



BALDWIN ROAD RESIDENTIAL AREA REZONING

Traralgon-Maffra Road, Traralgon
Latrobe City Council

December 2022

Prepared by the NBA Group

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1 Introduction and Executive Summary

The NBA Group has been requested by the proponents to prepare a submission in support of a proposal to amend the Latrobe Planning Scheme.

The amendment seeks to rezone land identified as a growth area in the Traralgon Town Structure Plan (TTSP) from Farming Zone (FZ) to General Residential Zone – Schedule 3 (GRZ3) and apply the Development Plan Overlay – Schedule 11 (DPO11).

The subject land is situated north of the Traralgon North Growth Area, is bound by Traralgon-Maffra Road, Baldwin Road and the Latrobe River and is dissected by major gas and oil piped infrastructure. There are five properties that form part of the area to be rezoned, made up of six titles in separate ownership.

The land has been strategically nominated as appropriate for future residential development.

A study of land supply and demand was recently undertaken to renew the work done in the TGAR process and analyse the significant rise in land sales that occurred in 2020 as a result of the COVID19 pandemic. The land supply report indicates a need for additional residential land to be provided within Traralgon to meet market demand and suggests the subject site is the most appropriate location for such land.

The location of the subject site immediately north of the existing Traralgon North Development Plan (TNDP) area provides the opportunity to leverage off infrastructure already provided or proposed to be provided for within the TNDP, thus providing for logical and economical expansion of a recognised growth area. The relatively low number of land holdings across the subject site reduces development complexities and increases the likelihood of the land being developed in a timely manner.

This planning scheme amendment seeks to implement a Development Plan Overlay – Schedule 11, that is specific to the subject site. It will require the preparation and approval of a cohesive development plan for the area prior to subdivision of land and will provide Council the opportunity to ensure development occurs in a sensitive and logical manner. A conceptual plan has been prepared to accompany this rezoning and provide for the preparation of background reports. It is designed to demonstrate how that land *could* be developed in the future. The Development Plan Overlay will require a detailed Development Plan to be prepared prior to the subdivision of land, and the proposed overlay content will ensure the Development Plan will respond to the particulars of the site and surrounding area.

This application responds to expert analysis provided throughout the course of the preparation of this amendment. It is a comprehensive submission that has been informed by consultation with various stakeholders, and in particular the Latrobe City Council, ESSO, Exxon Mobil, VicRoads and the Catchment Management Authority. The revised submission responds to feedback received from various authorities and presents outcomes agreed to during authority meetings. This submission justifies the rezoning in accordance with Council's indicated strategic vision for the area and is considered to be in accordance with the Latrobe Planning Scheme.

This planning scheme amendment has been prepared in line with the relevant Ministerial Directions.

1.1 Supporting Documentation

Accompanying this submission is the following supporting documentation:

Appendix 1	Certificates of Title
Appendix 2	Site Context Plans NBA Group in consultation with Millar Merrigan Reference 25950P1_V2 (3 sheets)
Appendix 3	Flora Survey Prepared by Ironbark Environmental Arboriculture December 2021 Revision A
Appendix 4	Fauna Survey Prepared by Ironbark Environmental Arboriculture December 2021 Revision B
Appendix 5	Traffic Impact Assessment Prepared by O'Brien Traffic December 2021
Appendix 6	Stormwater Management Strategy Prepared by Millar Merrigan February 2022
Appendix 7	Infrastructure Servicing Report Prepared by Millar Merrigan Version 2 February 2022
Appendix 8	Land Supply Analysis Prepared by Ethos Urban June 2021
Appendix 9	Cultural Heritage Due Diligence Prepared by ACHM October 2020
Appendix 10	Bushfire Assessment Prepared by Millar Merrigan March 2021
Appendix 11	Indicative Concept Plan NBA Group in consultation with Millar Merrigan Reference 25950SK1_V5
Appendix 12	Amendment Pack Documentation NBA Group in consultation with Millar Merrigan
Appendix 13	Landscape Master Plan NBA Group in consultation with Millar Merrigan Reference 25950L01_V2
Appendix 14	Letter of Consent Marshall Family and Conway Family
Appendix 15	Preliminary Development Contributions Information NBA Group in consultation with Millar Merrigan
Appendix 16	Preliminary Site Environmental Investigation DRC Environmental November 2021

2 Site Context and Description

The following section of this report provides a description of the relevant site features. This should be read in conjunction with attached Site and Context Plans.

2.1 Site Context

The land is located on the northern outskirts of Traralgon. Traralgon is Latrobe Valley's largest town and it is strategically located on the Princes Freeway approximately 160 kilometres east of Melbourne.

The subject land is made up of five properties (six separate titles), all of which are farming properties in separate ownership. The properties are located to the north of the Traralgon North Development Plan area, west of Traralgon- Maffra Road and south of the Latrobe River.

The land is identified on the Regional and Local Context Plans at Figures 1 and 2 below.

