 to Clause 37.01 Special Use Zone 'Environmental Living – Bend of Islands' states "<i>Considering the use of split-level design on sloping sites and other measures such as bedding in of buildings</i>". Schedule 1 to Clause 37.08 Activity Centre Zone 'Eltham Activity Centre' Precinct guidelines include "<i>Buildings with larger footprints should be designed with split levels to respond to the natural topography</i>". Schedule 1 to Clause 43.02 Design and Development Overlay 'Eltham Gateway' Design guidelines state "<i>On sloping sites, buildings should correspond to the natural contours of the land or use split level design</i>". Schedule 9 to Clause 43.02 Design and Development Overlay 'St Andrews Township' Design guidelines state "<i>On heavily sloped sites, building should use split level design to sit above the ground or be positioned within the topography and under vegetation</i>". <p>Although split-level is not defined, residential zone provisions often measure height in metres as well as number of storeys, e.g. NRZ and GRZ specify default limits of 9m/2-</p>	No	Yes	No change required – too prescriptive, built form should be designed to respond to the slope of the land.

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			<p>storeys and 11m/3-storeys, respectively. These heights cannot be scheduled down, only up.</p> <p>Officer Recommendation:</p> <p>Refer to Ethos to ascertain if split-level design should be encouraged on sloping land within the character areas and/or if references to split-level should be introduced into the character descriptions and guidelines of the various precinct typologies.</p> <p>Officer Response to Ethos / Final recommendation:</p> <p>Partially agree with Ethos in that split-level design does not need to be specified as a design guideline. However, the NCS general text (on pp 42 & 52) refers to 'cut' and 'fill' as an approach that does not respond to the slope of the land without providing an example of an appropriate alternative. This provides scope for the text to refer to split level design as an example of an appropriate response to slope, which is consistent with existing provisions within the planning scheme. Therefore, add references to split level design on pages 42 & 52 where 'cut' and 'fill' are referred to.</p> <p>Refer to Ethos to ascertain if 'storey' should be defined in the Definition of Terms table as per Clause 73.01.</p> <p>Officer Response to Ethos / Final recommendation:</p> <p>Include 'storey' in the Definition of Terms table and define as per Clause 73.01 of the Nillumbik Planning Scheme.</p>			
11.f	Eltham (ACZ)	<p>5. Areas designated for housing growth</p> <p>Earlier submission asked whether any areas outside the Activity Centre Zone had been identified for future housing growth and, if so, whether they were precincts covered in the NCS.</p> <p>Previously, point made that the existing character of an area must not be undermined by growth. Rather these need to be complementary so that new development fits in with the existing neighbourhood character. Does not oppose new development per se; however supports planning controls that are able to maintain the existing character of areas such as Eltham that have made it a sought after suburb for home buyers and contributed to its liveability.</p> <p>Previous submission repeated that neighbourhood character must be used to help guide which areas are identified for future housing growth.</p> <p>Also considered that it would be preferable for particular precinct types, that would be considered appropriate for larger scale developments such as aged care facilities, to be nominated in the strategy and local planning policy.</p>	<p>Identifying areas for future growth is the role of the Housing Strategy, not the NCS, which examines the visual character of areas and not their growth potential. Similarly, the NCS cannot be used as a means to determine where aged care facilities should be located.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
11.g	N/A	<p>6. Weight in the planning scheme</p> <p>Refer to NCS discussion of pending Rescode reforms and uncertain Neighbourhood Character outcomes that arise when zone schedules have not been used to vary Rescode provisions, pointing to gaps identified in section 5.1 VCAT Cases Summary. Seek assurance that Council will plug the gaps and give more weight to Neighbourhood Character by implementing the NCS Objectives and Design guidelines in the zone schedules.</p>	<p>Neighbourhood Character Objectives and variations to Rescode standards cannot be implemented in the zone schedules until both, the NCS, and Housing Strategy have been completed. This is because the strategic work (i.e. Housing Strategy) to identify growth and limited change areas that inform the appropriate allocation of zones is yet to be carried out. The NCS alone does not help determine if the current application of residential zones across the Shire appropriately responds to population forecasting, e.g. over the next 15 years.</p> <p>The Residential Development Framework (RDF), which will be informed by the NCS and Housing Strategy, will articulate the planning tools and policies that will be the subject of the planning scheme amendment to implement Council's Housing and Neighbourhood Character Strategies once they are completed. A key component of the RDF will be the Housing Framework Plan that will flow out of the Housing Strategy. The</p>	No	No	N/A

