Joint submission to the Commonwealth on the partial divestment of HMAS Cerberus land

From: Crib Point Stony Point Foreshore Committee of Management Inc., Somers Foreshore Reserve Committee of Management Inc., Balnarring Beach Community Association Inc., Balnarring Beach Foreshore and Parks Reserve Committee of Management Inc., Merricks Beach Residents' Association Incorporated, Point Leo Foreshore Park and Reserve Committee of Management Inc., Shoreham Foreshore Reserve Committee of Management Inc., Shoreham Community Association Inc., Flinders Community Association Inc., Red Hill Community Association Inc., Southern Peninsula Indigenous Flora and Fauna Association Inc., Save Westernport Incorporated, Western Port and Peninsula Protection Council Inc., Friends of Coolart Incorporated, Mornington Peninsula Koala Conservation Inc., Australian Conservation Foundation Community Group Mornington, and Mornington Peninsula Landcare Network Incorporated.

To: Department of Finance, Defence Estate Audit divestment programme
cc: Department of Defence, Delivering the Future Estate

Date: 9th October 2026

Site: HMAS Cerberus off base land, South Beach Road, Crib Point. 1,164 hectares proposed for divestment.

Lodged: Email to divestment.program@finance.gov.au, and by Feedback and Future Use form, Defence Estate Audit.

Why we write

The Western Port communities understand a decision about this Cerberus land will be made once. It will stand for generations. Seventeen organisations, most of them run by volunteers and several appointed by the Minister to manage Crown land, have set aside their usual work to write together. We hold this coast as one connected system, Cerberus is its anchor, and its future should be decided on evidence.

Our interest is in seeing the Cerberus land divested to nature conservation. Although the Commonwealth requires a short-term divestment, the message from the Western Port communities is for the Commonwealth's due diligence and decision-making to consider what is right for this 1,164ha for future generations.

We do not ask the Commonwealth to accept a community opinion about the value of this land. We ask the Commonwealth to establish the facts before the land is sold, on a timetable the Commonwealth itself has set and has already indicated allows for the work.

What we ask

#	What we ask	Why
1	Assess the site as the Western Port coastal corridor eastern anchor, not as an isolated parcel	Cerberus has ecological value. As the corridor's eastern anchor, its value extends to every connected reserve and biolink, which no parcel-level survey measures.
2	Engage Traditional Owners and establish the cultural heritage position before disposal	Any subdivision after sale requires a Cultural Heritage Management Plan approved by the Bunurong Land Council Aboriginal Corporation. The position should be known before the land is priced
3	Commission and publish an independent pre-disposal assessment of connectivity, soil, water, insects, vegetation and fauna, scientifically consistent with the Western Port corridor audit	The site's ecological values were last assessed in 1975. Its importance to the Western Port corridor, the inland biolinks and Landcare's Linking the Mornington Peninsula Landscape vision has never been measured.
4	Establish the ecological baseline of the receiving environment, and the contaminant mobilisation risk under a development scenario, before title transfers, with obligations factored into the land market price	Obligations cannot be allocated, or priced, against a starting position which does not exist. Defence's low-risk findings rely on access restrictions and controls that transfer would end.
5	State how environmental values presently protected under sections 26 and 28 of the EPBC Act will be secured after settlement	On transfer EPBC Act's protection of the whole Commonwealth land environment lapses. Only matters of national environmental significance, such as the Ramsar wetland and listed species, remain protected.
6	Agree with the State and Shire the planning framework that should apply on transfer, before market interest is sought	The land's value depends on a zone not yet applied, and residential rezoning would require Victorian Parliamentary ratification

7	Hold the land in public ownership until each parcel transfers to conservation tenure. Fund remediation. Transfer in stages by parcel once each parcel is clean.	Commonwealth's Point Nepean approach on comparable facts. Every objection on the record concerns the land's condition and ongoing cost, not its value
8	Transfer clean parcels to a body willing to accept them.	Trust for Nature[1] has stated it is willing to take title subject to Board approval and conditions. Once clean parcels are established, other government, NGOs and private consortia may have interest in title.
9	Whatever the pathway, protect the vegetated areas on title before the land is valued, by a registered conservation covenant for all land, alongside the staged transfer asked for above.	A covenant binds every subsequent owner. A condition of sale can lapse or be renegotiated

The Cerberus site is the eastern anchor of the Western Port coastal corridor

The Balnarring Beach Foreshore and Parks Reserve Coastal Management Plan,[2] prepared by the Committee in consultation with the responsible department and adopted as the governing plan for the reserve, records Balnarring Foreshore as one of eight foreshore reserves lying on the Western Port coastline. It identifies regional connectivity as a goal worth pursuing and states capitalising on the opportunity for a biolink will ensure the connectivity of environmentally important coastal reserves.

Point Leo's management plan also identifies improving ecological connectivity as an important environmental objective and references participation in the Western Port Biosphere BioLinks program and collaborative management with neighbouring organisations.

The Balnarring and Point Leo plans were prepared years before this divestment was contemplated, for an unrelated purpose. They are adopted management plans for Crown land and established on the public record the Cerberus land functions as a terminal anchor of a corridor in which the eight foreshore reserves are the intervening links.

Independent research reaches the same conclusion. Deakin University research into koala distribution on the Mornington Peninsula found the species persisting from HMAS Cerberus through to Red Hill South,[3] largely confined to roadside vegetation and riparian zones, in a landscape where tree canopy is sparse and fragmented. HMAS Cerberus is the named eastern terminus of the surviving Peninsula koala population.

Defence's own service provider has recognised the same corridor and acted on it. Ventia, the contractor responsible for estate maintenance at HMAS Cerberus, has publicly described a revegetation project undertaken at the base with its own ecologists, Nature Links and the Mornington Peninsula Koala Group, which it states completed a habitat corridor linking remnant habitats across three ecological zones: Bittern, HMAS Cerberus and Somers. Somers is the foreshore reserve immediately adjoining Balnarring Beach in the chain described above.[4]

The significance of this is the party responsible for managing the land has publicly identified Cerberus as a link in a corridor running toward Somers, has explained why the link matters for koala feeding, breeding and movement, and has invested in completing it. The connectivity function of this land is one the site's own managers have acted upon.

The system affected by this divestment is larger than the coastal strip. The coastal corridor also has two, connected biolinks running inland. For example, the Balnarring to the Bay Biolink runs from the mouth of Merricks Creek at Somers across 43.5 hectares of public and private land, including Council land.[5] Degradation at the eastern anchor will in time degrade both the foreshore corridor and the biolinks feeding it.

Where a native animal population is confined to a small area and cut off from genetic exchange, inbreeding depression and local extinction follow, and no amount of subsequent management of the remaining fragments reverses it. Removing the largest anchor from a corridor severs it.

What is currently unknown

Three unknowns bear directly on the Cerberus partial land divestment decision.

First, the site's ecological values have not been surveyed in fifty years. The most recent published assessment of its ecological values was completed in 1975.[6] Everything since is inference drawn from that survey and from regional datasets never intended to describe a particular parcel. The scale of that inference has been tested elsewhere in this corridor. A Flinders vegetation management plan records state-wide mapping identified five ecological vegetation classes. The field assessment identified seven. In the plan Berm Grassy Shrubland and Estuarine Flats Grassland are both classified endangered in the bioregion. Neither is identified in state-wide EVC mapping.[7]

A review of publicly available information commissioned by a community organisation and undertaken by Bush Heritage Australia identified five vegetation communities within the divestment area classified as endangered, vulnerable, rare or depleted under Victoria's conservation framework, including Coast Banksia Woodland.[8] That review rests on the same absent evidence base and does not substitute for a survey.

Second, the site's contribution to the land around it has never been measured. As we can establish, no assessment treats the eight foreshore reserves as a single connected system, neither anchor participates in a coordinated corridor assessment, and no assessment extends to the biolinks running inland from the coast. The contribution of 1,164 hectares to a 4,500ha system which has never been measured cannot be quantified, and a value which cannot be quantified will default to zero in any assessment requiring a figure. We state this as the limit of our knowledge rather than as fact, because no party can verify a negative across multiple land managers, and a single overlooked survey would otherwise discredit the point. If the Commonwealth holds a current assessment of the site's ecological values, and knows of a coordinated corridor assessment, we welcome the correction and withdraw the point.

Third, the ecological condition of the environment receiving PFAS from the site is unknown. Defence's investigations measured contamination and risk under current land use and controls. Defence's own consultants recorded Hanns Inlet's surface water, sediment and pore water were not characterised well enough to confirm a complete exposure pathway, and no published assessment models what development would mobilise.[9]

The public record is thinner than the volume of work suggests. Six flora records are lodged in the Victorian Biodiversity Atlas for the entire 5.1 kilometres of the Flinders foreshore reserve. The 2023 plan for that reserve records a preliminary list of approximately 130 taxa, with significant specimens individually GPS marked. Work has been undertaken in this corridor. Little of it has reached the state record, and none of it aggregates.

A decision maker cannot weigh a value which has never been quantified and cannot allocate a liability against a starting position which does not exist. At the Crib Point consultation on 10th June 2026, conducted by the Departments of Defence and Finance, organisers were unable to answer basic questions from attendees, including when the divestment or sale would occur or the exact boundaries of the divestment area.[10] Councillor Paul Pingiaro observed at the Council meeting of 7th July 2026 that once land of this scale and strategic value is sold, fragmented or committed to other uses, that decision is irreversible.[11] Planning controls can be amended. Title cannot.

Traditional Owners and cultural heritage

The divestment land lies on Bunurong Country. Bunurong Land Council Aboriginal Corporation (BLCAC) is the Registered Aboriginal Party for the Mornington Peninsula under the Aboriginal Heritage Act 2006 (Vic). The signatories informed the Corporation of this submission in September 2026. We do not speak for the Corporation or for Traditional Owners. We will support the position the Corporation chooses to take.

Wurnmarrinh (Western Port) forms part of the cultural landscape of Bunwurrung biik (Bunurong/Boonwurrung) country. The Bunwurrung have maintained a symbiotic relationship in harmony with Wurnmarrinh for millennia.[12]

The published record establishes the area's significance. In June 1840 the Governor approved one square mile for a reserve for the Aboriginal people of the Western Port district. The Bunurong led Assistant Protector William Thomas to Kullurk, the area around Sandy Point, as their choice, and Thomas recommended it. The Chief Protector rejected the site the following month and directed a joint reserve elsewhere. Thomas's maps mark the approved site on the northern side of Sandy Point, immediately north of the land now occupied by HMAS Cerberus.[13] Coolart, now one of the corridor's reserves, lies within it. The record shows the Bunurong held Thomas to account for the broken promise. Marie Hansen Fels's study of Thomas's journals finds Kullurk more prominent in the early records as a Bunurong place than Point Nepean or Cape Schanck.

In addition, BLCAC has placed Western Port's significance on the public record. Before the 2020 Crib Point Inquiry and Advisory Committee, it submitted that Western Port Bay is culturally important to the Bunurong people, and that assessments focused on physical artefacts gave too little regard to intangible heritage. Its expert witness described Western Port's shell middens as among the most fragile cultural places on Bunurong Country.[14]

To our knowledge, no cultural heritage assessment of the divestment land has been published. This matters on transfer. Subdivision into three or more lots is a high impact activity under the Aboriginal Heritage Regulations 2018 (Vic). Land within 200 metres of the coast or of a declared Ramsar wetland is an area of cultural heritage sensitivity. Any purchaser proposing subdivision would require a Cultural Heritage Management Plan approved by BLCAC.[15] The cultural heritage position bears on the land's value. It should be known before the land is priced or sold.

A market sale would permanently foreclose any future Traditional Owner title or joint management of this land. Retention, or transfer to public conservation tenure, keeps those options open for Traditional Owners to pursue.

We ask the Commonwealth to establish the native title status of the divestment land, including whether it falls within any native title claim area, and to identify all Traditional Owner parties with an interest. We ask the Commonwealth to engage those parties, through the Registered Aboriginal Party and any native title claimants, as part of divestment due diligence, and to commission an assessment of tangible and intangible cultural heritage on terms agreed with them. This work can run alongside the ecological assessment and need not cause delay.