Figure 1 | Regional Context Plan

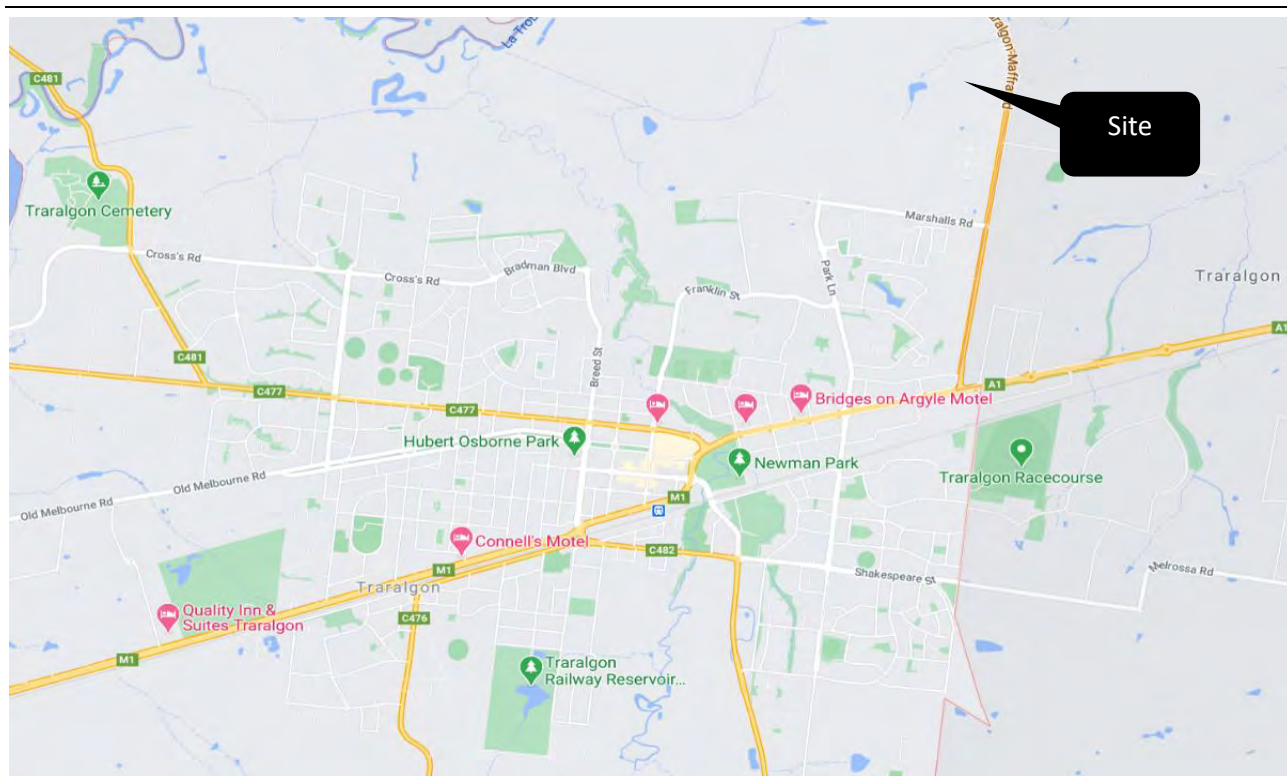


Figure 2 | Local Context Plan



2.2 Title Particulars and Covenants

The subject site comprises of six titles that make up five separate farming properties. Title details for these properties are described as follows with copies of titles attached:

Property 1

Unit 2, 55 Glendale Road Traralgon
Crown Allotment 26F Parish of Traralgon
Vol 8617 Fol 660

Covenants: D423517, D715342 and Title Plan is impacted by Reservations Exceptions Conditions and Powers

Property 2

50 Glendale Road, Traralgon
Lot 1 PS329021
Vol 10150 Fol 467

Covenants: D382326

110 Marshalls Road, Traralgon
Lot A PS826057
Vol 12324 Fol 522

Covenants: D285661

Property 3

60 Marshalls Road, Traralgon
Lot 2 PS 323156
Vol 10245 Fol 531

Covenants: D261416

Property 4

60 Marshalls Road, Traralgon
Lot 1 TP4167
Vol 4416 Fol 026

Covenants: D261415

Property 5

Traralgon Maffra Road, Traralgon
Lot C, PS821062
Vol 12251 Fol 794

Covenants: D775664, G567702, H341878 and D464412.

As can be seen the titles associated with the subject site are large and in the case of Property 1, extend north towards the Latrobe River.

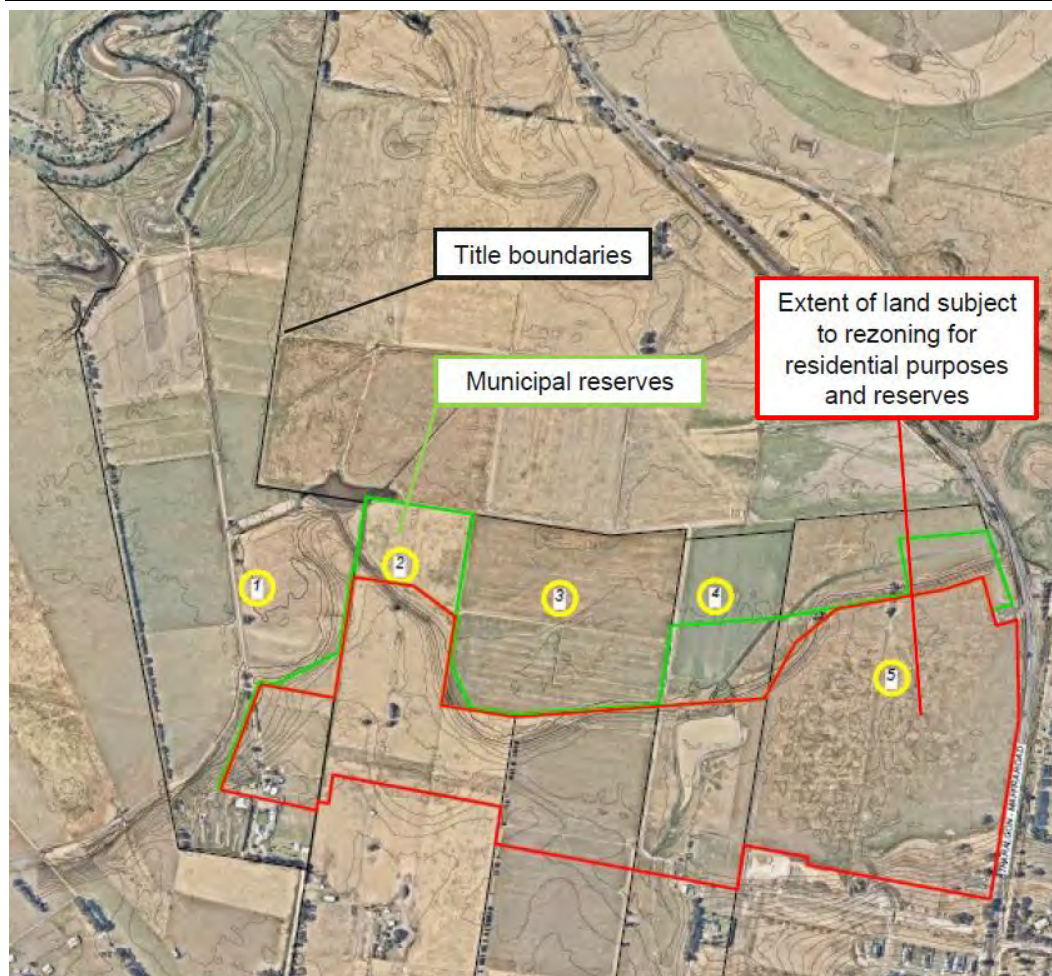
This application concerns the southern extent of the titles where the land abuts the existing residential area of Traralgon North. For the sake of clarity, the map below shows the extent of land to be rezoned (outlined in Red) which represents approximately 51.07ha.

It is noted that all landowners have been consulted throughout the course of this process and give their permission for inclusion of their land within the amendment. In particular the proposal seeks to rezone land that was previously left out of the Traralgon Strip Rezoning (C114) and presents a uniform extension of the TNDP area.