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			<p>Framework Plan will illustrate the housing change areas that will help determine if zoning has been appropriately applied across Nillumbik's residential areas or needs to change. The NCS precinct Objectives and design guidelines will then inform the schedules that are to be developed for each zone. This will likely involve developing multiple schedules (mainly for NRZ and GRZ) that will be tailored to suit both, the different neighbourhood character areas, and the potential level of change within those areas.</p> <p>It is envisaged that changes to zoning are likely to be relatively minor, primarily because the State Government does not identify Nillumbik as a growth municipality. The Shire's existing developed residential areas and zones are already hard up against the Urban Growth Boundary, which will not be moved by the State Government, leaving little growth opportunities due to the lack of large potential greenfield and brownfield development sites. Consequently, any projected population growth in Nillumbik will need to be accommodated within existing developed urban areas and will most likely be largely directed towards the Shire's major activity centres in Eltham and Diamond Creek.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>			
11.h	BR1 as e.g.	<p>7. Strengthening the language used in the NCS</p> <p>Express concerns over the language used in the NCS design guidelines, especially over the use of 'should' instead of 'must'. Concern that use of 'should' could result in design outcomes that would erode neighbourhood character and that would not preserve the neighbourhood attributes that are valued by the community. These concerns are raised within the context of whether planning provisions should be mandatory or discretionary and in light of officer responses provided on NCS phase 2 submissions.</p> <p>Concerns also raised that use of terms such as 'respect' and 'encourage' in the NCS are capable of wider interpretation that could undermine what Council wants to achieve.</p>	<p>Mandatory provisions in residential zone schedules need to be understood within the context of the parent provisions of the zone, especially in regard to the difference between ResCode objectives and their associated standards, which can be varied in the zone schedules.</p> <p>The GRZ permit requirements for the construction and extension of dwellings under Clauses 32.08-5 and 32.08-6 require that a development must meet the requirements of Clauses 54 and 55, respectively. The same requirements are made under NRZ Clauses 32.09-5 and 32.09-6. The respective Requirements under Clauses 54 and 55 state the same things, i.e. that a development:</p> <ul style="list-style-type: none"> • "Must meet all of the objectives of this clause that apply to the application" and • "Should meet all of the standards of this clause that apply to the application". <p>The Operation provisions of Clauses 54 and 55 also state the same things for Standards, i.e. that:</p> <p><i>"A standard contains the requirements to meet the objective. A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered".</i></p> <p>Clauses 54 and 55 provide for zone schedules to contain different standards, and the provisions that allow variations to the standards of Clauses 54 and 55 in the GRZ and NRZ schedules are under the parent Clauses 32.08-7 and 32.09-7, respectively. The Mixed Use Zone and Township Zone and Schedules to the Activity Centre Zone have similar provisions with regard to the construction of dwellings and Clauses 54 and 55.</p> <p>The consequence of all the above provisions is that, although each of the residential zone schedules can replace a finite number of standards of Clauses 54 and 55, an alternative solution can still be entertained with respect to those standards provided that the parent objective of each standard is still achieved. The reasoning behind this difference in the status of an objective compared to a standard is that meeting a standard does not automatically mean that the objective has been met. This may depend on the particular features of the development site, and each application would be treated on its merits with regard to whether standards are complied with or not. However, the onus is on the applicant to provide justification describing why a variation to a standard would be appropriate.</p> <p>Planning Practice Note 'PPN55: The role of mandatory provisions in planning schemes' sets out criteria that can be used to decide whether a mandatory provision is appropriate in a planning scheme. This would be decided on the basis of whether</p>	No	No	N/A