Measuring Cerberus against the corridor it anchors

What the Commonwealth decides for this land will shape the Western Port coast for generations. A decision of that weight needs evidence on the same scale.

An anchor's value lies in what it holds in place. A survey confined to the parcel boundary would describe what Cerberus contains. A Cerberus-specific survey could not show what Mornington Peninsula National Park at the corridor's other end, the eight foreshore reserves between and around them, or the inland biolinks would lose. Only a baseline measuring the whole system as one can establish that.

The system also extends beyond the coast. Landcare's Linking the Mornington Peninsula Landscape vision identifies Cerberus as the link from Western Port into biolinks running across the Peninsula to Mount Martha and Red Hill.[16]

The signatories therefore propose a baseline audit of connectivity, soil, water, insects, vegetation and fauna across the whole corridor, anchor to anchor including the inland biolinks. The proposal, at Attachment A, runs in three layers: a desktop review of existing records, a community BioBlitz producing verified records for state and national biodiversity databases, and measurement by independent specialists. The specialists first assess the whole corridor remotely, then sample on the ground where that assessment shows it is needed.

Community associations are contributing their own funds and will incorporate private, NGO and government funding sources as the audit's governance is established.

The baseline has a use beyond the sale. If any action on the land is later referred under the EPBC Act, section 136(1) requires the Minister to consider economic and social matters alongside environmental impacts. A corridor-wide baseline is a record that decision-maker would weigh. It also gives the land managers who succeed the current committees a shared basis for decisions that does not presently exist.

Efficient and cost-effective measurement at Cerberus and the Western Port coastal corridor

Two matters have changed in the last five years, and both work in the Commonwealth's favour.

1. **An ecological survey changes outcomes**. ARCZero is a farmer-led European Innovation Partnership project in Northern Ireland.[17] Seven commercial farms submitted to forensic baselining of their carbon inventory and greenhouse gas position. Across 930 hectares the seven farms were found to be holding 515,166 tonnes of carbon dioxide equivalent, 97% was in the soil rather than in the visible vegetation. Nobody had known that. With this forensic data, targeted action followed. Three of the seven farms are now capturing more carbon than they emit. All seven farms are expected to operate beyond net zero by 2030. Measured outcome ran wider than carbon. Healthier soils held more water, water quality improved. Plant, insect and animal life became healthier and recovered.[18]
2. **Technology has reduced costs**. Perception of ecological survey cost rests on historical work. Landcare's flora and fauna-only audits of two small sites near Balnarring in 2009 and 2010 each cost around $14k.[19] On that basis corridor-scale measurement is out of reach. Measurement, recording and verification (MRV) technology has advanced significantly since, with better data at substantially lower cost. Environmental DNA reads biodiversity from plant and water samples and removes labour-intensive trapping. Acoustic monitoring records continuously with minimal labour rather than on the day a consultant visits. Remote and satellite-derived assessment measures vegetation extent and condition, canopy and ground-layer continuity, interruptions to movement, hydrology and change over time across a landscape as a single commission. Physical sampling is still required, but there is less, placed where the remote layer shows it is needed.

Assessment cost is immaterial against the value of 1,164 hectares and the permanence of the decision. The audit scale reduces costs to the Commonwealth. Not only will Western Port resident associations contribute to the audit, but also other key stakeholders. Further, the attached Western Port corridor's three-layered audit proposal incorporates consolidating the immense nature data into the Biosphere Foundation. Absorbing and synthesising this data will reduce on-ground audit costs for the Commonwealth.

Protocols matter - both alignment and consistency

With nature measurement technology advancing rapidly, there are many organisations making claims about their capability. Frankly, there is much greenwashing in this space. Consequently, setting specifications and clear terms of reference are critical to deliver credible results.

Four requirements protect the Commonwealth. The provider itemises precisely what is measured under any headline figure quoted, names the standard or protocol each method follows, undertakes laboratory analysis to accredited standards, and supplies geo-referenced sampling points so results can be independently verified and the same points resampled. The Department's own survey and data guidance under the EPBC Act sets out required survey effort, timing and method by species and habitat.[20]

The measuring, recording and verification of source data is collected under internationally aligned scientific protocols and accredited methods, giving it integrity before it is recorded. Adopting Digital Trust technology, incorporating blockchain tech, then makes that data auditable, transparent and immutable. So the record of what was measured, when and under what standard cannot be altered after the fact. The data is trustworthy.[21] These raise integrity and lower cost, and they ensure payment for outputs which can be relied upon.

A small steering group of acknowledged specialists, independent of vendor and of any prospective purchaser, writes the protocol. The managers of the sites where it will apply endorse it. The Commonwealth collaborates and aligns. Separate MRV specialists execute it in the field and the laboratory. The steering group is best placed to recommend those specialists, having written the specification they must meet, and the Commonwealth would confirm its agreement to the recommendation for work on its own land. One protocol then runs at every site in the corridor, and no party is bound to a provider it did not accept. The Commonwealth obtains findings independent of vendor and purchaser, which cannot be dismissed as community advocacy and will hold when tested by its own advisers.

PFAS and the receiving environment

Defence's PFAS work at Cerberus is extensive and independently reviewed. Its 2018 investigation identified the fire training ground as the principal source, with PFAS moving off site through groundwater, surface water and drains to tidal creeks and Hanns Inlet, part of the Western Port Ramsar site. Defence has since encapsulated about 70% of that source's PFAS-impacted soil in a lined containment cell. In April 2025 its independent Technical Advisor found risks low and acceptable, no material impact on environmental values on or off the base, and the PFAS Management Area Plan complete. Concentrations are stable and not expected to fall soon.[22]

Those findings rest on conditions divestment would change. Fishing in Hanns Inlet is prohibited and patrolled, recreation restricted, groundwater extraction is banned, and source-area workers under safety controls. Because those restrictions apply, the Technical Advisor set aside several exposure pathways.[23]

A change of owner, public access or subdivision exposes these risks. Three matters require due diligence.

First is the receiving environment. To our knowledge, no published assessment establishes the ecological condition of the tidal creeks, saltmarsh and inlet receiving PFAS. Maximum PFOS in Hanns Inlet surface water, across 43 samples, exceeded the 99 per cent species protection guideline for high conservation value waters, though not the 95 per cent guideline, and PFAS has accumulated in fish caught in the inlet. Before the cleanup, Defence's consultants recorded that the inlet's surface water, sediment and pore water were not characterised well enough to confirm an exposure pathway.

Second, minor sources beyond the main base. Firefighting foam used on a bushfire along the eastern boundary and the south shore of Hanns Inlet. On Rifle Range Road, a former sewage treatment plant discharging into woodland, and a closed, tidally flooded landfill. Without a released boundary, no one can say if these lie within the land for sale.

Third is a development scenario. The findings reflect current land use. No published assessment models what earthworks and drainage changes under development would mobilise.[24]

A receiving-environment baseline taken before title moves, with a statement of how Defence's controls will be replaced after transfer, protects the Commonwealth's position as much as the Ramsar site. It complements Defence's own contaminated-land assessment, the proper basis for costing remediation.

Ordnance, the retained range and the containment cell

Defence has stated the range is excluded from the divestment and will be retained. The retained range still bears on the land being sold. An active small-arms range requires a danger area beyond its firing lines. A former commanding officer of HMAS Cerberus has been reported as saying unexploded ordnance is present in parts of the surrounding

bushland.[25] We have not been able to confirm either point from Defence's published material. No divestment boundary has been released against which to test them.

Defence's Technical Advisor places the cell at the former fire training ground on the main base. It holds 11,000 cubic metres of PFAS-contaminated soil and 4,500 cubic metres of lead-contaminated soil from the former shooting range north of the fire training ground. Its aftercare plan limits the cell to passive open space and requires a risk assessment for any development adjacent to it.[26]

Each of these matters determines which parts of the 1,164 hectares can transfer, to whom, and when. At Point Nepean, land affected by unexploded ordnance remained with the Commonwealth until cleared. The same logic applies here to any range buffer, former range or containment cell within the divestment parcel.

Trust for Nature has arrived at the same conclusion. Its acceptance of title is conditioned on the containment cell and any land affected by the retained range being excluded from transfer and retained by the Commonwealth. Other governments, NGOs and private consortia may come to the same conclusion as Trust for Nature. Neither a munitions area nor a permanent containment structure can transfer to any holder, because neither can be indemnified against.

The transfer itself removes protection presently applying

While the site remains Commonwealth land, the Environment Protection and Biodiversity Conservation Act 1999 confers jurisdiction over any action taken on that land which has, or is likely to have, a significant impact on the environment, whether the impact touches one of the nine matters of national environmental significance.[Error! Bookmark not defined.] The Commonwealth's own guidelines confirm actions for this purpose expressly include vegetation clearance and the sale or lease of land.

On private purchaser settlement, that general protection ceases. What remains is the nine national significance triggers and Victorian planning law. Coast Banksia Woodland, the koala corridor and habitat connectivity are not individually matters of national environmental significance. They are protected today because of who holds the title.

The divestment is therefore itself the act removing the protection, and it will do so before any development proposal is ever assessed. We ask the Commonwealth to state how the environmental values presently protected under sections 26 and 28 will be secured once the Commonwealth land protection lapses on settlement.

Planning status of the land

While the Commonwealth holds the land, Victoria's planning schemes do not apply. Land disposed of by the Commonwealth comes under planning controls only through a planning scheme amendment made after disposal. Until that amendment is made, no zone applies. The zone the State then applies will determine what the land can be used for and what it is worth. No party has yet said what that zone will be.

State and local policy point one way. Plan for Victoria (2025) maps the Cerberus landholding as green wedge land in its plan for Melbourne to 2050. The Mornington Peninsula Planning Scheme defines each Western Port hamlet by an urban growth boundary separated by green wedge land, and Cerberus forms the break between Somers and Crib Point–Bittern. No State or local policy proposes moving that boundary. The Shire's Housing and Settlement Strategy Refresh 2020–2036 found its housing targets can be met on land already zoned for urban use. State policy directs 70% of Melbourne's new homes to established areas.[27]

Victorian law makes that position difficult to change. Under Part 3AA of the Planning and Environment Act, a metropolitan fringe planning scheme amendment altering an urban growth boundary requires ratification by the Victorian Parliament. As the land lies outside the urban growth boundary, a residential outcome requires the State to move a boundary its own strategy treats as permanent and Parliament to ratify the change.

Three consequences follow. A developer's bid would price a rezoning neither the Commonwealth nor the purchaser controls. A developer needs no rezoning to hold the land unmanaged while waiting years for a change in government circumstances. The land's value cannot be established until its planning status after transfer is known.

We ask the Commonwealth to seek the State's confirmation, before market interest is sought, of the zone it will apply to the land on transfer, consistent with the Mornington Peninsula Green Wedge Management Plan and Plan for Victoria, and that it will not support any change to the urban growth boundary. The zone should be applied at the point of transfer. The Public Conservation and Resource Zone would suit land transferred to a public conservation body. The Green Wedge Zone or Rural Conservation Zone would suit land in other hands. The framework should also protect the operations of the retained base and range from incompatible use at their boundary.

The financial case for a conservation outcome - matters affecting the value of the divestment land

We offer no valuation. The figures below come from a desktop review of published benchmarks. No contaminated land, ordnance risk or aboriginal cultural heritage assessment specific to the divestment land has been obtained by us. None is publicly available. We set out matters on which the Commonwealth's valuer will need instructions before a reserve price can be supported. Each can be answered from material the Commonwealth holds or can commission.