There are a number of historic restrictive covenants affecting the subject properties as listed above. These restrictions relate primarily to the creation of easements in favour of ESSO Exploration & Production Australia and Victorian Pipeline Commission. The covenants include restrictions around the pipeline infrastructure and legal rights to access the pipeline for authority maintenance and the like. In addition to the covenants on the land, Property 1 is impacted by a Reservations Exceptions Conditions & Powers which also relates to the pipeline infrastructure together with historic mining and mineral removal.

Advice from Licensed Surveyors through the preparation of this amendment is that none of the restrictive covenants impact or prohibit the rezoning of the subject site. The act of rezoning the land does not contravene any of the restrictions contained in the subject covenants. The covenants will need to be adequately addressed as part of the subdivision of the land, noting that redundant covenants can be removed or updated through the subdivision process once final development design has occurred. It is noted that the indicative master plan suggests the pipeline infrastructure is retained within a public reserve.

Figure 3 | Image of relevant titles



2.3 Existing Built Form and Topography

The subject site is vacant agricultural land with a long history of grazing. Whilst some dwellings are present on some of the titles, these are located outside of the area of land that is proposed to be rezoned as part of this application.

Some farming infrastructure such as shedding and accessways are located within the proposed rezoning area of properties 1 and 4. The remaining properties are vacant in nature comprises entirely of pastoral grass with some small dams and waterbodies available throughout. Post and wire fencing is available between and within properties for stock management.

Photograph 1 | Looking across major gas pipeline at grazing land to be rezoned



Photograph 2 | looking north across land forming part of the subject site



2.4 Easements and Restrictions

The subject titles are affected by a 24.38m wide easement at the southern end which is in favour of ESSO and contains major gas and oil infrastructure.

The gas pipeline is protected from development via the application of a Design and Development Overlay (DDO) that follows the pipeline through the Latrobe region. The overlay is approximately 200m wide extending both north and south of the existing easement. The overlay includes permit triggers for buildings and works within the vicinity of the pipeline.

To the north of the titles is a further major easement containing natural gas infrastructure and this too is covered by the DDO.

Figure 4 | Design and Development Overlay Mapping



In preparing this application, the NBA Group have engaged with ESSO Australia and ExxonMobil who have indicated no objection to development in this area subject to the preparation of a detailed Safety Management Study and Safety Management Workshop. Further detail regarding this consultation is provided below.

2.5 Vegetation

The subject land is agricultural land that has a long farming history with the majority of the site supporting limited environmental values.

A Flora Survey has been prepared by Ironbark Environmental Arboriculture (December 2020). The survey included desktop analysis of available vegetation mapping, including assessment of potentially occurring threatened for a species and an on-site field survey. The key findings of the Flora report can be summarised as follows:

- *The site is within Latrobe City Council and is zoned as Farming Zone – Schedule 1.*
- *There are no overlays affecting trees and vegetation removal. Each property within the subject site is greater than 4000sqm and therefore subject to assessment under Clause 52.17 Native Vegetation.*
- *In the Farming Zone – Schedule 1 the land is comprised of paddocks with trees planted in rows to act as wind breaks.*
- *There are several small water bodies and dams across the site.*
- *In the south eastern section of the site there are ten (10) naturally occurring Gippsland Red Gum.*

- *These trees have an exotic grass and herb understorey; the plant species composition and structure does not match the description of what is considered to be Gippsland Red Gum Grassy Woodland and Associated Native Grassland (Department of the Environment, Water, Heritage and the Arts 2010).*
- *Gippsland Red Gum Grassy Woodland and Associated Native Grassland is a nationally threatened ecological community, listed as critically endangered under the EPBC Act (Environment Protection and Biodiversity Conservation Act 1999).*
- *The Australian Government flowchart of identifying Gippsland Red Gum Grassy Woodland indicates that this site does not have the ecological community present, as the site is NOT 'a native remnant dominated by native species'. The small area with Gippsland Red Gum (Eucalyptus tereticornis subsp. mediana) in the South – East is NOT 'dominated by native grasses and grass-like plants' below or near these trees.*
- *The remainder of the site is cleared of native vegetation, including one (1) small area mapped as 2005 extent Floodplain Riparian Woodland. This is a group of exotic Cypresses (Cupressus sp.), which have recently been felled.*
- *No potentially occurring threatened or rare species were found within the survey areas accessible.*

The report goes on to include the following recommendations:

- *Naturally occurring Gippsland Red Gum (Eucalyptus tereticornis subsp. mediana) are recommended to be retained and incorporated into any design.*
- *The maximum tolerable encroachment into TPZs (Tree Protection Zones) of these trees, without further investigation, should be limited to 10%.*
- *Future planning permit applications will need to demonstrate appropriate treatment of native vegetation as per state and local planning policies, in particular avoid, minimise and offset requirements'*
- *Naturally occurring Gippsland Red Gum (Eucalyptus tereticornis subsp. mediana) are recommended to be retained and protected under a formal agreement, and incorporated into any design such as bushland reserve/conservation parkland/nature strip. However, any vegetation shown in the residential area will still be deemed lost and offsets will need to be retained. The maximum tolerable encroachment into TPZs (Tree Protection Zones) of these trees, without further investigation, should be limited to 10%, TPZs need to be constructed around the trees during any construction or site works.*

The Flora Survey has not identified any significant environmental constraints that would preclude the land from being rezoned for residential purposes. It does include a recommendation that 10 scattered Gippsland Red Gums be retained and incorporated into any future design. The approximate location of these significant trees has been shown on the indicative master plan and the plan has been designed to show how the trees could be avoided with the proposed road network meandering around the trees allowing for their retention within road reserves. Similarly trees within the proposed residential area could be avoided at the subdivision stage if considered worthy through pocket parks or similar design techniques. Any loss of vegetation at the subdivision stage will require appropriate offsetting. Feature survey will need to be undertaken to accurately locate these trees and their merits for retention considered at the Development Plan/Subdivision Stage in keeping with state and local planning policies in particular, avoid, minimise and offset.