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			<p>flexibility in design is likely to produce a better outcome in meeting the planning and neighbourhood character objectives. The appropriate language for provisions will eventually be decided in consultation with DTP during the planning scheme amendment stage, and will ultimately be decided by the Minister for Planning in considering the amendment for approval.</p> <p>The terms 'respect' and 'encourage' are standard terms that occur throughout the Nillumbik Planning Scheme. There are 71 instances of the use of the terms 'respect', 'respects' or 'respectful' in the scheme, and 234 instances of the use of the terms 'encourage', 'encourages' or 'encouraged'.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>			
11.i		<p>8. Setbacks</p> <p>Concern with the lack of any provision for front or rear setbacks. Front setbacks should be included in the next version of the NCS. Query why only one minimum side setback is given in the Design Guidelines on p119 - 122 for some character types, whereas other types have minimum setbacks for each side. Final version of the NCS should ensure that all properties have large enough setbacks on all sides to give sufficient space for canopy trees to be retained or be planted and grow to full size. This is because such trees are essential for the provision of shade in order to prevent the more densely populated areas of the Shire from becoming urban heat islands.</p>	<p>Refer response 4.c</p> <p>The draft NCS would not identify a blanket front setback as they would be different for individual areas (covered by the same NC area) depending on when the subdivision pattern was created and the setbacks associated with the built form of that time. In recognition of current character attributes and preferred character, front setbacks would be different in different areas (within same NC area). This is why the guidelines are seeking a design response consistent with existing dwellings in an area. Setbacks are identified from the property boundary and not from the road, again as these may be different in various areas the NC typology is applied to. Also note that ResCode standards also apply where the front setback must meet the standard and be consistent with adjoining allotments (e.g. Clause 54.03).</p> <p>Council referred similar Phase 2 submission query on absence of specifying rear setbacks in the NCS to consultant, who provided the following response:</p> <p><i>"Discussion has been enhanced in key issues & threats (4.3) & further work (8.6) relating to the loss of vegetation in rear setbacks, the scope of Neighbourhood Character & recommendations for further work regarding provisions for rear setback canopy trees"</i>.</p> <p>Differences in specifying side setbacks across the NC typologies, including specifying setbacks for both sides in four of the NC areas and not the other four, was based on the general character observed during site inspections of the Shire's residential areas, and through examining aerial photography and mapping as part of a desktop analysis.</p> <p>Other design guidelines could encourage setbacks from other boundaries indirectly, e.g.:</p> <ul style="list-style-type: none"> • If more than one dwelling is proposed, provide sufficient separation between each dwelling to allow for the planting of canopy trees, amenity trees and understorey vegetation. (Applied to all NC areas, with vegetation to be indigenous and native in Bush Residential 1 & 2 and Rural Residential 1 & 2). • Buildings should be sited to take into account the sharing of views corridors to the Diamond Creek, the Watsons Creek, the Yarra River, elevated ridgelines, vegetated areas and canopy trees in Bush Residential 1 & 2. Urban Canopy Residential 2 and 3 also refer to sharing of views corridors. • Retain existing indigenous and native canopy trees, amenity trees and understorey vegetation and replant wherever possible applies to all NC areas. <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
11.j	Eltham & Eltham North; BR1&2, UCR1-3	<p>9. Potential Omissions or inaccuracies</p> <p>a) Accuracy of Character Descriptions</p> <p>Earlier submission considered that it is essential in order to determine their preferred and future character for the NCS to accurately describe the existing character of each precinct type. Please see</p>	<p>Refer response 11.e</p> <p>Officer Response to Ethos / Final recommendation:</p> <p>Include 'storey' in the Definition of Terms table and define as per Clause 73.01 of the Nillumbik Planning Scheme.</p>	No	Yes	See above.

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		comments at clause 4. Preferred neighbourhood character above.				
