

NILLUMBIK PLANNING SCHEME

AMENDMENT C114

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Minister for Planning who is the planning authority for this amendment.

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

Land affected by the Amendment

The Amendment applies to land in the Shire of Nillumbik.

What the amendment does

The Amendment corrects the name of the species referred to in the permit exemption for the clearing of the native plant Burgan, from *Kunzea ericoides* (Burgan) to *Kunzea leptospermoides* (Yarra Burgan).

Specifically, the amendment revises the permit exemption contained in Schedule 2 to the Special Use Zone, Schedules 1, 3, and 4 of the Environmental Significance Overlay, Schedules 2, 3, 4, 5, 7 and 15 of the Significant Landscape Overlay and the Schedule to Clause 52.17.

Strategic assessment of the Amendment

Why is the Amendment required?

Amendment C62 to the Nillumbik Planning Scheme approved in 2011 gave effect to the removal of the native plant Burgan (*Kunzea ericoides*) without a planning permit for fire prevention purposes. The exemption was applied to the whole Shire.

In Victoria, the scientific name *Kunzea ericoides* has been misapplied as this name refers to a species that occurs in New Zealand and not in Australia.

Flora of Melbourne 4th edition (2014) by Marilyn Bull states that “*Kunzea ericoides* has recently undergone a revision and this species is now recognised as the large tree in NZ.”

Vicflora.rbg.vic.gov.au provides the following definition of *Kunzea Ericoides*:

Kunzea ericoides (A.Rich.) Joy Thoms.

Telopea 2: 379 (1983), *sensu Fl. Victoria* 3:1021 (1996) APNI

Taxonomic status: Not current

Remarks: *Kunzea ericoides* (A.Rich.) Joy Thoms. is native to New Zealand and does not occur in Victoria. Victorian plants previously assigned to this species are now referable to *Kunzea leptospermoides* F.Muell. ex Miq., *K. peduncularis* F.Muell., *K. phylicoides* (A.Cunn. ex Schauer) Druce, *K. sp.* (Scrubby form) and *K. sp.* (Upright form).

The recent revision of the species has resulted in *Kunzea* being separated into different species. The species that occurs commonly in Nillumbik is *Kunzea leptospermoides* (Yarra Burgan).

Therefore the current exemption does not have the intended statutory effect. This situation causes confusion and has been raised as an issue by local CFA fire brigade captains. Reference to the species is required to be updated accordingly.

How does the Amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria by providing for the fair, orderly, economic and sustainable use and development of land.

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

The amendment corrects an error in the planning scheme and will not have any environment, social or economic effects.

Does the Amendment address relevant bushfire risk?

The amendment will ensure the Nillumbik Planning Scheme provides a clear and consistent framework within which decisions about native vegetation removal can be made.

The amendment will not increase the risk to life, property, community infrastructure or the natural environment from bushfire.

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

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987*.

The amendment is also consistent with Ministerial Direction 11 (Strategic Assessment of Amendments) as identified in this Explanatory Report.

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

The amendment is consistent with the State Planning Policy Framework (SPPF) and considered to be policy neutral. As the changes proposed are minor and administrative, there are no implications for the SPPF.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment is consistent with the Local Planning Policy Framework (LPPF) and considered to be policy neutral. As the changes proposed are minor and administrative, there are no implications for the LPPF.

Does the Amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions.

How does the Amendment address the views of any relevant agency?

The amendment has been discussed with members of the local CFA brigades.

The amendment has been referred to the Port Phillip Region of the Department of Environment, Land, Water and Planning who have provided support for the proposed amendment.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The amendment will not have a significant impact on the transport system.

Resource and administrative costs

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

The amendment will have minimal impact on the resource and administrative costs of the responsible authority.

Where you may inspect this Amendment

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

Nillumbik Shire Council, Civic Drive, Greensborough

www.nillumbik.vic.gov.au

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.