Photographs 3 + 4 | Exotic pasture grass dominates the site



Photographs 5 + 6 | Gippsland Red Gums present on site



2.6 Faunal Habitat

A desktop Fauna Survey has been undertaken by Ironbark Environmental Arboriculture. The key findings of the Ironbark report can be summarised as follows:

- *The flora survey (IEA 09/12/2020) found ten (10) Gippsland Red Gums. These are large, old trees and as such are suitable nesting sites for potentially occurring threatened raptors, including Grey Falcon (Falco hypoleucos), Black Falcon (Falco subniger) and Grey Goshawk (Accipiter novaehollandiae). The open grassland on the site is also suitable foraging habitat, and it is plausible these species are present.*
- *Dwarf Galaxia, an EPBC listed species, has been recorded in the La Trobe River just outside of the 5km buffer used for assessment. There are multiple records with the last as recently as 2020. Whilst they have not been recorded in the stretch of the creek near site, the precautionary principle should be applied, and any activities based on the presumption they are there. Controls must be in place to ensure that the movement of people, plant and construction activities does not create impacts on habitat, the waterway, or water quality. The avoidance of light in the waterway and minimisation of activity causing vibration is recommended.*
- *There are dams and drainage lines on the site which are potential habitat for threatened waterbirds. Australian Shield Duck and Black Swan were observed during the flora survey, which indicates the habitat is suitable for waterbirds. It is plausible the water bodies on the site are habitat for Great Egret (Ardea alba), Eastern Great Egret (Ardea alba modesta), Musk Duck (Biziura lobata), Hardhead (Aythya australis) and Blue-billed Duck (Oxyura australis).*
- *The connectivity and arrangement of water bodies within the landscape matrix are one of the most significant factors influencing the presence of GGF (Robertson et al. 2002; Heard et al. 2004; Hamer and Organ 2008). The site borders the La Trobe River; therefore, it is plausible GGFs are present on the site.*

The Fauna Report goes on to include the following recommendations:

- *Retain and protect the ten (10) Gippsland Red Gums. Consider incorporating these trees into a bushland reserve/conservation parkland via a formal agreement and incorporated into any design.*
- *The maximum tolerable encroachment into TPZs of these trees, without further investigation, should be limited to 10%, TPZs need to be constructed around the trees during any construction or site works.*
- *Undertake a targeted avifauna survey of the water bodies on the subject site (prior to approval of subdivision on property 4).*
- *Undertake a targeted GGF survey of water bodies on the subject site (prior to approval of subdivision on property 4).*
- *Ensure the Construction Management Plan and/or Environmental Management Plan, which will be commissioned for the construction phase provides specifications for controlling sediment and discharge into the La Trobe River.*

On this basis, the Fauna survey has not identified any significant faunal constraints that would preclude the land from being rezoned for residential purposes. It does however recommend targeted avifauna and GGF surveys of the water bodies on property 4 be conducted at the subdivision stage. Should these targeted

surveys encounter rare or threatened species an appropriate design response can be incorporated into future subdivision layouts.

Photographs 7 + 8 | Drainage lines on site



2.7 Existing Road Network

The subject site has abuttal to Traralgon-Maffra Road (RDZ1) to the east and a network of smaller hierarchy local Council roads either developed or to be developed to the south.

A Traffic Impact Assessment has been prepared by O'Brien Traffic and notes the following in relation to the existing road network:

***Traralgon-Maffra Road** is an arterial road (Road Zone Category 1) under the control and management of Department of Transport. It runs in a north-south orientation. In the vicinity of the subject site, Traralgon-Maffra Road has a road reserve of approximately 20 metres and a pavement width of approximately 12 metres providing one traffic lane (3.8 metres wide) and a sealed shoulder (between 2 and 2.5 metres wide) in each direction.*

The posted speed limit on Traralgon-Maffra Road changes along the site frontage. A posted speed limit of 80 km/h applies from the southern boundary of the site for a distance of approximately 250 metres. North of this point, the posted speed limit increases to 100 km/h.

Department of Transport open data indicates that Traralgon-Maffra Road in the vicinity of the subject site carries traffic volumes of 5,100 vehicles per day with a split of 2,600 northbound and 2,500 southbound.

Baldwin Road is a local road to the south of the subject site that has been constructed from Traralgon-Maffra Road up to property 4 and is to continue along the southern boundary to property 1 as per the approved TNDP.

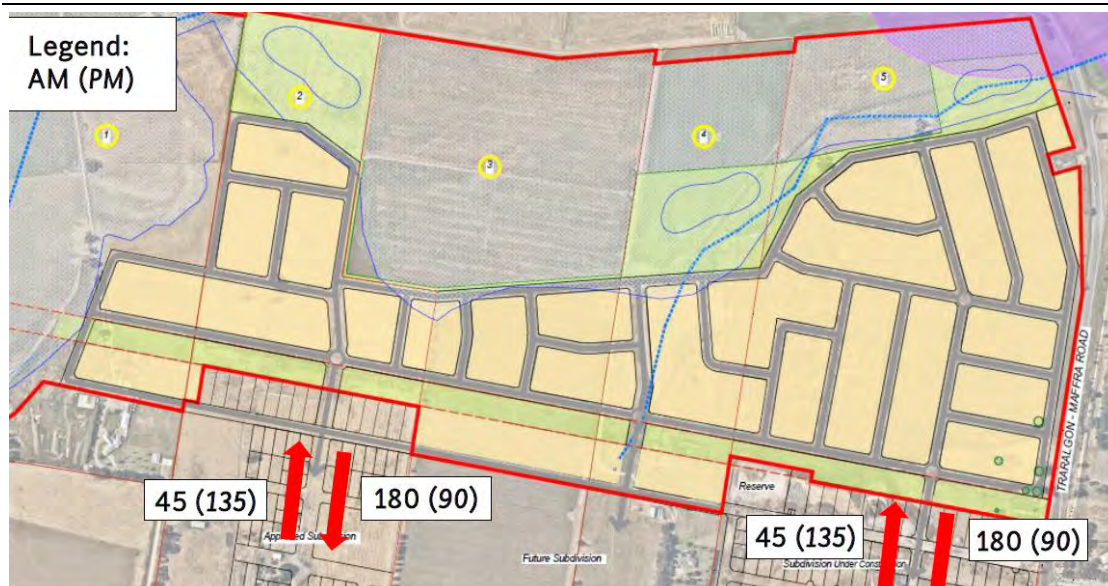
Photograph 9 | Traralgon-Maffra Road in the vicinity of the site



It is likely that land within the TNDP area (and therefore Baldwin Road) will be developed prior to development of the subject site, and therefore road connections to Baldwin Road will be available which will service the future development of the subject site.