Matter	What is known	Effect on value	Question for the valuer
Divestment boundary	The 1,164ha figure is the remainder after excluding the base footprint. The boundary has not been released.	The disposable area, and so the value base, is unknown.	What land is being sold?
Retained range	The training range is retained. Advice on record notes unexploded ordnance in parts of the Sandy Point bushland and a buffer required by the range.	Land in the surface danger area cannot support a developed use. Clearance to a residential standard is estimated at $12m–$40m.	What area lies within the danger area, and what is its ordnance status?
Containment cell	Defence holds PFAS and lead-impacted soil in an engineered cell on the site.	Land under perpetual management obligations cannot transfer for any developed use.	Who holds the obligations?
PFAS management area	Defence completed source remediation in 2023 for the current use. Its Technical Advisor found risks low and acceptable *under current use and controls*.	Residential use applies a PFAS soil criterion 14 times stricter than commercial use, which soils at minor sources across the site exceed. The cost of meeting it has not been assessed by any party.	What end use does the current remediation support, and at what cost would it support others?
Flooding and sea level rise	Planning requires at least 0.8 m of sea level rise by 2100. Saltmarsh and mangroves dominate the shoreline.	Land below the applicable flood level cannot support residential use.	What area lies below that level?
Planning status	Plan for Victoria maps the land as green wedge, outside the urban growth boundary.	A residential use requires the State to move the boundary and Parliament to ratify it.	What zone will the State apply on transfer?
Aboriginal Cultural Heritage	The land is on Bunurong Country. Land within 200 m of the coast or a declared Ramsar wetland is an area of cultural heritage sensitivity. No cultural heritage assessment of the divestment land has been published.	Subdivision into three or more lots is high impact activity requiring approval by the Bunurong Land Council Aboriginal Corporation. The outcome of that process, including the area it leaves available for development, is unknown.	What area of the land is within an area of cultural heritage sensitivity, and what is known of its tangible and intangible heritage?
Native title	There is a native title determination application before the Federal Court. Whether its claim area includes the divestment land is not publicly established.	A purchaser cannot price title risk until the native title status of the land is known.	Does the land fall within any native title claim area, and what is its native title status?
Matters of national environmental significance	Coastal saltmarsh is a listed threatened ecological community. EPBC protection under sections 26 and 28 lapses on transfer.	Listed values remain referral triggers for a purchaser's development.	What matters are present, and has a referral position been formed?

The desktop figures cannot settle what a development purchaser would pay. The residual land value of a residential use is highly leveraged to lot price and development cost, and the cost of meeting residential soil criteria for PFAS has not been assessed by any party. A purchaser would price that uncertainty into its bid.

The matters in the table above do not depend on that calculation. Each concerns what the land can lawfully be used for and how much of it can transfer at all. Those questions are settled by the divestment boundary, the zone the State applies on transfer, the danger area of the retained range, the cultural heritage process and the matters of national environmental significance present, rather than by an assumption about lot prices. Workings and the sensitivity test are at Attachment B.

The liability does not leave with the land

A sale does not remove the PFAS exposure from the Commonwealth. A purchaser's advisers will price the risk into the bid, seek an indemnity, or require Defence to retain the liability as a condition of sale. Liability passed by contract is only as secure as the counterparty, and a development vehicle is ordinarily wound up once its lots are sold. A positive obligation to monitor or remediate cannot be imposed as a restrictive covenant on title. After subdivision, section 39 of the Environment Protection Act 2017 places the duty to manage contaminated land on each lot owner, whether or not they caused the contamination.

Defence's Technical Advisor found PFAS risks at Cerberus low and acceptable under Defence's controls.[28] The Commonwealth's settlement history shows what PFAS exposure costs when it is contested by many private landholders. Defence paid $212.5m in 2020 to settle claims by residents, and $132.7m in 2023 covering about 30,000 landowners near seven further bases, admitting no liability in either case.[29] Subdivision would replace one accountable owner, operating under access restrictions and administrative controls, with many owners. A single conservation owner, with no subdivision and no residential use, keeps the exposure conditions on which the low-risk findings rest.

Establishing the contamination baseline, and how development would mobilise contaminants, before title transfers lets the Commonwealth price this exposure before it accepts a sale price. Attachment B puts the disposable area's indicative value at $7m–$20m under conservation tenure and $18m–$48m if sold englobo. On the same basis Attachment B uses for the development premium, a conservation outcome forgoes $11m–$28m in value, before the Commonwealth's own costs to settlement. That is the sum the Commonwealth should weigh against the exposure a market sale would leave.

The disposal mechanism

We ask the Commonwealth retain the divestment land in public ownership for conservation, fund its remediation, and transfer to conservation in stages, by parcel, once each parcel is clean — the approach the Commonwealth has used successfully twice before on comparable facts.

The Commonwealth's own policy supports this course. Under the Commonwealth Property Disposal Policy, surplus property must be sold on the open market at full market value unless otherwise agreed by the Minister for Finance, and the same policy expressly provides that external parties, including other levels of government and members of the public, may propose alternative uses for Commonwealth property. Retention with staged, condition-based transfer is such a proposal, made within the discretion the policy already gives the Minister.[30]

At Point Nepean, the Commonwealth's 1998 and 2001 offers to transfer land to Victoria were both declined. Defence's 2002 proposal to sell 311 hectares for development, while retaining 1.6 hectares of contaminated and ordnance-affected land, was abandoned in 2003 after community opposition. The resolution split the site by condition: 90 hectares vested in the Commonwealth's own Point Nepean Community Trust for remediation, transferring to Victoria in 2009 once that work was complete; 205 hectares of bushland went to Parks Victoria; 17.6 hectares went to the Shire for community use; and land still affected by unexploded ordnance remained with the Commonwealth. The Sydney Harbour Federation Trust, established by its own Act in 2001 to rehabilitate former Defence sites and required to keep them in public ownership, is the same solution at larger scale.[31]

These precedents answer the objections already on the record. Victoria has previously declined a comparable Commonwealth land transfer. We understand the State is not presently in a position to accept title. We are seeking written confirmation of its position. The Shire has said it cannot afford 1,164 hectares. Bush Heritage Australia has said it cannot take on management of the site. Each objection concerns the land's condition and ongoing cost, not its value — which is what a staged, remediation-first transfer resolves.

Trust for Nature (Victoria) has advised it would be willing to accept title to land within the divestment area, subject to approval by its Board and to conditions concerning the land's condition rather than its value or extent. The obstacle

to a conservation outcome is thus the condition of the land and funding for its management, which is within the Commonwealth's power. Splitting the parcel by condition also answers the Shire's affordability position directly: it has said it cannot manage 1,164 hectares; it has not been asked about a smaller, clean parcel once remediated.

Trust for Nature's position

Trust for Nature has provided the following statement for inclusion in this submission. It is reproduced in full and unaltered. Trust for Nature is not a signatory to this submission and has taken no position on the matters we raise beyond those stated.

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"Trust for Nature (Victoria) is the statutory body established under the Victorian Conservation Trust Act 1972 to protect native vegetation and wildlife habitat on private land, with power to acquire, hold and covenant land for conservation purposes. Trust for Nature currently owns and manages more than 40 conservation reserves across Victoria and has protected more than 119,000 hectares through conservation covenants and its reserve network. It has previously accepted title to land transferred from the Commonwealth.

Trust for Nature has considered the proposed partial divestment of the HMAS Cerberus land and would be willing to accept title to land within the divestment area for conservation purposes, subject to approval by its Board and to the following conditions: the Commonwealth retain responsibility and liability for pre-existing contamination, including PFAS; the existing containment cell and any land affected by the retained range be excluded from transfer and retained by the Commonwealth; and the terms of any transfer be settled to the satisfaction of both parties. Aside from any contamination liability, Trust for Nature would also seek funding for the ongoing management of the site. An endowment of at least $2 million would be needed to fund the site's management and stewardship in perpetuity, subject to disclosure of the divestment boundary and confirmation of the area to be transferred.

Trust for Nature would alternatively be willing to consider assessing and registering a conservation covenant over land within the divestment area acquired by another party.

Trust for Nature has formed no view on the disposal method or on the value of the land."

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Trust for Nature's conditions do not ask the Commonwealth for anything its own precedent has not already established. At Point Nepean, land affected by unexploded ordnance remained in Commonwealth ownership until cleared while the balance transferred.

State of Victoria

Should the Commonwealth prefer a transfer to the State of Victoria, we ask that this be put in the form removing the reason for the 2001 refusal — after the Commonwealth has funded remediation and retained the contamination liability, not before. Victoria's earlier refusal concerned the land's condition and cost, and asking again without changing either generates an outcome the Commonwealth already knows.

Whichever pathway the Commonwealth takes, we ask that the vegetated areas be protected on title before the land is valued, by a registered conservation covenant, such as a Trust for Nature covenant under the Victorian Conservation Trust Act 1972, for any land leaving public ownership. A covenant accompanies the staged, remediation-first transfer asked for above. It does not address contamination liability, fragmentation or long-term management, and is no substitute for them.

Declaration of interest

Greg McLardie, a member of the Balnarring Beach Community Association, has contributed the measurement material in this submission and lodged a personal submission with Council on 19 August 2026 covering the same ground in more detail. His UK company leads a consortium of specialists in the measurement, recording and verification of soil, water, biodiversity and air metrics. That work is conducted in the United Kingdom only. He has no operations in Australia, no plans to bring that commercial capability to Australia, and no intention of tendering for or participating commercially in any assessment arising from this divestment or anywhere in the Western Port corridor.

He is not seeking work from the Commonwealth, from Council, from any land manager in the corridor or from any party to the divestment. We are content for that position to be recorded.

Recommendations

1) **Assess the site as the eastern anchor of the Western Port coastal corridor.** That any pre-disposal assessment measure the site's connectivity contribution to the corridor and its inland biolinks, and not only the ecological values found within the parcel boundary.

2) **Engage Traditional Owners and establish the cultural heritage position before disposal.** Engage through Bunurong Land Council Aboriginal Corporation as the Registered Aboriginal Party, establish the native title status of the divestment land, and commission an assessment of tangible and intangible cultural heritage on terms the Corporation agrees, in parallel with the ecological assessment.

3) **Commission and publish an independent pre-disposal assessment scientifically consistent with the Western Port corridor audit.** Covering connectivity, soil, water, insects, vegetation and fauna, commissioned independently of the vendor, publicly released together with the Department's own interpretation of the findings, and completed before any disposal decision. The timeframe the Commonwealth has indicated for the divestment process allows for this. A decision taken ahead of the assessment does so on an evidentiary record dating from 1975 and forecloses options the assessment may show should have been preserved. Where the EPBC Act's own survey and data guidance calls for more at Cerberus for threatened species and Ramsar, that fuller requirement stands, reported to the same standard so results remain comparable.

   The protocol should be capable of application without material change at every site in the corridor, at both anchors and at the connecting biolinks, so results aggregate into a single dataset. The nature audit steering group should recommend the MRV specialists, and the Commonwealth confirm its agreement to that recommendation for work on its own land. A measurement of an anchor which cannot be compared with measurements of the sites between the anchors establishes nothing about connectivity.

4) **Establish the ecological baseline of the receiving environment, and the contaminant mobilisation risk under a development scenario, before title transfers.** That the pre-disposal assessment expressly include contaminant concentrations and mobility in the soils, groundwater, surface water and drains discharging to Hanns Inlet. That Defence confirm whether any part of the divestment parcel was used for live firing, explosive ordnance disposal or demolition training, and its categorisation under the National Unexploded Ordnance Program; and whether the danger area of the retained range extends over the divestment parcel. Also, the Commonwealth state before any disposal decision how monitoring and remediation obligations will be allocated and enforced after transfer of title. Such obligations must be factored into the market price of the land.

5) **State how presently protected values will be secured after settlement.** Confirmation of how the environmental values presently protected under sections 26 and 28 of the EPBC Act will be secured once Commonwealth land protection lapses on settlement.

6) **Agree the planning framework before market interest is sought.** That the Commonwealth seek agreement with the State of Victoria and Mornington Peninsula Shire on the zone and planning controls to apply on transfer, consistent with Plan for Victoria and the Mornington Peninsula Green Wedge Management Plan, and protective of the retained base and range.

7) **Hold the divestment land in public ownership, fund its remediation, and transfer in stages by parcel once each parcel is clean.** With the containment cell and land affected by the retained range excluded from transfer and retained by the Commonwealth, consistent with the treatment of ordnance-affected land at Point Nepean.

8) **Transfer clean parcels to a body willing to accept them.** Trust for Nature (Victoria) has advised it would be willing to accept title, subject to approval by its Board and to the conditions set out in its statement above. Should the Commonwealth prefer a transfer to the State of Victoria, we ask that it be put in the form that

removes the reason for the 2001 refusal, after the Commonwealth has funded remediation and retained the contamination liability.