11.k	Eltham & Eltham North	<p>9. Potential Omissions or inaccuracies</p> <p>b) Planning Scheme Zones</p> <p>Notes that the proposed zones on p22 of NCS 2 do not name "Eltham North" and queries the reason for this, as Eltham and Eltham North are referred to separately elsewhere, e.g. in clause 1.3 Study Area on p10.</p>	<p>Officer Recommendation:</p> <p>Refer to Ethos to ascertain if references to Eltham North should be inserted after Eltham under GRZ, NRZ or LDRZ headings.</p> <p>Officer Response to Ethos / Final recommendation:</p> <p>Add Eltham North after Eltham under GRZ, NRZ and LDRZ headings.</p>	No	Yes	Change required – add Eltham North.
11.l	UCR1&3, GR	<p>9. Potential Omissions or inaccuracies</p> <p>c) Site coverage and permeability & setbacks</p> <p>Notes that the Design Guidelines for each character type contain provisions relating to site coverage and permeability except for Garden Residential and Urban Canopy Residential 1 and 3 where there are "none specified". Query the reason for this omission and suggest that such provisions should be included in the next version of the NCS.</p> <p>Noted at clauses 2 b), 6 and 8 above the absence of front and rear setbacks, and that side setbacks for some areas only relate to one side, and submits that these setbacks should also be included in the next version of the NCS.</p>	<p>Refer response 11.i regarding setbacks.</p> <p>Officer Response to Ethos / Final recommendation:</p> <p>No change to the NCS based on this submission re setbacks.</p> <p>Officer Recommendation:</p> <p>Refer to Ethos to provide explanation of why Garden Residential and Urban Canopy Residential 1 and 3 do not address guidelines for site coverage and permeability, and to ascertain if these attributes should be inserted for the aforementioned NC typologies.</p> <p>Officer Response to Ethos / Final recommendation:</p> <p>Agree with Ethos – No change to the NCS based on this submission. Minimum site coverage and permeability to be determined without variation to Rescode (Clauses 54 & 55) requirements.</p>	No	Yes	No change required – minimum site coverage and permeability requirements applied to heavily vegetated character areas and proposed SLO.
12.a	N/A	The new overlay strategy seems to be overly prescriptive and intrusive on property owners, there are so many controls and restrictions. Whilst the general character objectives are positive, the control rule book seems overly bureaucratic, too specific, and restrictive on property owners. This means that future flexibility of building/renovation is very restricted and is far too subject to the whims of bureaucratic intervention and control, reducing property values. The powers and opportunities for activist building planners in Council to intrude on owners' rights when negotiating planning approvals are too strong and seem to be without balance, except for very expensive and very time consuming, long duration appeals processes.	<p>The NCS is a strategic document that provides strategic support/evidence to support future planning scheme controls such as Zone and Overlay schedules. The Neighbourhood Character Strategy aims to guide new development in residential areas, ensuring that it respects and responds to the existing or preferred valued features or character of an area, whilst importantly still meeting Shire-wide targets required by State Planning Policy for growth in housing supply and housing diversity.</p> <p>Neighbourhood character should guide how to manage a changing urban environment so that any changes are sympathetic to the valued characteristics and ultimately shape a preferred future character. In this regard, it is important to acknowledge that neighbourhood character is not a static concept as it is dynamic and can evolve over time to meet contemporary housing needs. The Neighbourhood Character Strategy will demonstrate that housing objectives for the Shire have not been prejudiced when determining areas for the protection of neighbourhood character. To achieve this, the Neighbourhood Character Strategy will significantly contribute to a Residential Development Framework (RDF) for the Shire. The RDF: Is an overarching housing framework that is required by State Government planning policy for each municipality. Will be informed by a Housing Strategy, the Neighbourhood Character Strategy and other relevant considerations (e.g. heritage and environmental constraints) to provide areas of minimal, incremental and substantial change in a manner that balances the need to protect valued character with the requirement to ensure housing growth and diversity.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
12.b	N/A	Further it seems that the proposed overlay contradicts fire planning recommendations. Encouraging home owners to plant native vegetation which will grow close to or overshadow buildings is irresponsible. Planning overlays should directly include specific fire precautions and planning for vegetation known to be highly vulnerable to fire, and/or leaving homes exposed to tree limbs	<p>The majority of Nillumbik Shire is a Designated Bushfire Prone Area (BPA) under section 192A of the Building Act 1993. Also, a large proportion of land within the Nillumbik Shire is subject to Bushfire Management Overlay (BMO).</p> <p>While allowing residents to mitigate bushfire risk of their properties is integral to the protection of human life, anecdotal evidence suggests that an unfortunate consequence is the impact on neighbourhood character. The cumulative impact of vegetation removal from individual properties poses a threat to the highly valued 'leafy green' character of the Nillumbik Shire.</p>	No	No	N/A