The attached Traffic Report includes a Traffic Distribution analysis prepared for the indicative master plan as follows:

Figure 5 | Anticipated traffic distribution within the site



The report notes:

- *In the following assessment it has been conservatively assumed that only two of the three proposed north-south connector roads between the subject site and Marshalls Road would be constructed prior to the full development of the subject site (note – one subdivision to the south is currently under construction and a second has been approved so this is a reasonable assumption). Further, it is assumed that half of the traffic generated by the development will use each of the two access routes assumed to be available. It has also been assumed that 50% of traffic using the eastern access road (Lighthouse Road), will use Rise Boulevard to travel to and from Traralgon-Maffra Road.*
- *Ultimately, when three routes are available between the subject site and Marshalls Road, the volume on any one connector road will be lower than indicated below.*
- *On the basis of the above traffic assessment, the traffic movements anticipated to be generated by the proposal would be readily accommodated on the proposed road network without any significant adverse impacts.*

The Traffic Report includes an assessment of traffic generated by development of the entire Traralgon North area (including the proposed development) and looks at the impacts this will have on the surrounding road network. It notes that:

- *Assuming that the signalisation of Marshalls Road and Traralgon-Maffra Road was planned with knowledge of the development of land to the south of the subject site, it is the additional traffic generated by the subject site that needs to be assessed. The main movements will be right turn out of Marshalls Road into Traralgon-Maffra Road, and left turn from Traralgon-Maffra Road. Based on the peak hour volumes shown in Figure 11, it is clear that the signalised intersection of Marshalls Road and Traralgon-Maffra Road will be able to accommodate the additional traffic generated.*
- *On the basis of the above traffic assessment, the traffic movements anticipated to be generated by the proposal would be readily accommodated on the proposed road network without any significant adverse impacts.*

In relation to the proposed internal road network, the Traffic Assessment notes that future development should be designed in accordance with the requirements of the IDM. Detailed design will need to be provided at the Development Plan/subdivision stage of development.

2.8 Stormwater Runoff

A Flood Modelling Report has been prepared by Millar Merrigan as part of this amendment and discusses hydrology across the site and impacts to and from the Latrobe River. It notes the following in relation to the proposal:

It can be seen from the above that the proposed development has no impact on the flood extent or flood water levels. This is as expected, given the vast area of the Latrobe River Flood Plain and the quantum of flows relative to the area the proposed development protrudes into the flood extent. Again, it is only the section highlighted in Figure 9, which extends into the flood waters.

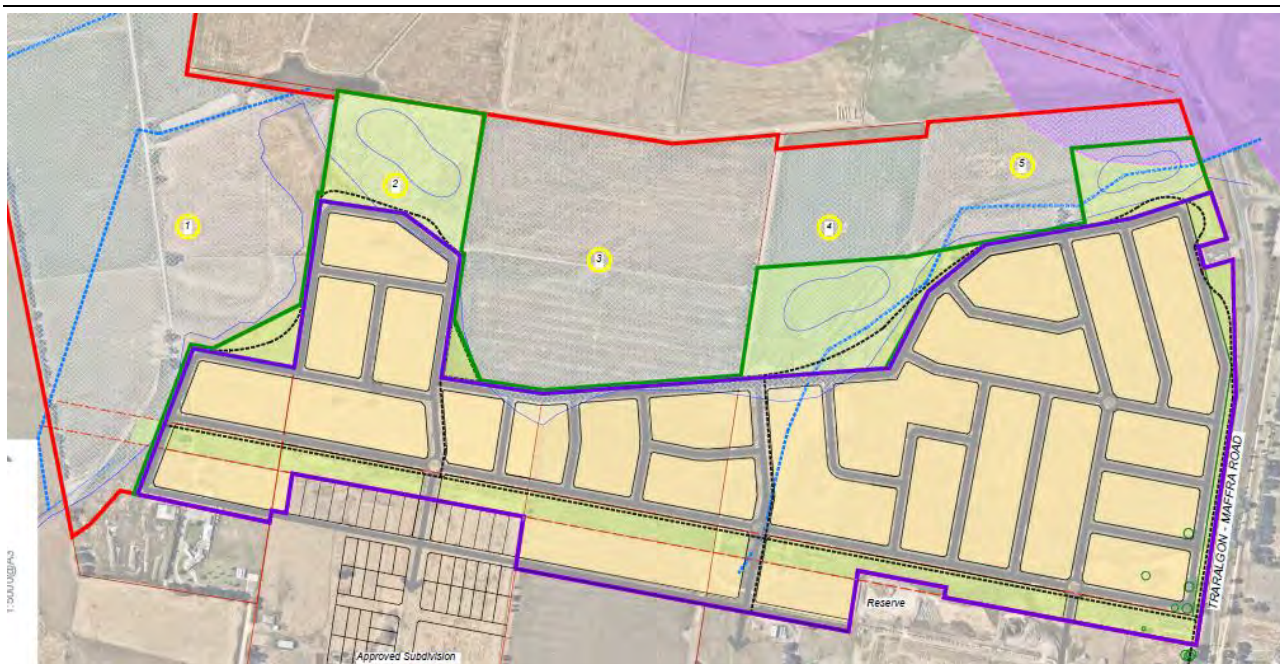
The report also addresses the extent of the LSIO that impacts the property and notes:

It can be seen from the above that the existing conditions flood model approximates the current LSIO boundary, however, some differences are apparent. In several locations the TUFLOW model shows the extent of the flood waters some distance from the LSIO Boundary despite the conservative nature of the model run. It is likely that the LSIO Boundary was drawn by tracing a contour in this location, rather than exactly matching the flood water extent.

It should be noted that despite the footprint of the proposed development extending beyond the LSIO in a number of location, in only the highlighted area above does it protrude into the actual flood extent. And it does so marginally.

Pre-lodgement consultation has occurred with Latrobe City Council and WGCMA where the extent of development within the LSIO land was discussed. The revised concept layout has been prepared as a result of negotiations held during this meeting. As per CMA preference, intrusion into the floodplain at the western end of the site has been significant reduced. A slight protrusion is still proposed at the northern extent of the development area, however this was considered appropriate by CMA.

Figure 7 | Concept Plan showing LSIO extent (blue hatch)



It is noted that there is a 'blue line' that partially impacts the site and leads into a man made dam. We understand this to be of limited environmental value, and opportunity for enhanced stormwater treatment and storage is available on the northern portion of the site, where the indicative concept plan suggests a wetland network to offer treatment, storage and recreational opportunities. As discussed during post lodgement meetings, CMA are happy to allow drainage in this area to be piped and enhancement of the downstream area can be accepted as an offset to providing a 30m buffer. Detailed design will be required at the Development Plan/Subdivision Stage which provides the opportunity for the downstream environmental conditions to be significantly improved.

Figure 8 | Blue line through the subject site



It is considered that there are no drainage considerations that will prohibit the rezoning and future development of this land.

2.9 Reticulated Water

The responsible authority for water is Gippsland Water. A new 300mm main extension has been provided along Traralgon Maffra Road and is currently being interconnected into the main within Park Lane to the south. The reticulated water design requirements from Gippsland Water indicate the water extension from Park Lane via a 300mm main on Traralgon Maffra Road requiring a loop feed to supply the area. The elevation head noted by Gippsland Water is 112.8AHD and there are no anticipated issues with water supply for the zoned area. There are no reticulated recycled water sources within this area, but opportunity exists for rainwater capture and re-use at the subdivision stage.