9) **Failing that, register a conservation covenant on title over the vegetated areas before the land is valued.**

We would welcome the opportunity to discuss any part of this submission with officers of either department, and the participation of both departments in the corridor baseline nature audit.

Yours faithfully,

09.10.26

Bruce Beddoe President, Balnarring Beach Community Association Inc.

7.10.2026

Jan Camm President, Balnarring Beach Foreshore and Parks Reserve Committee of Management Inc.

D. STOHR 8.10.2026

Dale Stohr, Crib Point Stony Point Foreshore Committee of Management Inc.

Somers Foreshore Reserve
Committee of Management Incorporated

13/10/26

Rowan Brookes, Chair, Somers Foreshore Reserve Committee of Management Inc.

MERRICKS BEACH RESIDENTS' ASSOCIATION INC

8/10/2026

Kriston Symons, President, Merricks Beach Residents' Association Incorporated.

AUSTRALIAN CONSERVATION FOUNDATION

9.10.2027

Hanne Falkiner, Australian Conservation Foundation Community Group Mornington

PT. LEO FORESHORE PARK AND RESERVE

8/10/26

Tony Walkington, Manager, Point Leo Foreshore Park and Reserve Committee of Management Inc.

pp.

Toby Shnookal, Chair, Shoreham Foreshore Reserve Committee of Management Inc.

Marnee Wills, President - Friends of Coolart.

Russell Barrett, Chair, Shoreham Community Association Inc.

Maxine Cooper, President, Flinders Community Association Incorporated

Kerry Watson, President, Red Hill Community Association Inc.

Mel Barker, CEO, Mornington Peninsula and Western Port Biosphere Reserve Foundation Ltd

9/10/26.

Gidja Walker OAM, Chair, Southern Peninsula Indigenous Flora and Fauna Association

Karri Giles
Secretary

Karri Giles, President, Western Port & Peninsula Protection Council Inc.

Karri Giles
Secretary

Jane Carnegie, President, Save Westernport Incorporated

Dirk Jansen, President, Mornington Peninsula Koala Conservation Inc.

8/10/2026

Greg Holland President, Mornington Peninsula Landcare Network Inc.

Attachments

A. Western Port corridor three-layered nature audit proposal from the signatories.

B. Matters affecting valuation of the divestment parcel

C. Planning notes, Jonathon Fetterplace, Director, A Different City Pty Ltd, 2 October 2026, prepared at the request of the submission's coordinator.

Notes

[1] Trust for Nature (Victoria), statement provided for inclusion in this submission, Corinne Proske, Chief Executive Officer, 2nd October 2026. Trust for Nature's willingness to accept title is subject to approval by its Board.

[2] Balnarring Beach Foreshore and Parks Reserve Coastal Management Plan.

[3] Mornington Peninsula Koala Biolink, Port Phillip and Western Port Regional Catchment Strategy prospectus, citing Deakin University research by Paola Rivera, 2020, into koala distribution on the Mornington Peninsula.

[4] Ventia, published account of revegetation and resource use at HMAS Cerberus. The account describes a planting day involving Defence, the Mornington Peninsula Koala Group, Nature Links and Ventia's regional environmental manager and ecologists, stating the work completes a corridor linking remnant habitats between Bittern, HMAS Cerberus and Somers.

[5] Balnarring to the Bay Biolink, Merricks Coolart Catchment Landcare Group. Stage one completed April 2023 along a 2.5 kilometre alignment following a natural drainage line from Balnarring to the mouth of Merricks Creek at Somers, replacing 240 Monterey pines with 2,500 indigenous plants, covering 43.5ha public and private land.

[6] Conservation Council of Victoria, Westernport Region Conservation Survey, prepared for the Westernport Region Planning Authority, 1975.

[7] A vegetation management plan prepared for Mornington Peninsula Shire Council by Alluvium Consulting in July 2023, covering 18.61 hectares of the Flinders foreshore reserve, records that state-wide mapping identified five ecological vegetation classes across the study area and that field assessment identified seven. The two additional communities, Berm Grassy Shrubland and Estuarine Flats Grassland, are both classified endangered in the bioregion, and the plan states neither is identified in state-wide EVC mapping.

[8] Bush Heritage Australia preliminary review of publicly available information on the divestment area provided to Save Westernport. Reported in The Bridge, Issue 98, Aug to Sept 2026, identifying Swamp Scrub, Coast Banksia Woodland, Grassy Woodland, Damp Sands Herb-rich Woodland and Sand Heathland within the divestment area.

[9] GHD, Final Site Condition, HMAS Cerberus, PFAS Investigation and Management Program, Technical Advisor report to the Department of Defence, 16 April 2025, p. 48.

[10] The Bridge, Issue 98, August to Sept 2026, p.18, reporting the community information session of 10 June 2026.

[11] "Shire prepares submission over Cerberus sell-off", MP News, 14 July 2026, reporting the Council meeting of 7 July 2026, and recording the observations of Councillors Gill and Pingiaro.

[12] From Gidja Walker OAM book *Fringe Dwellers of Wurnmarrinh (Westernport)* published 31 January 2026. Created in collaboration with the Bunurong Land Council and the Western Port Biosphere Foundation, the book serves as both a scientific and cultural guide to the region's coastal salt marshes.

[13] Fels, M.H., 'I Succeeded Once': The Aboriginal Protectorate on the Mornington Peninsula, 1839–1840, Aboriginal History Monograph 22, ANU E Press and Aboriginal History Inc, 2011, chapter 7, "Kullurk, the Bunurong choice for a reserve", p. 223. Open access, doi.org/10.22459/ISO.05.2011.

[14] Crib Point Inquiry and Advisory Committee, Report to the Minister for Planning, 2021, section 19.3, Aboriginal cultural heritage; and Witness statement of Dr Robert Ogden for Bunurong Land Council Aboriginal Corporation, Crib Point IAC, 2020.

[15] Aboriginal Heritage Act 2006 (Vic); Aboriginal Heritage Regulations 2018 (Vic), regulation 49 and Part 2 Division 3; Mornington Peninsula Shire, "Aboriginal Cultural Heritage", mornpen.vic.gov.au.

[16] Mornington Peninsula Landcare Network's Linking the Mornington Peninsula Landscape at https://mplandcare.org.au/projects/linking-the-mornington-peninsula-landscape/

[17] Gilliland, J. and Casement, P., ARC Zero Final Report, October 2023, published by the College of Agriculture, Food and Rural Enterprise. ARCZero is a European Innovation Partnership Operational Group co-funded by the European Agricultural Fund for Rural Development and the Northern Ireland Department of Agriculture, Environment and Rural Affairs, led by Professor John Gilliland with seven commercial farms and partners including AgriSearch, Devenish, Queen's University Belfast and Birnie Consultancy.

[18] Prof John Gilliland, address to the British Cattle Breeders Conference, reported in The Scottish Farmer, February 2024, recording the 515,166 tonnes of carbon dioxide equivalent held across the seven farms, of which 97% was in the soil, and the project's finding on baselining, measurement and management with forensic integrity. See also Riley, J., "Project shows how farming can hit or better net zero", Farmers Weekly, October 2023.

[19] Landcare fauna audits of sites near Balnarring Primary School and at Saltbush, 2009 and 2010, each costing approximately $14,000, as advised by the Merricks Coolart Catchment Landcare Group.

[20] Department of Climate Change, Energy, the Environment and Water, "Surveys and data", https://www.dcceew.gov.au/environment/epbc/advice/surveys-and-data

[21] **On blockchain's properties:** immutability, transparency and auditability are established properties of blockchain architecture. Once a record is written to a block and cryptographically linked to the chain via hash functions, it cannot be altered without invalidating every subsequent block, and all participants can independently verify the

full history. See Nakamoto, S., "Bitcoin: A Peer-to-Peer Electronic Cash System," 2008; and Casino, F., Dasaklis, T.K. and Patsakis, C., "A systematic literature review of blockchain-based applications," *Telematics and Informatics*, 2019, 36:55–81.

On the Oracle Problem, and why it is addressed rather than solved: blockchain's immutability applies only to data once recorded on-chain; it provides no independent mechanism to verify the data was accurate at the point of entry, a limitation termed the Oracle Problem. The equivalent failure mode in sensor and field-sampling contexts is documented as "garbage in, garbage out": Powell, W., Foth, M., Cao, S. and Natanelov, V., "Garbage in garbage out: The precarious link between IoT and blockchain in food supply chains," *Journal of Industrial Information Integration*, 2022, 25:100261, concluding this problem must be addressed at the interface between the physical and digital world through robust data-collection methods.

[22] Department of Defence, "HMAS Cerberus," PFAS Management Sites, defence.gov.au, last reviewed 16 May 2025; Department of Defence, HMAS Cerberus Detailed Site Investigation Findings factsheet, October 2018; Department of Defence, HMAS Cerberus 2020–2023 Ongoing Monitoring Report, July 2024; GHD, Final Site Condition, 2025, pp. i–ii, 79, 88.

[23] GHD, Final Site Condition, 2025, pp. 20, 39–40, 71, 90.

[24] GHD, Final Site Condition, 2025, pp. 20, 27, 37, 48.

[25] Department of Defence, "HMAS Cerberus," Delivering the Future Estate, defence.gov.au, stating the 1,164 hectares exclude the main base and range, and that the training range and facilities will be retained. Westernport and Peninsula Protection Council, letter to the Hon Greg Hunt MP, 30 July 2013, reporting the advice of Cr David Garnock, former commander of HMAS Cerberus, on unexploded ordnance in parts of the Sandy Point bushland and the buffer required by the Navy rifle range; and WPPC submission to the Department of Defence, 24 August 2026, wppcinc.org. Department of Defence, "HMAS Cerberus," PFAS Management Sites, defence.gov.au, on the containment cell and its contents. Department of Defence, "Categories for UXO Potential," uxo.defence.gov.au.

[26] GHD, Final Site Condition, 2025, pp. 25, 56, 71.

[27] Planning and Environment Act 1987 (Vic), Part 3AA, ss 46AA–46AJ; Plan for Victoria, Victorian Government, 2025, Maps 9 and 12; Mornington Peninsula Planning Scheme, Clause 02.04, Strategic Framework Plan; Mornington Peninsula Shire, Housing and Settlement Strategy Refresh 2020–2036; Mornington Peninsula Green Wedge Management Plan, 2019; Victorian Government, Melbourne's Green Wedges and Agricultural Land Action Plan, 2024. Planning advice at Attachment C.

[28] GHD, Final Site Condition, 2025, pp. ii, 88.

[29] The Commonwealth paid $212.5m in 2020 to settle PFAS-related class actions brought by residents of Williamtown, Katherine and Oakey, and a further $132.7m in 2023 covering approximately 30,000 landowners near seven additional bases. Defence admitted no liability in either settlement. See "Commonwealth agrees to $132.7 million settlement for PFAS contamination at seven defence sites", ABC News, 15 May 2023, and reporting of the 2020 settlement, March 2020.

[30] **On the market-value requirement and ministerial discretion:** Commonwealth property with no alternative efficient government use must be sold on the open market at full market value, unless otherwise agreed by the Minister for Finance. See Department of Finance, "Ownership and Disposals," Commonwealth Property Management Framework (RMG 500), finance.gov.au.

On the right to propose alternative uses: external parties, including other levels of government and members of the public, may propose alternative uses for Commonwealth property. See Department of Finance, "Commonwealth Property Disposal Policy," finance.gov.au; and Department of Finance, "Alternative use proposals for Commonwealth land," finance.gov.au.

[31] **On Point Nepean:** the Federal Government offered to transfer land to Victoria in 1998 and again in 2001; both offers were declined. In 2002, the Department of Defence proposed selling 311 hectares for development while retaining 1.6 hectares containing contaminated soil and unexploded ordnance; the proposed sale was abandoned in 2003 following community protest. In 2004, 90 hectares was transferred to the Commonwealth's Point Nepean Community Trust, which managed the former Quarantine Station until the land was transferred to the Victorian government on 8 June 2009. The Commonwealth also transferred 205 hectares of bushland (former Firing Range area) to Parks Victoria, and the remaining 17.6 hectares to Mornington Peninsula Shire. See Point Nepean National Park entry, Victorian Heritage Database; and Victorian National Parks Association, "Point Nepean National Park," vnpa.org.au.

