

**Submission
No 279**

**INQUIRY INTO THE PROTECTIONS WITHIN THE VICTORIAN
PLANNING FRAMEWORK**

Name: Mr Alexander (Alec) McCracken

Date Received: 4 March 2022

Inquiry into the protections within the Victorian Planning Framework

Mr Alexander (Alec) McCracken

Organisation Name:

Your position or role:

YOUR SUBMISSION

Submission:

Parliament of Victoria – Inquiry into the Protections within the Victorian Planning Framework.

Thank you for the opportunity to make a submission to the Inquiry into the Protections within the Victorian Planning Framework. My submission concerns the inadequate provision under present zoning for the protection of areas of native vegetation on private property. (ToR 2 - environmental sustainability and vegetation protection).

The Victorian Planning Framework must provide adequate protection for native vegetation on conservation properties by encouraging the use of appropriate zoning. Zoning should set the expectations for future use and development on the subject land. Where private land is designated for conservation, such as through a covenant on the land title, zoning should be adjusted accordingly.

Clause 52.17 provides some protection for native vegetation, however exemptions apply. For example, native vegetation in the Farming Zone (F Z) has exemptions from requiring a planning permit, even for removal of significant amounts of native vegetation (“New buildings and works in the Farming Zone” – allows the removal of 1 hectare of native vegetation without trees, plus 15 trees 40cm diameter for development associated with agricultural production).

Farming Zone is not the correct zone for a conservation property whether it is protected by a covenant or not. Under FZ a landowner could, without a planning permit, undertake intensive animal husbandry in the native vegetation, potentially destroying the understory, including lichens, grasses and small shrubs, but still be operating under the guidelines of the Farming Zone.

Zoning such as Rural Conservation Zone (RCZ) does not contain these exemptions under 52.17 and therefore RCZ provides additional protection. It is entirely appropriate when an on-title conservation agreement is entered into, that property owners be encouraged to apply to their local Council for a more appropriate zone to suit the situation. Local councils should be provided with guidance on appropriate zoning for conservation properties and procedural amendments should allow rezoning to occur, where requested, in a straightforward manner.

As it stands in the Mildura Rural City Council area, this isn't the case. In my case it is now thirteen years since our family first began investigating the rezoning of our area of native vegetation. We created a separate title for the ground in question by realigning boundaries to suit. (We had four titles to the property and as rules prevented us creating a new title, we sacrificed a house block we had in order to achieve this.) After our two most recent submissions, we have been given the same reasons by DELWP for refusal to rezone to RCZ. These being under the Mildura Planning Scheme that as much irrigated farm land as possible has to be retained and that a house could potentially be built, which could compromise the environmental values of the remnant vegetation on the land. There is a small area where a house could be built, so no native vegetation clearing would be required. Obviously with a covenant applied, the ground can neither be farmed nor irrigated, so retaining as much irrigated farmland as possible is a nonsense in this case. We consider a house on site would be highly important when it comes to controlling feral animals, weeds and rubbish dumping. The Trust for Nature management plan requires we do all of these things. Someone living off site, for example, would find the checking of cat traps daily far less convenient than an owner on site.

Even though governments of either persuasion stress the importance of retaining as much native vegetation on private land as possible, it is in fact very difficult to do so in a way which is simple, straight forward and encouraging. In our case it has been very discouraging, not to mention very expensive and it's time the whole process was streamlined.

I have attached our most recent submission requesting rezoning, and the response received from Mildura

Rural City Council to illustrate the difficulties landowners face when seeking to rezone land to protect native vegetation.

FILE ATTACHMENTS

File1: [6221a1b5eda8b-Letter requesting rezoning \[REDACTED\] Newton Ave Irymple.docx](#)

File2: [6221a1b5ef2dc-2022-02-22 Response to McCracken Amendment Request \[REDACTED\] Newton Ave Irymple.pdf](#)

File3:

Signature:

Alec McCracken