2.10 Reticulated Gas

APA Group are the relevant gas authority in the area. Natural gas is available within the area and can be extended to service any future development within the rezoned area. APA have significant assets to the north of the site which are not affected by this application.

Three (3) licenced Esso pipelines are contained within the activity area, contained within the Longford to Long Island Point Easement. These pipelines are:

- The operating DN 700 crude oil pipeline (LFD700);
- The suspended DN 70 pipeline, which is filled with inhibited water;
- The DN 250 liquefied petroleum gas (LPG) pipeline (LPG250)

An additional DN 350 Esso pipeline is planned for this easement, but as construction had not commenced at the time of this report it has not been explicitly addressed.

Table 1 | Pipeline Operational Parameters

Pipeline Parameter	LPG250	LFD700	Suspended DN 700
Inlet	Longford Gas Plant	Longford Crude Stabilisation Plant	Longford Crude Stabilisation Plant
Outlet	LIP Fractionation Plant	LIP Tank Farm	Westbury Station
Contents	Liquid Petroleum Gas	Stabilised Crude Oil	Inhibited Water
Length	186 km	186 km	87 km
Licence Number	PL 27 ¹	PL 126 ²	PL 35
Design Pressure	8275 kPa	4500 kPa	-
Design Code	B31.4 – 1966	AS 2018 – 1977	B31.4 – 1966
Year of Construction	1969	1980	1969

Note:

1. The LPG250 operates under Victorian pipeline licence PL 34 from Bayview Valve Station to LIP.
2. The LFD700 operates under Victorian pipeline licence PL 35 from Westbury to LIP.

An AS2885 Safety Management Study (SMS) review will need to be conducted for threats associated with the proposed residential subdivision and associated infrastructure works. The objectives of an AS2885.1 SMS review are to:

- Systematically identify threats to the pipeline that may result in loss of integrity;
- Review the external interference protection and other design/procedural protection measures and assess their effectiveness;
- Determine whether the effectiveness of the protective measures renders the threat fully mitigated;
- Evaluate the frequency and severity of hazardous events, leading to a risk ranking in accordance with the AS2885.1 risk matrix; and if required,
- To propose additional physical or procedural controls.

An AGN gas facility is available off Traralgon Maffra Road. Millar Merrigan have engaged with the responsible authority in relation to this facility and potential amenity impacts. It is submitted that the facility will have no impact on the rezoning of the land and detailed design at the Development Plan a subdivision stage provides opportunities for any necessary buffers to be implemented.

2.11 Electricity

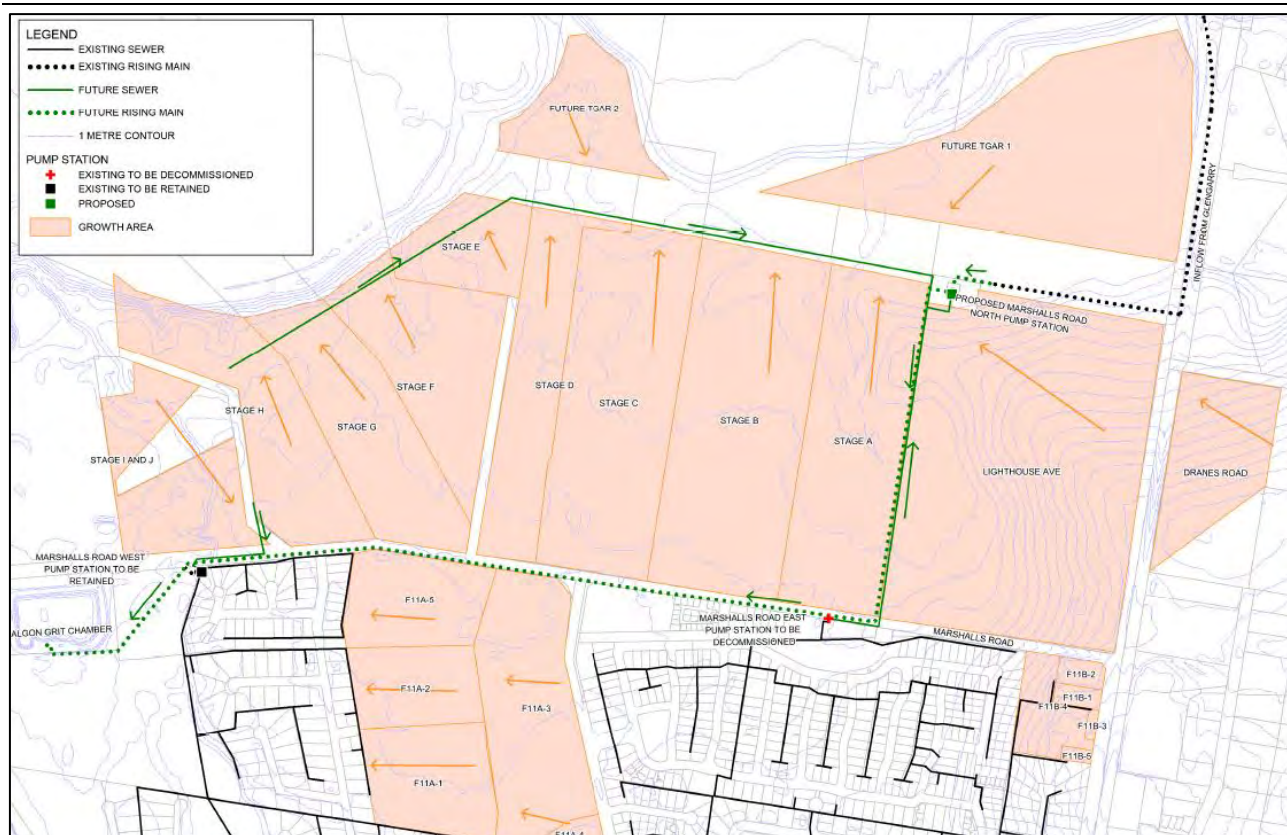
The relevant electricity supplier for the area is SP-AusNet. It is understood from consultation with SP Ausnet's Network Planner that the site can be serviced with reticulated electricity and there are no anticipated issues with regard to network capacity. Substations will be required within the development as an SP-AusNet maintained asset.

Based on advice from SP-AusNet's Network Planner – the 22kV lines bounding the site – can, at present, support future development based on 4kVA per lot. There are two 22kV feeders in the area – TGN 11 which runs along Park Lane and Marshalls Road and TGN 31 feeder which runs along Traralgon-Maffra Road.