On the Sydney Harbour Federation Trust: established in 2001 as a statutory agency to rehabilitate former Defence sites on Sydney Harbour and return them to public access, following sustained community advocacy against redevelopment of surplus Defence land. Sch 1 of the Sydney Harbour Federation Trust Act 2001 (Cth) is titled "Defence land to be vested in the Trust and remain in public ownership," vesting the Defence sites in the Trust on that basis. See Sydney Harbour Federation Trust Act 2001 (Cth), Sch 1, Federal Register of Legislation; and Harbour Trust, "Our origins, purpose and plans," harbourtrust.gov.au.

Attachment A

Western Port coastal corridor nature audit
Connectivity, soil, water, insects, vegetation and fauna

Purpose

The Commonwealth will sell the Cerberus land once, and the decision will stand for generations. This proposal sets out how the evidence for that decision can be established across the whole corridor Cerberus anchors, on one protocol, before the land is sold.

The baseline audit covers the entire Western Port corridor's connectivity, soil, water, insects, vegetation and fauna, to (a) establish the ecological importance of the corridor's two anchors, Cerberus and Mornington Peninsula National Park, (b) establish the ecological condition of the environment receiving PFAS from Cerberus, as the starting position against which contamination obligations can be allocated, and (c) identify where the corridor's connectivity and broader ecological condition are weakest.

Approach

To establish a Western Port corridor-wide baseline audit, develop a targeted action plan based on scientific data, and repeat it every 3–5 years to ensure results accountability. The baseline supports the divestment decision, any later EPBC referral under section 136(1), and the decisions of the land managers who succeed the current committees. By incorporating Cerberus, it brings accountability to environmental protections afforded under sections 26 and 28 that lapse on settlement.

The corridor audit protocols and the choice of measurement, recording and verification (MRV) specialists should be settled once, by people with the standing to settle them, and endorsed by the managers of the sites where they will apply. Consistent protocols across the reserves, the two anchors at Cerberus and the Mornington Peninsula National Park, and the biolinks running inland would, for the first time, produce a single corridor-wide science-based overview. No individual committee is positioned to create that on its own.

An audit of any individual site alone would not tell us what we need to know. The health of soil, water, insects, plants and wildlife is determined by what happens either side and inland of us. A reserve can be well managed and still be losing species, because the animals in it are cut off from everything they need to breed with. Measuring a reserve in isolation would produce a number, and the number would mislead us.

Background

The joint BBCA and BFC submission to Council on the Cerberus partial land divestment[1] found nothing is known about what the divestment site holds, nothing is known about what it contributes to the land around it, and nothing is known about the condition of the environment receiving PFAS contamination from it. A decision maker cannot weigh a value that has never been quantified, and cannot allocate a liability against a starting position that does not exist.

The same absence of data runs across the whole corridor, not just at Cerberus. DEECA has identified the segmentation of Western Port foreshore management into separate reserves, and the lack of connectivity between them, as a risk factor for inbreeding depression in birds and animals.

The Western Port corridor

The corridor runs along the Western Port coastline with two anchor habitats, HMAS Cerberus at the eastern end and Mornington Peninsula National Park at the western end. Around them sit eight foreshore reserves, each managed separately by an appointed committee of management, Parks Victoria or the Shire. Two biolinks run inland, across mixed public and private tenure. Habitats include coastal dune systems, Coast Banksia Woodland, swamp scrub, saltmarsh, a creek mouth and adjoining tidal waters within the Western Port Ramsar site.

Site	Manager	Hectares
HMAS Cerberus (eastern anchor)	Commonwealth	1,470.9
Crib Point – Stony Point Reserve	DEECA committee of management	50.0
Flinders – Somers Coastal Reserve	DEECA committee of management	238.5
Somers Foreshore Reserve	Committee of management	22.1
Balnarring to the Bay Biolink	Mixed tenure	43.5
Western Port Coastal Reserve	DEECA committee of management	127.3
Coolart	Parks Victoria committee of management	89.2
Mornington Peninsula National Park (western anchor)	Parks Victoria	2,512.5
Total		**4,554.0**

Areas are Crown land hectares from the Victorian Public Land Management dataset (PLM25), obtained through DEECA DataShare. The dataset names the foreshore reserves as composite entities rather than by locality. Parcel boundaries have been loaded in QGIS and can be supplied as shapefiles.

The corridor has never been measured as a corridor. Surveys have been commissioned separately, by separate managers, at different times, to different methods, so the results do not aggregate. The most recent published assessment of the eastern anchor was completed in 1975.[2] Nobody can presently say where the corridor is weakest, or whether it functions as one system or as a set of fragments.

Why connectivity, soil, water and insects, not vegetation and fauna alone

Connectivity cannot be measured by any single reserve about itself. A species needs to move between the two anchors and through the reserves between them, to breed, to feed and to recolonise ground it has lost. Confirming or ruling out the risk DEECA has already flagged, set out in Background above, requires the corridor to be assessed as one connected system, tracking canopy continuity, ground-layer cover and every gap a species would need to cross between Cerberus and the National Park, rather than ten separate site reports that never speak to each other. This is the one finding no reserve, however well audited on its own, can produce.

The 2014 Balnarring foreshore assessment covered vertebrate fauna.[3] But what happens beneath the ground and in the water governs what can live above and around it. Measured separately, soil, water, insects, plants and wildlife give five partial pictures. Measured together they give one.[4]

Over half of all life on Earth lives below the ground.[5] European farming studies found maximising the health of life in soil leads to significantly healthier plants and animals, with healthier soil also delivering higher water retention and higher rates of carbon sequestration, mitigating against both flood risk and dry-weather stress. Northern Ireland's ARCZero farm trials, led by Professor John Gilliland of Queen's University Belfast,[6] found across seven baselined farms 97% of farmland carbon sits in the soil rather than in the visible vegetation.[7] Forensic measurement was what let those farms find their highest-return actions. What happens beneath the ground shapes what can live above it, and it cannot be inferred by looking.

So far as the signatories can establish, no systematic insect survey has been carried out in the corridor. Insects and pollinators respond to change within a season rather than a decade. Most of the corridor's birds, bats, frogs and reptiles depend on them for food while much of the vegetation depends on them for pollination. A decline shows up in species breeding success well before it shows up in adult counts. Species decline can run for years unnoticed.[8]

How it would work

Two things make this workable for committees and associations largely run by volunteers: a steering group that keeps technical decisions independent, and a measurement structure that keeps cost proportionate.

Steering group to oversee

Coordinating MRV suppliers, and managing contracts and data across twelve sites, is not work that should fall to volunteer committees and associations or to paid foreshore teams.

A small steering group of independent specialists writes the corridor-wide protocol and recommends which MRV specialists to use. A steering group of this composition, independent of any prospective supplier, gives resident associations and federal, state and local government confidence in the process.

Each site manager endorses the protocol for its own reserve, keeping control of its own land.

The steering group appoints a single coordinator who is the one point of contact for MRV suppliers, arranges site access, consent, permits and insurance ahead of any fieldwork, and handles invoicing on one contract. No committee deals with a supplier directly, and no committee takes on an employment relationship.

Steering group members are independent specialists. It is likely some remuneration for their time will be needed once audit funding is secured. The steering group's own terms of reference will set out how that is decided.

The steering group comprises Greg Holland (President, Mornington Peninsula Landcare Network), Mel Barker (CEO, Mornington Peninsula and Western Port Biosphere Foundation), and a third to be named shortly.

We expect the coordinator to be hosted by an existing organisation already working in this space, Melbourne Water, DEECA, Landcare or the Biosphere Foundation, rather than a new body being created for the purpose. This may

remove the need to separately fund the role. Until the steering group makes its appointment, Greg McLardie is acting as interim coordinator on a volunteer basis.

The three audit layers

Layer one: desktop review. Compilation of immense nature data already recorded by many organisations. Existing records will be consolidated into one library held by the Western Port Biosphere Foundation and synthesised there, so specialists start from what is already recorded. The data includes Victorian Biodiversity Atlas and Atlas of Living Australia extracts, an EPBC Protected Matters report, Ecological Vegetation Class mapping, the flora and fauna material in the Coastal Management Plan, State of Victoria LiDAR surveys, Mornington Peninsula Shire Council Natural Systems nature data, and any historic consultant reports, weed control records and revegetation records held by each committee or association. For soil and water, it adds Victorian soil mapping, Melbourne Water and CMA catchment data for Merricks Creek, EPA Victoria records, and the Ramsar material for Western Port. For connectivity specifically, it draws on the Western Port Biosphere Foundation's Growing Connections biolink work, its Sustainability Indicators and Report Cards, and its Southern Brown Bandicoot Recovery Program, checked for what they already record on the corridor's own reserves and catchments.

Cost is nil. Work can begin immediately. AI-assisted analysis will help draw this material together and surface patterns worth investigating further, under the steering group's direction. The output is a picture of what has been recorded here historically, informing what to look for in the field and identifying species not seen for decades.

Layer two: community BioBlitz. A time-bounded, place-bounded survey in which residents, families, schools and specialists record as many species as they can using the iNaturalist app. Every record is photographed, located and dated, then verified by a national community of identifiers. Verified records flow to the Atlas of Living Australia and can be lodged with the Victorian Biodiversity Atlas, so the data becomes a state government record rather than a community document.

Proposed dates are 27 to 30 November 2026, aligning with the Great Southern BioBlitz, an established Southern Hemisphere event covering hundreds of registered regions. Aligning with it gives us branding, media interest and international context at no cost, and gives participating sites a common event and media.

Cost is nil. Requirements are land manager consent, public liability cover, volunteer coordination and a small number of people who can identify plants, birds and insects. Insects suit this layer well. They are abundant, easy to photograph, and engage families and school groups directly.

Layer three: measurement, reporting and verification by specialists, running in two stages. The order makes it affordable.

Stage one is a corridor-wide remote assessment using the current remote-sensing technology, substantially reducing costs. The whole corridor is measured as a single system using satellite-derived and remote methods, producing an account of where nature within the corridor is strong, weak and uncertain. This stage covers vegetation extent and condition, canopy and ground-layer continuity, every interruption to movement, hydrology and change over time. It is designed to assess whether connectivity is functioning along the entire corridor, anchor to anchor and along the inland biolinks, not just whether habitat looks structurally continuous from above. This is the only stage seeing the whole corridor. Every other method samples points and infers between them.

Stage two is in- and on-ground measurement, directly placed by stage one. Soil coring to one metre reported by depth increment, environmental DNA for water and invertebrates, acoustic units, motion cameras, echolocation recorders and spotlighting under permit, with laboratory analysis to accredited standards. This is the layer carrying weight with planners, regulators and courts.

For work on Commonwealth land, the Commonwealth confirms its agreement to the steering group's recommendation of specialists. At Cerberus, access is for Defence to arrange. The steering group will settle access arrangements with Cerberus personnel, including Ventia, and the protocol applies unchanged. Survey includes disturbed and grassed ground, which carries invertebrate diversity shared with adjacent habitat and forage for macropods and waterbirds.

Layers one and two, and the first stage of layer three, reduce the cost of layer three's on-ground measurement by giving the specialists a starting point rather than a blank map.

What the technology has changed

Perception of audit cost rests on historical on-ground surveys. Landcare's audits of two small sites next to Balnarring Primary School and at Saltbush in 2009-10 each cost around $14k.[9] On that, a corridor-wide audit is out of reach.

Measurement, reporting and verification technology has moved a long way in fifteen years, moving in the direction of better data at substantially lower unit cost.

Environmental DNA reads biodiversity from plant and water samples. For insects it removes trapping, which is where the labour cost sat. Acoustic monitoring records continuously rather than on the day a consultant visits, improving the data and removing labour-intensive repeat site visits.

Physical measurement is still required. But there is less.

Two further savings come from doing this corridor-wide. The fixed costs of method design, equipment and laboratory arrangements are incurred once rather than at every site. The remote assessment is a single cost for the whole system rather than separate commissions at every reserve.

