

**Submission  
No 52**

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

**Organisation:** National Trust of Australia - Mornington Peninsula Branch

**Date Received:** 27 January 2022

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

**(Planning & Environment Act 1987)**

### **SUBMITTERS:**

**MS JUDITH WALSH & MRS ADRIENNE SMITH (BRANCH COMMITTEE)**

**FOR**

**MORNINGTON PENINSULA BRANCH NATIONAL TRUST OF AUSTRALIA (VIC)**

### **PREAMBLE:**

Last century, seeking to protect the natural heritage values of vegetation and environment, the National Trust (NT) classified much of the Mornington Peninsula hinterland as significant landscape. This classification has been incorporated into the Mornington Peninsula Shire's planning regulations.

Because of this classification, the Mornington Peninsula Shire frequently invites the NT as a referral authority, to comment on proposed planning applications in the Shire's Green Wedge and areas subject to the Significant landscape Overlay (SL06).

The work of site inspections and comment on proposed planning applications devolves to the Mornington Peninsula branch of the NT with support from NT head office. As the Branch's representatives, in the past ten years Ms Judy Walsh and Mrs Adrienne Smith have made over three hundred site inspections and are therefore acquainted with the extensive development and the outcomes of planning decisions concerning environmental sustainability and

vegetation protection decisions in the reference area. It is this experience which informs the submission. Our experience possibly typifies the experience in other regions, close to Melbourne, under the threat of inadequately legislated protection of environmental sustainability and vegetation.

## **SUBMISSION**

### **(2) Environmental Sustainability and Vegetation Protection on the Mornington Peninsula which focuses on 4 points:**

1. Effectiveness of local natural heritage protection: vegetation and significant landscapes
2. Planning processes
3. Resourcing
4. Suggestions for improving/targeting stronger natural heritage protections (the environment, significant landscapes and vegetation protection).

#### **Effectiveness of local natural heritage protection: vegetation and significant landscape.**

The Mornington Peninsula Shire is included in Metropolitan Melbourne and although the Peninsula consists of predominately Green Wedge land (70 %), most of which is privately owned and contains over 50% of the bushland on the Peninsula, the Shire is constrained by Metropolitan Melbourne's planning regulations. Hence while environmental heritage protection on private and public land is promoted by the Shire, in practice agricultural pursuits, fire management regulations and potential development applications are prioritised over vegetation and significant landscape protection. The Shire has a well-argued, informed and comprehensive Biodiversity Conservation Plan which lays out the urgent need to preserve and

protect the remaining 30% of bushland on the Peninsula. Never the less, especially on private land, these values are being lost.

Examples of this loss of indigenous vegetation are recent proposed planning applications where despite objections

- A copse of indigenous trees were approved for removal to allow access to a proposed dwelling when another, less destructive (but unacceptable to the owner because this access was used by his cattle) option was available.

Yet to be decided are proposals, to which we have lodged objections include

- indigenous trees (*Eucalyptus radiata* and *Eucalyptus obliqua*) with tree hollows, on private land that have been marked for removal to allow for building development
- a large, old *Eucalyptus ovata*, one of the preferred food trees for koalas on the Peninsula has been marked for removal to accommodate a proposed dwelling
- a camp ground in bushland on private property, adjacent to the Mornington Peninsula National Park allowing campfires and domestic animals (dogs) is being considered.

It is no wonder that fauna, especially the koala and hollow dwelling animals including the Powerful Owl are in decline on the Peninsula. Currently there are Landcare planting and biolink programs taking place on the Peninsula. However it will be many years before these trees are able to support koalas let alone develop hollows for the fauna that are dependent upon them for habitat. It is vital that trees and habitat that can support these animals are preserved now.

In practice, in the face of pressure to allow development, the concept to preserve and protect older trees that offer fauna habitat, seems to be poorly accepted by government, both local and state.

Offsets are offered as a means of retaining and protecting vegetation but the benefits of offsets do not necessarily occur on the Mornington Peninsula. The offsets process lacks transparency and it is thought that the outcome could well be a net loss of native vegetation and biodiversity on the Mornington Peninsula.

The outcome of current local natural heritage practices demonstrates that these practices are ineffective in protecting these important assets.

### **Planning processes**

In our Shire the planning process can be a very long and often very expensive process. It appears that Shire planners are overworked and must manage many proposed applications and many different considerations at the same time. Decisions are made on the basis of reports from professional contractors and in practice it appears that the protection of finite natural heritage: indigenous flora, biodiversity and significant landscape, is of little importance, (especially when offsets are available), in comparison with fire management regulations, farm management plans and often very large dwelling proposals

From our perspective the impact of light pollution (eg for a tennis court) and the mass of a building on a significant landscape is either not well understood or not clearly articulated in planning regulations and it is an ongoing challenge to protect these landscapes from inappropriate development.

Another problem is the possibility that disgruntled owners will go to VCAT where local regulations are discounted. In many cases this expensive option is unattractive to the Shire (and volunteers) and

thus it appears that some applications are approved because this is the easy, least financially-expensive option.

## **Resourcing**

Currently it too often falls to volunteer groups to work to protect our environmental values eg fighting the proposal to build an LNG terminal in Western Port, an environmentally sensitive region adjoining the Mornington Peninsula.

If government is serious about preserving and protecting indigenous biodiversity, government must better resource protection of these assets and these values must have a higher priority in the planning process than the position they currently occupy.

## **Suggestions for improving/targeting stronger natural heritage protections**

In order to improve protection for natural heritage, government and the public need to understand why it is necessary to take this action. When this is understood, funding protection will be easier for government and the public to accept.

To do this:

- research by accredited agencies must be adequately funded to show very clearly what is to be gained by ongoing protection of natural values and what is to be lost by our current inaction and the consequences of each practice.
- If research shows that it is to our great advantage to protect indigenous biodiversity, then intensive education of school children, the public, all levels of government and especially politicians, lawyers and planners must follow and be well funded. Options such as approaching large companies eg BHP, altruistic bodies and casinos looking for tax relief could help to fund this work. This education must reinforce the message that

we don't have an option; biodiversity must be protected as a first priority. This protection is the cornerstone of our society. Without it, the future presents an impoverished or worse, outlook.

- Clear, unambiguous legislation without the possibility of loopholes must be enacted to safeguard these protections.
- Ongoing, well-funded research and education must be adequately funded. This is not a short term project. This is a forever project.

J WALSH & A SMITH

Branch Committee

Mornington Peninsula Branch