2.12 Reticulated Sewerage

A new pump station, Marshalls Road North is currently being constructed to receive flow from the existing Marshalls Road East Pump Station catchment and surrounding growth areas, including those north of Marshalls Road. The pump station is also intended to have provision for flows for Glengarry. The configuration is shown in Figure 8 below.

Figure 8 | Baldwin Road SPS Catchment Plan (Gippsland Water)



The predicted inflows discharged into the proposed Marshalls Road North Pump Station were estimated using a hydraulic model with a scenario created to incorporate future growth, including the areas identified in TGAR.

The assumed network arrangement is as follows:

- The Marshalls Road East pump station is decommissioned. A gravity sewer is constructed to the proposed Marshalls Road North Pump Station.
- A new rising main is constructed from the proposed Marshalls Road North Pump Station to the Traralgon Grit Chamber with a discharge level of 35.0 m AHD.

- The Marshalls Road West Pump Station is retained and injects into the new Marshalls Road North rising main. Stages I and J of future development discharge into Marshalls Road West Pump Station.
- The Glengarry Pump Station discharges into the wet well of the Marshalls Road North pump station. This provides flexibility for the design of Marshalls Road North Pump Station to receive these flows should the disadvantages associated with the alternative redirection be unacceptable.
- Glengarry discharges approximately 20 L/s in wet weather to allow for future upgrade of the rising main.

2.13 Cultural Significance

The site is bound by the Latrobe River to the north and as a result a small portion of the north of the site is considered to be an area of Cultural Heritage Sensitivity. The norther-east corner of the site is also identified as a sensitive area, see Figure 9 below.

Figure 9 | Cultural Heritage Sensitivity Mapping



A Cultural Heritage Due Diligence Assessment has been prepared by Australian Cultural Heritage Management (ACHM). It notes the following:

- *The proposed activity is the re-zoning of land within the activity area from its present zoning of farming (FZ) to residential (GRZ3). At this stage there is no firm proposal for a residential development over the activity area, therefore this due diligence is only assessing the cultural heritage requirements associated with the proposed re-zoning. Any future residential development plans would require a separate cultural heritage assessment to establish requirements.*
- *One previously recorded Aboriginal place occurs immediately adjacent to the activity area.*

- *The activity (the rezoning of land) is not a high impact activity.*
- *A CHMP is not required under Section 47 of the Victorian Aboriginal Heritage Act 2006 for the proposed activity (the rezoning of land). The results of this Due Diligence Assessment demonstrate that the proposed activity is not a High Impact Activity under the Aboriginal Heritage Regulations 2018. Therefore, there is no mandatory trigger for the requirement to complete a CHMP prior to undertaking the activity (the rezoning of land).*
- *It should be noted that a CHMP may be required should the land be subject to a future application to develop residential lots. In this instance the requirement for a CHMP would need to be determined independently of this report.*

It is noted that the area of sensitivity is in the far north-eastern and western corners of the subject site, outside of the area proposed to be rezoned. Therefore, the area of cultural heritage sensitivity should not preclude this land from being rezoned for residential purposes. Future development will need to consider impacts on Cultural Heritage as required under the Regulations.

2.14 Surrounding Development

The Traralgon North Development Plan (TNDP) is a Latrobe City approved Development Plan that applies to almost 119 hectares of residential land on the northern side of Marshalls Road.

The land subject to this rezoning sits north of the TNDP.

Figure 10 | Approved Traralgon North Development Plan



Development of land within the TNDP has occurred under a series of permits summarised as follows:

- The Rise (corner of Marshalls Road and Traralgon-Maffra Road):
 - o 2014/42 permit: Two lot subdivision separating residentially zoned land from farming zoned land. Completed and separate titles issued;

- o 2013/271/C permit: Multi lot staged subdivision of northern extent of estate. Stages 1, 2A, 2B and 3. Stage 1 and 2A are complete with titles issued and some dwellings constructed. Stage 2b and 3 are currently under construction;
 - o 2014/199 permit: Multi lot staged subdivision of southern extent of estate. Stages 4 and 5. Construction yet to commence;
 - o 2014/111 permit: Use and development of display homes. Development of some dwellings commenced;
 - o 2015/113 permit: Buildings and works associated with supermarket development. Construction yet to commence;
 - o 2018/93 application: Re-subdivision of servicing reserves on northern side of Baldwin Road. Completed.
- 110A Marshalls Road, Traralgon:
 - o 2016/197 permit: Multi lot subdivision of land. Stages 1-6. Construction yet to commence.
- 50 Glendale Road, Traralgon:
 - o 2017/237 application: Multi lot subdivision of land in three stages. Permit issued, plans endorsed, construction yet to commence.
- 'STRIP' of land north of Baldwin Road, South of pipeline:
 - o Recently rezoned from Farming to Residential, to facilitate an extra 'strip' of residential lots north of Baldwin Road within The Rise Estate, 50 Glendale Road and 110 Marshalls Road. TNDP updated accordingly. Note that the strip of land within Properties 3 and 4 were not included in the previous rezoning due to landowner wishes at that time.
 - o 2018/94 application: Re-subdivision of land between The Rise Estate balance lot (Lot C PS729262E) and Farming Zone Balance lot (Lot C PS821062Y) to coincide with the rezoning. Permit issued, plan endorsed. Not yet completed.
 - o 2020/193 multi lot subdivision of strip of rezoned land mentioned above at 50 Glendale and 110 Marshalls Road. Permit issued, plans not yet endorsed.
 - o 2020/197 multi lot subdivision of strip of rezoned land mentioned above at The Rise estate. Permit issued, plans not yet endorsed.

Outside of the TNDP area, the following is available within the locality:

- Residential development on the southern side of Marshalls Road, comprising mostly of standard residential allotments developed with single dwellings, recreation areas such as pocket parks and some retirement living.
- Rural living land on the east side of Traralgon Maffra Road characterised by roughly 5 acre allotments that contain sprawling homes and offer rural living lifestyle arrangements.
- Farming land located to the north and east of the subject site.
- Industrial land use to the south east as described in further detail below.

2.15 Industrial Areas

When locating sensitive residential land use it is necessary to assess surrounding land use to ensure no land use conflicts. As part of the rezoning process EPA have requested an assessment to determine if the proposed residential land use will be located within an recommended separation distances of existing industries as defined by Clause 53.10.