Funding

Corridor-wide nature audit layers one and two are expected to be nil for all stakeholders, except a low cost to the Biosphere Foundation for data infrastructure. Layer three stage 1 delivers aerial and satellite scientific data across the entire corridor, including Cerberus. We have received a stage one $50k supplier cost estimate. Community associations are contributing their own funds to this stage, showing their commitment. The Commonwealth is asked to contribute their fair share, at about 26% of the land mass surveyed.

Stage one delivers, for the first time, scientific data measuring the connectivity strengths and weaknesses across the entire corridor, the anchors and the inland biolinks. It is this scientific data that unlocks, and reduces the cost of, funding for the on-ground stage two.

The sources are the Shire's Biolinks Support Grant Program; DEECA, as the department responsible for Crown land and for appointing the corridor's committees of management; Melbourne Water, as the Ramsar site coordinator and waterway manager for these catchments, already investing in Merricks Creek; Victorian Landcare Grants, administered regionally; and philanthropic trusts, approached through the Western Port Biosphere Foundation, which holds tax-deductible status.

The Commonwealth contributes through its own pre-disposal assessment of Cerberus.

No funder, including the Commonwealth, directs what the audit measures or what it concludes. The steering group sets the protocol. The findings are published.

What happens with the findings

The audit produces the scientific evidence. Building a targeted plan from it is work for the independent specialists already engaged through the steering group. We would finally know the critical issues and where they are. Findings specific to one reserve, a weed incursion, understorey loss, an access or fencing problem, go to the committee or association that already manages that ground, using the working bees, grants and local knowledge it already has. Findings that cross reserve boundaries or exceed what a volunteer committee can act on, contamination, hydrology, a structural barrier to movement, go to the party with the authority and resources to address it: Melbourne Water for waterways, DEECA and Parks Victoria for state Crown land, the Shire for Council land, the Commonwealth for its own land, and Landcare for private tenure. Some actions are immediate and some will take decades.

Ongoing MRV is what tells us whether any of it is working.

Data ownership

Data collected on a reserve belongs to the manager of that reserve, whoever paid for the work. The corridor project receives a non-exclusive licence to aggregate site data, publish corridor-level findings, and lodge verified records with the Victorian Biodiversity Atlas and the Atlas of Living Australia. Locations of threatened and sensitive species are generalised in line with departmental practice before anything is published. A full data protocol has been prepared and is intended to be settled before any funding application is made. No committee is later bound by terms it has not seen.

Endorsement

The signatories are those named in the joint submission to which this proposal is attached.

Yours faithfully,

09.10.26

Bruce Beddoe President, Balnarring Beach Community Association Inc.

7.10.2026

Jan Camm President, Balnarring Beach Foreshore and Parks Reserve Committee of Management Inc.

D. STOHR 8.10.2026

Dale Stohr, Crib Point Stony Point Foreshore Committee of Management Inc.

13/10/26

Rowan Brookes, Chair, Somers Foreshore Reserve Committee of Management Inc.

8/10/2026

Kriston Symons, President, Merricks Beach Residents' Association Incorporated.

9.10.2027

Hanne Falkiner, Australian Conservation Foundation Community Group Mornington

8/10/26

Tony Walkington, Manager, Point Leo Foreshore Park and Reserve Committee of Management Inc.

Toby Shnookal, Chair, Shoreham Foreshore Reserve Committee of Management Inc.

pp

Russell Barrett, Chair, Shoreham Community Association Inc.

Marnee Wills President – Friends of Coolart.

Maxine Cooper, President, Flinders Community Association Incorporated

Kerry Watson, President, Red Hill Community Association Inc.

Mel Barker, CEO, Mornington Peninsula and Western Port Biosphere Reserve Foundation Ltd

9/10/26.

Gidja Walker OAM, Chair, Southern Peninsula Indigenous Flora and Fauna Association

Karri Giles
secretary

Karri Giles, President, Western Port & Peninsula Protection Council Inc.

Jane Carnegie, President, Save Westernport Incorporated

Dirk Jansen, President, Mornington Peninsula Koala Conservation Inc.

8/10/2026

Greg Holland President, Mornington Peninsula Landcare Network Inc.

Notes

[1] Balnarring Beach Community Association, Inc incorporated 1989 and Balnarring Beach Foreshore and Parks Reserve Committee of Management, Inc. appointed manager of the Balnarring Beach foreshore reserve under the Crown Land (Reserves) Act 1978, and its members are appointed by the Minister. Jointly submitted to Mornington Peninsula Shire Council on 15th August 2026.

[2] Conservation Council of Victoria, Westernport Region Conservation Survey, prepared for the Westernport Region Planning Authority, 1975.

[3] Fauna assessment of Balnarring Beach Foreshore and Parks Reserve by Mal's Ecological & Environmental Services Pty Ltd 12th November 2014.

[4] Bardgett, R.D. and van der Putten, W.H. (2014), "Belowground biodiversity and ecosystem functioning", *Nature* 515:505–511, on the role of soil organisms in shaping the biodiversity and functioning of ecosystems above ground. Delgado-Baquerizo, M. et al. (2020), "Multiple elements of soil biodiversity drive ecosystem functions across biomes", *Nature Ecology & Evolution* 4:210–220, finding that different elements of soil biodiversity drive

different ecosystem functions, so that no single measured element is sufficient on its own. On water, Leibowitz, S.G., Hill, R.A., Creed, I.F., Compton, J.E., Golden, H.E., Weber, M.H., Rains, M.C., Jones, C.E., Lee, E.H., Christensen, J.R., Bellmore, R.A. and Lane, C.R. (2023), "National hydrologic connectivity classification links wetlands with stream water quality", *Nature Water*, finding that how wetlands connect hydrologically to streams governs downstream water quality and the habitat that water can support.

[5] Anthony, M.A., Bender, S.F. and van der Heijden, M.G.A. (2023), "Enumerating soil biodiversity", *Proceedings of the National Academy of Sciences* 120(33):e2304663120, finding through systematic review that soil is likely home to 59 per cent of species on Earth, roughly double earlier estimates, making it the most biodiverse habitat on the planet.

[6] Gilliland, J. and Casement, P., ARC Zero Final Report, October 2023, published by the College of Agriculture, Food and Rural Enterprise. ARCZero is a European Innovation Partnership Operational Group co-funded by the European Agricultural Fund for Rural Development and the Northern Ireland Department of Agriculture, Environment and Rural Affairs, led by Professor John Gilliland with seven commercial farms and partners including AgriSearch, Devenish, Queen's University Belfast and Birnie Consultancy.

[7] Prof John Gilliland, address to the British Cattle Breeders Conference, reported in The Scottish Farmer, February 2024, recording the 515,166 tonnes of carbon dioxide equivalent held across the seven farms, of which 97% was in the soil, and the project's finding on baselining, measurement and management with forensic integrity. See also Riley, J., "Project shows how farming can hit or better net zero", Farmers Weekly, October 2023.

[8] On insects as the base of the corridor's food web: Goulson, D., "The insect apocalypse, and why it matters," *Current Biology*, 2019, 29(19):R967–R969, on insects being food for numerous birds, bats, reptiles, amphibians and fish.
On generation times and rapid detection of disturbance: insect bioindicator literature establishes that short generation times let arthropod populations register environmental change within a season, well ahead of longer-lived vertebrates; see for example Hodkinson, I.D. and Jackson, J.K., "Terrestrial and Aquatic Invertebrates as Bioindicators for Environmental Monitoring," *Environmental Management*, 2005, 35:649–666.
On breeding failure preceding falls in adult counts: Riggio, J., Engilis, A., Cook, H., De Greef, E., Karp, D.S. and Truan, M., "Long-term monitoring reveals the impact of changing climate and habitat on the fitness of cavity-nesting songbirds," *Biological Conservation*, 2023, 278:109885, noting reproductive output responds more quickly than species' abundance or distribution, and that declines in reproduction typically manifest before changes in adult numbers.
On eDNA and acoustic monitoring as low-cost methods for insects: a 2025 comparison of acoustic, eDNA and traditional survey methods in a temperate Australian agricultural landscape found passive acoustic monitoring detected substantially more species per site than other techniques and had the lowest cost per species over repeat surveys (*Biodiversity and Conservation*, Springer, 2025).

[9] Landcare audits of sites near Balnarring Primary School and at Saltbush, 2009 and 2010, each costing approximately $14,000, as advised by the Merricks Coolart Catchment Landcare Group.

Attachment B

HMAS Cerberus partial divestment
Matters affecting valuation of the divestment parcel
Submission to the pre-disposal assessment

Executive summary

1.1 This submission does not offer a valuation. It identifies matters on which a valuer must be instructed before a reserve price can be supported, and which are not presently capable of assessment by any party, including the Commonwealth.

1.2 The finding is that the disposable area is unknown. The 1,164-hectare figure was derived by taking the base buildings footprint, excluding it, and treating the remainder as the divestment parcel.[1] The boundary is administrative. It was not drawn by reference to contamination, ordnance, hydrology, vegetation or developability, and it contains land that cannot transfer to any purchaser.

1.3 Market value rests on highest and best use, which requires a use that is legally permissible, physically possible, financially feasible and maximally productive.[2] All four limbs must be satisfied. At least three components of the divestment parcel fail the first limb for any developed use, and none has been delineated.

1.4 Those components are land within the surface danger area of the retained small-arms range, the engineered containment cell holding approximately 11,000 cubic metres of PFAS-contaminated soil and 4,500 cubic metres of lead-impacted soil, and land below the applicable flood level, which could not obtain a permit for residential lots once a Victorian planning scheme applies.[3] Cultural heritage process may further reduce the area available.

1.5 A disposal priced against an administrative boundary, over land whose ordnance status, containment cell location and permissible use are each unestablished, carries an exposure on review that the measures sought below would remove.

1.6 Eight questions resolve the matter, answerable from material the Commonwealth holds.

Q1. What is the divestment boundary?

Q2. Does the surface danger area of the retained range extend over the divestment parcel, over what area, and was any part of the parcel used for live firing, explosive ordnance disposal or demolition training?

Q3. Where does the containment cell lie relative to the boundary, and what are its management obligations in perpetuity?

Q4. What area of the divestment parcel lies below the applicable flood level, allowing for 0.8 metres of sea level rise by 2100 together with tides and storm surge?

Q5. What matters of national environmental significance are present on the parcel, and has a referral position been formed?

Q6. What zone will the State apply to the land on transfer, and has the State confirmed it will not support a change to the urban growth boundary?

Q7. What area of the land is within an area of cultural heritage sensitivity, and what is known of its tangible and intangible heritage?

Q8. Does the land fall within any native title claim area, and what is its native title status?

1.7 Four actions are sought. Release the divestment boundary. Instruct the valuer to assess highest and best use parcel by parcel, applying the legal permissibility test to each. Stage the disposal by parcel condition on the Point Nepean model. Complete the pre-disposal assessment before a reserve price is set.

1.8 None of these asks the Commonwealth to abandon the disposal. Decomposition by parcel condition is orthodox Commonwealth practice. At Point Nepean the same site produced four outcomes, and land affected by unexploded ordnance remained with the Commonwealth until cleaned.[4]

Status of this submission

2.1 The figures in this submission are indicative and are offered as a prompt to instruction rather than as a valuation opinion. No valuation, contaminated land assessment or ordnance risk assessment specific to the divestment parcel has been obtained by the authors, and none is publicly available.

2.2 Statements are marked throughout as **established**, meaning documented and cited; **inference**, meaning reasoned from established material; or **estimate**, meaning a figure offered pending measurement. Parcel areas are estimates and are stated as ranges without midpoint arithmetic, because none has been measured.

2.3 The argument does not rest on the residual land value calculation at Appendix A. That calculation is offered for completeness and is, as the sensitivity test shows, highly leveraged to its inputs. The submission rests on the unresolved area and the legal permissibility of use.