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		unpredictably falling on houses, or being blown over in strong winds. These risks have a direct bearing on residents safety and insurance premiums and have not been adequately considered in the strategy.	<p>The importance of vegetation to Nillumbik Shire's character and biodiversity is recognised through various parts of the Nillumbik Shire Planning Scheme, as noted in previous sections. The neighbourhood character analysis has also identified vegetation as a critical component of the character of majority of localities, and contributes overall to Nillumbik Shire's character.</p> <p>Exemptions apply to buildings built or approved prior to 10 September 2009 and are set out in Clause 52.12 (Bushfire Protection: Exemptions). The exemptions apply regardless of whether a permit is required to remove vegetation under any other provision of the planning scheme (e.g. Clause 52.17: Native Vegetation Protection Overlay, Environmental Significance Overlay or the like). Specifically, the exemptions override all other planning permit triggers, meaning that Council does not have the power to prevent the removal of vegetation covered by the exemptions.</p> <p>34 Densely vegetated rural road – Yarrambat This Neighbourhood Character Strategy does not have the capacity to influence, alter or change the exemptions that are specified under Clause 52.12.</p> <p>Analysis undertaken as a part of this Strategy has highlighted the community's concern about mass vegetation removal and the associated impact on the valued bushy character of localities. Part of this concern may arise from a question of whether any property owners are taking advantage of bushfire exemptions to maximise development yield, rather than simply to mitigate a genuine bushfire risk.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>			
13.a	N/A	As much of the Shire is in the green wedge, and is known for its rurality, retention of mature trees should be a priority. Planting guidelines for new developments should have priority over land use, front and rear setbacks specified to allow for reasonable density of indigenous plants. Adequate root protection for existing trees should be mandatory during construction as too often, a trench cuts through the root zone and is then covered in. Neighbours watch the tree die over the next two or three years.	<p>Refer response to 5.b - and page 43 of the draft NCS. Canopy tree cover in Nillumbik is predominantly a character species of an ecological vegetation class (EVC) at 20 m minimum height at maturity that occurs in Nillumbik Shire Council. Amenity Tree's are a species indigenous to Nillumbik with a minimum height of 8 metres at maturity. The draft NCS at page 125 recommends the preparation of tree planting guidelines to support the tree canopy objectives within the draft NCS.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
13.b		colours and materials - muted tones of green and browns, natural materials such as timber and mud, and Alistair Knox guidelines which specify blending into the landscape' where possible. Of course, styles and fashion change over the years, but guidelines are a first step when considering new or refurbishing old buildings.	<p>In Nillumbik Shire, the consistency of colours and materials is a defining aspect of the character of some localities. However, the colour palettes and materiality of contemporary design schemes of new builds in some localities has caused built form to stand out from their surroundings, rather than blending in within them. Some areas of Nillumbik Shire have an identified and recognisable character due to the consistency of a muted earthen and bush toned colour palette and natural building materials. For example, Eltham and North Warrandyte feature notable concentrations of mud brick dwellings. Many residential areas feature dwellings which use natural material finishes and a muted colour palette of earthen and bush tones such as greens, browns and greys, which complement Nillumbik Shire's 'leafy' character feel and landscaped setting. This Strategy seeks to clearly identify the areas where maintaining similar or complementary surface finishes is fundamental to the preferred neighbourhood character. A table in the NCS at Appendix B defines muted colour palette in the context of the Nillumbik Shire.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
13.c		Size and height of buildings needs to be controlled so that domination of buildings is minimized. Setbacks from fences need to be specified, as these	<p>Refer responses 4.b and 5.a with regard to building heights. The design guidelines for each NC area/typology specify a minimum setback distance from at least one side boundary, with the determination of appropriate setbacks from</p>	No	No	N/A

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		will vary according to zoning. These must be adequate for trees and large bushes.	other fences/boundaries being an intuitive process based on interpreting surrounding development pattern and applying other design guidelines. BR1&2 specify at least 4 metres from at least one side boundary, and 4 metres from both side boundaries for RR1&2 in order to accommodate the planting of native and indigenous canopy trees.			