The highest and best use test

3.1 Market value assumes the highest and best use of the land. The four-limb test requires that a use be legally permissible before it can be considered physically possible, financially feasible or maximally productive.[2] [Established]

3.2 Land within a live surface danger area is not legally available for development while the range operates. Defence has stated the range is excluded from the divestment and will be retained.[5] [Established, subject to Q2]

3.3 No zone presently applies to the land. Victorian planning schemes do not apply while the Commonwealth holds it, and controls attach only through a planning scheme amendment made after disposal. Plan for Victoria maps the landholding as green wedge land and as national or state park and reserve, and shows it wholly as green wedge land to 2050. No State or local policy proposes moving the urban growth boundary it forms. A residential use would require the State to move that boundary and the Victorian Parliament to ratify the change under Part 3AA of the Planning and Environment Act 1987. [Established]

3.4 A planning permit for new residential lots could not be obtained on land below the applicable flood level once the planning scheme applies to the land. Clause 13.01-2S requires planning for not less than 0.8 metres of sea level rise by 2100 with allowance for the combined effects of tides, storm surge and coastal processes; clause 13.03-1S directs that development not be permitted where flood risk is unacceptable; and Land Subject to Inundation Overlay schedules apply to land along Western Port Bay.[3] [Established]

3.5 Development affecting the Western Port Ramsar site, coastal saltmarsh as a listed threatened ecological community, listed threatened species or listed migratory species is a controlled action under the Environment Protection and Biodiversity Conservation Act 1999. These triggers attach to the action and to whoever takes it, so they survive transfer of title and cannot be contracted out of.[6] [Established]

3.6 Land within 200 metres of the coast or of a declared Ramsar wetland is an area of cultural heritage sensitivity under the Aboriginal Heritage Regulations 2018 (Vic). Subdivision into three or more lots is a high impact activity, requiring a Cultural Heritage Management Plan approved by Bunurong Land Council Aboriginal Corporation as the Registered Aboriginal Party. No cultural heritage assessment of the divestment land has been published. [Established]

3.7 A native title determination application by the Boonwurrung People is before the Federal Court (VID363/2020). Whether its claim area includes the divestment land is not publicly established. [Established]

3.8 It follows that a valuation instructed on a single highest and best use across 1,164 hectares would not satisfy the first limb of the test for a material and undetermined share of the parcel.

The boundary

4.1 The divestment area was arrived at by excluding the base buildings footprint and treating the remainder as the parcel.[1] [Established]

4.2 Organisers at the 10 June 2026 Crib Point consultation could not provide a map of the exact boundaries, and no boundary has since been published.[7] [Established]

4.3 A residual parcel of this kind contains whatever was left over, which here includes bushland, the golf course, drainage lines, the foreshore fringe, the containment cell and the range danger area. [Inference]

4.4 Two consequences follow. No single rate per hectare can properly be applied. And the 1,164 hectares is not the disposable area. [Inference]

Parcels

5.1 The parcels below follow the Point Nepean method of matching outcome to land condition. Areas are estimates pending measurement.

	Parcel	Area (estimate)	%	Legally available for development	Disposal position
1	PFAS and lead containment cell, with buffer and access	1–3 ha	0%	No	Retained by the Commonwealth
2	Land within the retained range surface danger area	100–250 ha	18%	No, while the range operates	Retained by the Commonwealth
3	Land below the applicable flood level, saltmarsh and Ramsar-fringing land	200–400 ha	28%	No	Disposable, conservation value only
4	Land carrying EPBC triggers outside parcel 3	200–350 ha	25%	Subject to controlled action assessment	Disposable, heavily discounted
5	Balance, including the golf course	250–400 ha	29%	Subject to rezoning	Disposable

Parcel 1. The containment cell

5.2 Defence's engineered containment cell holds approximately 11k cubic metres of PFAS-contaminated soil and 4.5k cubic metres of lead-impacted soil, remediated as part of the site redevelopment and placed in the cell in works completed in 2023.[8] [Established]

5.3 A containment cell is a permanent structure requiring cap maintenance, monitoring bores and reporting in perpetuity. Costs of that order are commonly $100k to $300k a year, a capitalised liability of $2.5m to $7.5m. [Estimate]

5.4 The parcel has no disposal value and negative value to any holder. It should be excised and retained, following the treatment of ordnance-affected land at Point Nepean.[4]

Parcel 2. The retained range surface danger area

5.5 Defence has stated that the range is excluded from the divestment and will be retained.[5] [Established] An active small-arms range requires a danger area beyond its firing lines. [Established]

5.6 A former commanding officer of HMAS Cerberus has been reported as saying unexploded ordnance is present in parts of the surrounding bushland.[9] [Reported, unconfirmed against Defence's published material]

5.7 A shot fall zone accumulates lead over a century of use, and residential end use triggers the strictest health investigation levels for lead under the National Environment Protection (Assessment of Site Contamination) Measure 1999. [Inference]

5.8 Where the danger template extends over the divestment parcel, that land cannot carry development while the range operates. This is a prohibition rather than a cost. Question 2 resolves it from Defence's own range safety template.

Parcel 3. Land below the applicable flood level

5.9 The planning controls at 3.3 above operate as a permit bar rather than a discount. [Established]

5.10 The Shire's State of Biodiversity Report records saltmarsh and mangroves dominating the Western Port shoreline between Sandy Point and Watsons Inlet, and high tide roosts around Hanns Inlet to Sandy Point.[10] [Established]

5.11 The affected area is computable from published elevation and coastal hazard datasets once the boundary is released. Until then it cannot be stated by any party. [Established]

5.12 Development value is nil. Conservation value estimated at $3k to $12k per hectare. [Estimate]

Parcel 4. Land carrying EPBC triggers outside parcel 3

5.13 A parcel 4 residential subdivision would be a controlled action, requiring assessment, carrying a material probability of refusal or conditions, attracting offsets under the EPBC Environmental Offsets Policy in addition to Victorian native vegetation offsets. [Inference from 3.4]

5.14 The most recent published assessment of the site's ecological values was completed in 1975.[11] [Established] The parcel cannot be delineated without a current assessment.

5.15 Conservation value is estimated at $10k to $30k per hectare. [Estimate]

Parcel 5. The balance

5.16 Defence's investigations characterise PFAS on and around the base under current land use and controls, and its Technical Advisor found the site sufficiently characterised for that purpose. [Established] PFAS migrates from the site via groundwater, surface water and drains discharging to surrounding tidal creeks and Hanns Inlet, part of the Western Port Ramsar site.[12] [Established] Residential use applies a PFAS soil criterion fourteen times stricter than commercial use, and soils at minor sources across the site, including the sports field, exceed it.[18] [Established] No part of the parcel can be assumed suitable for residential use against an administrative boundary. [Inference]

5.17 Defence's investigations identified a potentially elevated, but not unacceptable, risk to workers undertaking intrusive works in source areas, managed through occupational health and safety controls.[12] [Established]

5.18 Green wedge value is estimated at $35k to $65k per hectare. [Estimate]

Indicative values of the disposable area

6.1 Parcels 3, 4 and 5 only. Parcels 1 and 2 carry no disposal value and a net liability of $2.5m to $7.5m capitalised.

Scenario	Disposable area value [Estimate]
Conservation tenure	$7m – $20m
Green wedge zone applied on transfer	$18m – $42m
Sold englobo with rezoning risk on the purchaser	$18m – $48m

6.2 The development premium over green wedge value is estimated at $0 to $6m under base assumptions. Appendix A sets out the calculation and its sensitivity.

6.3 A purchaser assuming rezoning and discounting remediation may bid materially above these figures. A bid formed on those assumptions is not evidence of value, and the difference is the remediation exposure the bidder has not priced.

6.4 Where liability is transferred by contract, its value depends on the counterparty remaining solvent. Contractual obligations do not run with the land, and a positive obligation to monitor or remediate cannot be imposed as a restrictive covenant under section 88 of the Transfer of Land Act 1958.[13] The statutory duty to manage contaminated land under the Environment Protection Act 2017 attaches to whoever holds management or control, which after subdivision is each lot owner.[14] The Commonwealth settled PFAS claims on that footing in 2020 for $212.5m across Katherine, Williamtown and Oakey, and in 2023 for $132.7m covering approximately 30,000 landowners near seven further bases, in neither case admitting liability.[15] [Established]

Action sought

7.1 **Release the divestment boundary.** Nothing else in this submission can be resolved without it. The Commonwealth's reserve price rests on the same inference until it is published.

7.2 **Instruct the valuer parcel by parcel.** That the valuation assess highest and best use for each parcel separately, applying the legal permissibility limb to the range danger area, the containment cell, the land below the applicable flood level and the EPBC triggers.

7.3 **Stage the disposal by parcel condition.** Retain parcels 1 and 2, following the Point Nepean treatment of ordnance-affected land. Determine the disposal route for parcels 3, 4 and 5 separately.

7.4 **Complete the pre-disposal assessment before a reserve price is set**, covering contaminant concentrations and mobility in soils, groundwater, surface water and the drains discharging to Hanns Inlet, the ordnance position, and a current ecological assessment.

Appendix A. Residual land value and sensitivity

A.1 This calculation establishes what a development purchaser could pay for parcel 5. It is offered for completeness. The submission does not rest on it.

A.2 Base case assumes 2,400 lots on 180 to 210 net developable hectares, and an average lot price of $450k against a Melbourne median greenfield lot price of $405k at 353 square metres.[16] It assumes internal civil works, authority charges, offsite headworks and contributions totalling $260k per lot, against a Victorian average total development cost of $126.8k per lot across the greenfield growth corridors,[17] reflecting the absence of sewer, drainage and arterial road capacity at Crib Point. [Estimate] Native vegetation offsets add $14k per lot, marketing $25k and profit and risk $115k.

	Low	Base	High
Lots	1,800	2,400	3,000
Average lot price	$400k	$450k	$525k
Civil, offsite and offsets per lot	$285k	$274k	$220k
Residual per lot	nil	$36k	$128k
Nominal residual	nil	$86m	$384m
Present value at acquisition	nil	$30m	$134m
Remediation estimate: ordnance $12m–$40m, lead $5m–$25m [Estimate]; PFAS soil management to residential criteria, not assessed	$17m–$65m plus PFAS		

A.3 Under low assumptions there is no residual. Under base assumptions the residual is of the same order as the ordnance and lead estimates, before any cost of meeting residential soil criteria for PFAS, which no party has assessed. At the Victorian average development cost, or under high assumptions, the residual would exceed those estimates. The calculation is highly leveraged to its inputs and cannot by itself establish the conclusion. That is why the submission rests on area and legal permissibility instead.

A.4 The discount to present value reflects a twenty-year delivery programme. The Commonwealth's own receipt is a single settlement at sale in every scenario, so the delivery programme affects what a purchaser can pay rather than when the Commonwealth is paid.

Appendix B. Endnotes

1. Account provided by qualified Town Planner Jonathon Fetterplace, Director, A Different City Pty Ltd.
2. International Valuation Standards (effective 31 January 2025), IVS 102 *Bases of Value*, Appendix A90 "Highest and Best Use". A90.01 defines highest and best use as the use, from a participant perspective, that would produce the highest value for an asset. A90.03 requires that the highest and best use be physically possible (where applicable), financially feasible, legally allowed and result in the highest value; A90.03(b) provides that to reflect the requirement to be legally permissible, any legal restrictions on the use of the asset are taken into account. Appendix A10.04 provides that the market value of an asset will reflect its highest and best use. Highest and best use moved from IVS 104 to IVS 102 in the 2025 edition, so earlier references cite the former chapter. The same test applies in Australian financial reporting: AASB 13 *Fair Value Measurement*, paragraph 28, provides that the highest and best use of a non-financial asset takes into account the use of the asset that is physically possible, legally permissible and financially feasible, with paragraph 28(b) directing that a legally permissible use takes into account any legal restrictions on the use of the asset.
3. Victoria Planning Provisions and Mornington Peninsula Planning Scheme, clause 13.01-2S (Coastal inundation and erosion) and clause 13.03-1S (Floodplain management); Department of Transport and Planning, *Planning Practice Note 53: Managing Coastal Hazards and the Coastal Impacts of Climate Change*, November 2023, which records the requirement to plan for sea level rise of not less than 0.8 metres by 2100 allowing for the combined effects of tides, storm surges, coastal processes and local conditions. Land Subject to Inundation Overlay schedules 2, 3 and 4 were applied to land along Western Port Bay, and Significant Landscape Overlay schedule 2 to foreshore land at Balnarring, Crib Point, Bittern and Hastings, by Amendment C271morn to the Mornington Peninsula Planning Scheme, gazetted 8 January 2025 and operative 9 January 2025. The amendment

implements the *Western Port Coastal Villages and Surrounding Settlements Strategy* (Ethos Urban, 2019), which draws on the Western Port Local Coastal Hazard Assessment.