ONLINE BOOKED SESSIONS (2 held out of 3 booked) (Please note: submitters comments below are mainly based on notes taken by consultants during the online sessions.)						
14.a	Bush Res 2	Bush 2- it's been made Garden? -Submission requests it to remain Bush Area 2.	Bush Garden NC precinct under the 2001 NCS is now proposed to be largely replaced with a new typology, Bush Residential 2. The submitter's request for it to remain 'Bush Area 2' is interpreted as support for the new typology 'Bush Residential 2'. Officer Recommendation: No change to the NCS based on this submission.	No	No	N/A
14.b	Urban Canopy Residential 2 & Bush Res. 2	There are four properties in Edward Street, Wattle Glen that don't have an allocation (i.e. NC area typology)	It was clarified during the online session that the four properties in question are in Urban Canopy Residential 2. Officer Recommendation: No change to the NCS based on this submission.	No	No	N/A
14.c	Urban Canopy Residential 2 & Bush Res. 2	Opposite this site, is clarified as Bush residential 2, these four properties (i.e. the four properties referred to in 14.b) should be allocated at Bush residential 2 and not Urban Canopy Residential 2. This submission has been responded to previously. These four properties are not connected to the other properties allocated Urban Canopy.	Bush Residential 2 commences to the north and NE of the four properties referred to in 14.b and correlate with a change in zoning, i.e. the four UCR2 properties are in GRZ; whereas the BR2 area is in NRZ. Aerial photography indicates that the NRZ area is generally more densely vegetated with canopy trees, which appears consistent with the BR2 character description. Officer Recommendation: Refer to Ethos for a response, including officer response, to help ascertain if the boundary between UCR2 and BR2 in Edward Street, Wattle Glen should be adjusted. Officer Response to Ethos / Final recommendation: Agree with Ethos – No change to the NCS based on this submission.	No	Yes	No change required – change in character occurs along Edward street, where Bush Residential 2 is applied.