4. Point Nepean National Park entry, Victorian Heritage Database; Victorian National Parks Association, "Point Nepean National Park," vnpa.org.au, recording the 2004 transfer of 90 hectares to the Point Nepean Community Trust, the transfer of 205 hectares to Parks Victoria and 17.6 hectares to Mornington Peninsula Shire, and the retention by the Commonwealth of land affected by unexploded ordnance.
5. Department of Defence, "HMAS Cerberus," Delivering the Future Estate, defence.gov.au, stating the 1,164 hectares exclude the main base and range, and that the training range and facilities will be retained.
6. Environment Protection and Biodiversity Conservation Act 1999 (Cth), ss 16 and 17B (declared Ramsar wetlands), ss 18 and 18A (listed threatened species and ecological communities) and ss 20 and 20A (listed migratory species). Coastal saltmarsh is listed as a threatened ecological community under the Act as Subtropical and Temperate Coastal Saltmarsh. On the values of the site, Department of Climate Change, Energy, the Environment and Water, *Western Port Ramsar Information Sheet*, published 15 December 2025, dcceew.gov.au, recording extensive intertidal mud flats, mangroves and the nationally threatened coastal saltmarsh community.
7. *The Bridge*, Issue 98, August to September 2026, p.18, reporting the community information session conducted by the Departments of Defence and Finance at Crib Point on 10 June 2026, at which organisers were unable to answer questions including the exact boundaries of the divestment area.
8. Department of Defence, "HMAS Cerberus", PFAS Management Sites, defence.gov.au. The page records that Defence focused soil remediation works at the fire training ground, that the soil at that location contained more than 8 kilograms of PFAS, that remediation involved excavation and placement of the contaminated soils into an engineered containment cell designed to prevent rainwater reaching them, and that the cell holds approximately 11,000 cubic metres of PFAS-contaminated soil and 4,500 cubic metres of lead-impacted soil remediated as part of the site redevelopment. Remediation works were completed in 2023.
9. Westernport and Peninsula Protection Council, letter to the Hon Greg Hunt MP, 30 July 2013, reporting the advice of Cr David Garnock, former commander of HMAS Cerberus, on unexploded ordnance in parts of the Sandy Point bushland and the buffer required by the Navy rifle range.
10. Mornington Peninsula Shire, *State of Biodiversity Report for the Mornington Peninsula*, 2018, mornpen.vic.gov.au, recording that saltmarsh and mangroves dominate the Western Port shoreline between Sandy Point and Watsons Inlet, and that high tide roosts are located around Hanns Inlet to Sandy Point.
11. Conservation Council of Victoria, Westernport Region Conservation Survey, prepared for the Westernport Region Planning Authority, 1975.
12. Department of Defence, *HMAS Cerberus detailed environmental investigation*, October 2018; PFAS Management Area Plan; PFAS movement assessment. defence.gov.au, PFAS Management Sites.
13. Transfer of Land Act 1958 (Vic), s 88. Only a negative covenant restricting use can be registered and bind successive owners. A positive covenant, including an obligation to monitor or remediate, binds only the original covenantor, following Austerberry v Oldham Corporation (1882) 29 Ch D 750.
14. Environment Protection Act 2017 (Vic), s 39. The duty to manage contaminated land attaches to any person in management or control of the land, including as owner, leaseholder or committee of management, regardless of whether that person caused the contamination. See also EPA Victoria, "Duty to manage contaminated land", epa.vic.gov.au.
15. The Commonwealth paid $212.5m in 2020 settling PFAS class actions brought by residents of Williamtown, Katherine and Oakey, and a further $132.7m in 2023 covering approximately 30,000 landowners near seven additional bases at Wagga Wagga and Richmond, New South Wales; Wodonga, Victoria; Darwin, Northern Territory; Townsville, Queensland; Edinburgh, South Australia; and Bullsbrook, Western Australia. Defence admitted no liability in either settlement. See "Commonwealth agrees to $132.7 million settlement for PFAS contamination at seven defence sites", ABC News, 15 May 2023; reporting of the 2020 settlement, March 2020.
16. RPM Group, *March 2026 Victoria Greenfield Market*, rpmgrp.com.au, recording Melbourne's median lot price at $405,000, up 0.5%, with median lot size unchanged at 353 square metres.
17. Colliers Engineering & Design, 2026 Cost Per Lot Report, Victoria, colliers.com.au, recording an average total development cost per lot of $126,811 in 2025, covering internal civil works, estate major works, and fees and charges, drawn from approximately 10,000 residential lots across Victoria's greenfield growth corridors. The figure excludes native vegetation offsets.
18. GHD, Final Site Condition, HMAS Cerberus, PFAS Investigation and Management Program, Technical Advisor report to the Department of Defence, 16 April 2025, pp. 33, 50, 88. Table 4.7 (p. 33) records the PFAS NEMP indirect ecological exposure criterion for PFOS as 0.01 mg/kg for residential land and 0.14 mg/kg for industrial and commercial land, and a maximum of 0.039 mg/kg at minor sources and site land

Appendix C. Limitations

C.1 The authors have no right of entry to the land and have relied entirely on published material.

C.2 Parcel areas are estimates pending release of the divestment boundary and are stated as ranges. No midpoint arithmetic has been applied to them.

C.3 The report at 5.6 is unconfirmed. It is included because it bears directly on question 2 and should be resolved rather than relied upon.

C.4 The figures require confirmation by a Certified Practising Valuer, a contaminated land specialist and an ordnance specialist before reliance.

Attachment C

HMAS Cerberus Planning Notes

Date:	2 October 2026
Purpose:	Planning Notes to assist joint community submission
Project:	HMAS Cerberus

Integration with future strategic planning

Any divestment of land within existing Cerberus landholding must only be initiated subsequent to the consideration of a strategic plan for the site that aligns and integrates with State and local planning policy. Any divestment must be only on the basis of a change of jurisdiction from Commonwealth to State / local government - ie. subject to the provisions of the Planning & Environment Act (1987) in the State of Victoria and included within the jurisdiction of the Mornington Peninsula Planning Scheme, for which it is currently exempt.

It is critical that a strategic plan is developed to guide land use planning over a minimum 30 year timeframe, consistent with current State policy directions. The strategic plan must provide certainty of precisely how the divested land will integrate with the current zoning patterns and future strategic planning within the Mornington Peninsula Planning Scheme before private interest is garnered.

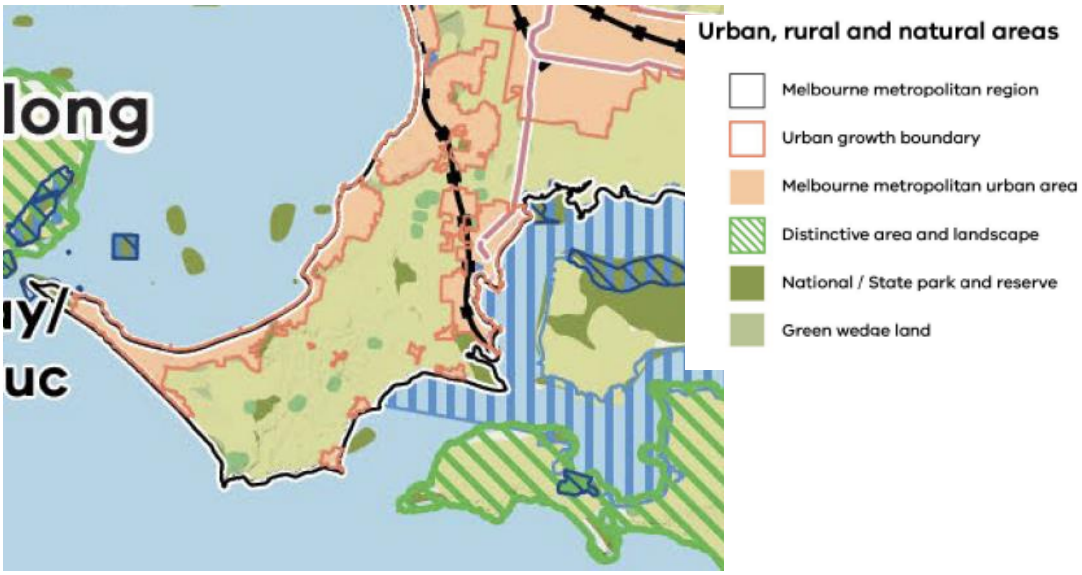
In the strategic planning context, Cerberus creates a current 'land use planning gap' at the sensitive interface between State ecologically significant green wedge land, clearly defined low density residential hamlets, protected internationally significant Ramsar environs and State significant land reserved for future port related activities.

Overarching State metropolitan planning policy, via Plan Melbourne 2017-2050 and Plan for Victoria (2025), directs that a permanent urban growth boundary be defined to limit urban growth and establish permanent protection of Victoria's ecologically sensitive and highly valued green wedges.

The Mornington Peninsula Shire has implemented State policy for metropolitan growth and green wedge planning via its Municipal Planning Strategy (contained at Clause 02 of the Planning Scheme) and the Strategic Framework Plan at Clause 02.04 of the Planning Scheme. Refer below:

Each of the existing hamlets along the Westernport coast of the Mornington Peninsula is defined by a permanent urban growth boundary and separated by green wedge land. The Somers and Crib Point / Bittern areas are separated by green wedge zoned land to the west of South Beach Road. Cerberus is excluded from the Strategic Framework Plan but forms part of existing urban break and is subject to significant sensitive ecological conditions east of South Beach Road. This is a consistent and definitive land use pattern that must be implemented on the Cerberus landholding, to 'fill in the gap' once handed over to State jurisdiction.

Plan for Victoria (2025), the preeminent State planning strategy, defines the strategic role of the Cerberus landholding at Map 9 as both 'Green wedge land' and 'National / State park and reserve.' Refer extract below:



Map 12 of Plan for Victoria shows 'Melbourne and Geelong in the Future' (ie. to 2050 as defined by the plan). Cerberus is shown as wholly being contained as Green wedge land. Refer below.

There is no State or local planning policy that would indicate that the urban growth boundary which separates Somers and Crib Point / Bittern should be changed or investigated to be changed in any way. In fact the opposite applies. Plan for Victoria clearly defines Cerberus as a defined urban break applying a green wedge designation and national / state park reservation status.

At State level there is no planning policy direction to consider the expansion of the urban growth boundary. Nor at a local level is there any policy or strategic intent to investigate the growth of the existing defined hamlets of the Mornington Peninsula.

State policy states that 70% of new housing be directed to inner Melbourne with the balance directed to defined growth corridors within the existing metropolitan urban growth boundary. While new housing targets are defined for all local and regional government areas, the Mornington Peninsula Shire Council's Housing And Settlement Strategy Refresh 2020-2036 explored current housing needs and found that their targets can be met within existing urban zoned land contained within the existing urban growth boundary. There is no identified need to expand housing supply beyond the existing current land use pattern within the Mornington Peninsula to achieve State and local government housing objectives.

Further planning for Melbourne's green wedges has been definitive in State and local policy since the 1970's and most recently via Melbourne's Green Wedges and Agricultural Land Action Plan (2024 – August update 2025) and the Mornington Peninsula Green Wedge Management Plan (2019). These plans protect the unique features and functions of Victoria's green wedges with a focus on promoting agricultural uses, forestry and aquaculture, tourism and recreation, built and natural heritage, infrastructure and renewable and non-renewable resources.

While there appears clear and immediate policy direction for Cerberus to continue to facilitate green wedge outcome it remains critical that a strategic plan be developed to guide the integration of any divested land in the context of policy for Victoria and the Mornington Peninsula, as well as continuing to prioritise the ongoing commonwealth use of the retained land to meet the requirements of the Department of Defence.