14.d	Bush Res 1	2 x parcels of land at Clarke Avenue, Wattle Glen are incorrectly zoned NRZ1 (they should be RCZ3) and they should not be included in the UGB.	Resolved with Department of Transport and Planning mapping services enquiry. Submitter was advised of DTP advice on 1 August - that the 2 allotments in question have been zoned for Residential use since at least 1993 and included within the UGB since its introduction in 2002 so the zoning is correct. Officer Recommendation: No change to the NCS based on this submission.	No	No	N/A
14.e	N/A	On page 3 says it looks over the Plenty River... review reference to looking over Plenty River.	There are 12 references to the Plenty River throughout the NCS report; however none occur on Page 3, which contains Definition of Terms. Urban Canopy Residential 2 and 3 each contain three references. Consequently, it remains unclear as to where reference to the Plenty River needs to be reviewed within the NCS report. Officer Recommendation: No change to the NCS based on this submission.	No	No	N/A
15.a	N/A	4.3-are these things you are going to do in the future or are these actually guidelines.	<u>Planning officer response during online session:</u> Section 4.3 outlines threats in relation to Loss of Vegetation, Landscaping & Biodiversity. Officer Recommendation: No change to the NCS based on this submission.	No	No	N/A
15.b	N/A	Submitter's major emphasis is climate change and loss of tree canopy and heat island effect. Submitter observation that NCS is from street view.	<u>Planning officer response during online session:</u> NCS is an urban approach towards addressing these issues (<u>additional officer response:</u> i.e. wherever the address of those issues is within the scope of the NCS, which is confined to addressing attributes that contribute to neighbourhood character, e.g. building form such as prominent eaves will have environmental benefits by helping to reduce energy consumption and not just	No	No	N/A

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			<p>contribute to building articulation, and the combination of generous setbacks, landscaping and retention of native canopy and amenity trees and understorey will all help to protect biodiversity and contribute to the cooling and greening of Melbourne).</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>			
15.c	Bush Res 1	Key thing that doesn't come out is the impact of subdivision. Early in the document it comes through but not in the Bush Residential 1; doesn't cover that in terms of subdivision	<p><u>Planning officer response during online session:</u></p> <ul style="list-style-type: none"> NCS won't deal with subdivision controls; that will be controlled by the housing strategy. NCS comes first and influences the Housing Strategy and the Urban Tree Canopy Strategy. <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
15.d		Is the strategy a background document for the Planning Scheme? Can you go further than ResCode?	<p><u>Planning officer response during online session:</u> The design objectives and design guidelines will be a part of the Planning Scheme, e.g. through informing schedules to residential zones. However, Nillumbik will require more regulation than ResCode, e.g. there will be 2 additional recommended implementation tools: SLO; and protection for canopy trees (e.g. through VPO), which would be informed by a tree canopy strategy.</p> <p><u>Additional officer response:</u></p> <p>The new NCS will also update local policy for 'Neighbourhood Character – Nillumbik' at Clause 15.01-5L, which currently lists <i>Neighbourhood Character Study: Residential Design Guidelines 2001</i> (Planisphere and John Curtis Pty Ltd, amended 2003) as a policy document. The new Study will also replace the 2001 Study as a Background document in the Schedule to Clause 72.08.</p> <p>Rescode objectives and standards are contained within Clauses 54-56 of the Nillumbik Planning Scheme and must be addressed as part of NRZ and GRZ dwellings and subdivision provisions. The ResCode provisions contain specific objectives that must be met, and associated standards, e.g. specified setbacks. A lesser standard can be proposed if it can be demonstrated that the lesser standard will still meet the objective. The schedules to the NRZ and GRZ can be used to introduce both, neighbourhood character objectives, and variations to the standards for setbacks, site coverage, permeability and landscaping. NRZ schedule can additionally specify requirements for walls on boundaries and private open space. Maximum building heights and number of storeys can also be varied from the NRZ and GRZ default limits of 9m/2-storeys and 11m/3-storeys, respectively; however can only be scheduled up and not down, whereas the other standards can be made more stringent, e.g. less building site coverage and more permeable area would increase landscaping opportunities. The development of a tree canopy strategy is identified as further strategic work in the draft schedule to Clause 74.02 that was, along with the draft MPS, adopted by Council in June 2023.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
15.e	N/A	The species that are going to be used... yellow or Redbox; you will have 30m height!	<p><u>Planning officer response during online session:</u> There is a definition of a canopy tree for Nillumbik in the draft NCS, which was a tree over 20m, now changed to minimum height of 16 metres at maturity. The design guidelines specify landscaping plans that utilise appropriate indigenous and native species as identified in the <i>Nillumbik Live Local Plant Local Guide</i>. This guide can be updated without updating the planning scheme.</p> <p>Officer Recommendation:</p> <p>No change to the NCS based on this submission.</p>	No	No	N/A
15.f	N/A	How will you implement these schedules?	<p><u>Planning officer response during online session:</u> The (zone) schedules will be used to deliver the guidelines. <u>Additional officer response:</u> Also see response 15.d.</p> <p>Officer Recommendation:</p>	No	No	N/A

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			No change to the NCS based on this submission.			