The following pockets of Industrial Land are located in proximity to the subject site:

- A substantial Industrial 1 Zoned area located on the eastern side of Traralgon Maffra Road, extending from Princes Highway to just beyond the Marshalls Road intersection. A variety of industrial land uses are available within this area. The northern extent of this Industrial Area is situated 500m from the closest area of the land to be rezoned (southeast corner).
- A small Industrial 3 zoned pocket located on the southern corner of Marshalls Road and Traralgon Maffra Road. This area comprises of warehouses occupied by building companies, a tyre centre (tyre fixing not tyre recycling/retreading), gymnastic centre, church etc. The northern extent of this industrial area is situated approximately 690m from the closest area of the land to be rezoned (south east corner).
- The next closest Industrial area is located towards the western corner of Traralgon -Maffra Road and Princes Highway along McMahon Street. It is zoned Industrial 3 Zone and is located some 1.5kms from the closest area of the land to be rezoned (south east corner).
- Located on the southern side of Princes Highway is Standing Drive which contains INZ1 land on the northern side of INZ3 land on the southern side.

Clause 53.10 specifies threshold distances from activities to land in a residential zone. EPA have requested an analysis of existing activities in order to determine if the proposed residential land falls within any of the specified threshold distances.

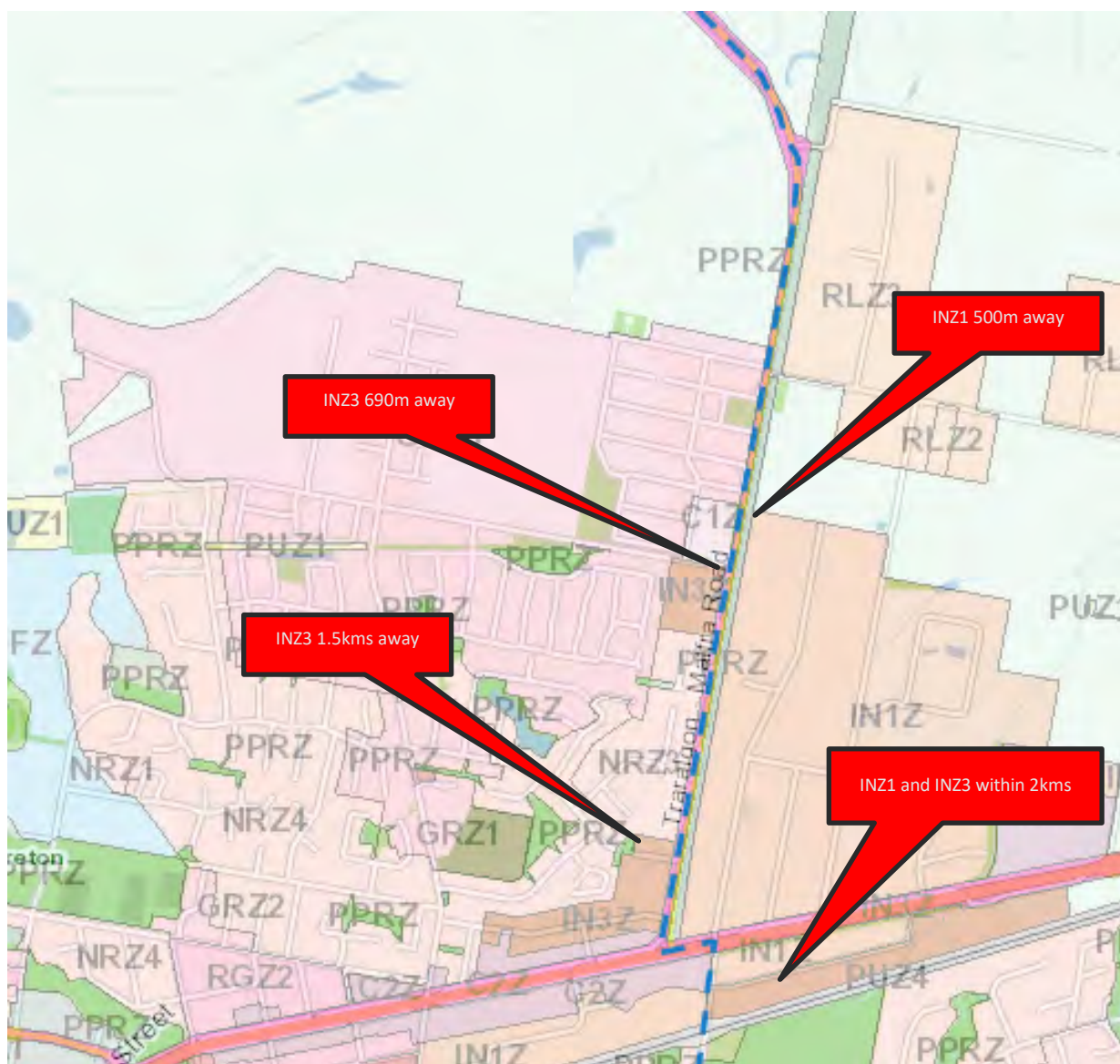
Given that the subject site is in excess of 500m from any industrial land, this removes the requirement to consider many of the activities in Clause 53.10-1. The following tables represents activities with threshold distances that may impact the site (ie threshold distances in excess of 500m):

Table 1 | Extract from Clause 53.10-1: 1,000m threshold distances

Type of use or activity	Threshold distance (m)
Iron or Steel production exceeding 1,000,000 tonnes per year	1,000
Ammunition, explosives and fireworks production	1,000
Biocides production and storage	1,000
Fertiliser production	1,000
Gasworks	1,000
Industrial gases production	1,000
Pharmaceutical and veterinary chemical production	1,000
Polyester and synthetic resins production, exceeding 2,000 per year	1,000
Rubber Production - synthetic rubber, exceeding 2,000 tonnes per year	1,000

Rubber Production – using sulphur	1,000
Animal processing	1,000
Rendering and casings works manufacture	1,000
Bitumen batching plant	1,000
Cement production in amounts - exceeding 150,000 tonnes per year	1,000
Solar salt manufacture	1,000
Treatment or production of natural and synthetic fibres and textiles	1,000
Storage of bulk volatile organic compounds in quantities greater than 1,000 tonnes	1,000
Chemical or oil recycling	1,000
Hazardous waste storage or treatment	1,000
Waste tyre recycling and re-treading	1,000
Charcoal production - other than by the retort process	1,000

Figure 11 | Surrounding INDZ areas



Figures 12 and 13 below depict a 1,000m radius from the nearest area of the site proposed to be rezoned. It is clear that the INZ3 zone on Marshalls Road corner falls within the 1,000m radius as does the INZ1 Zone of Eastern Road North of Dodd Court.

Figure 12 | 1,000m radius from the closest point of the site

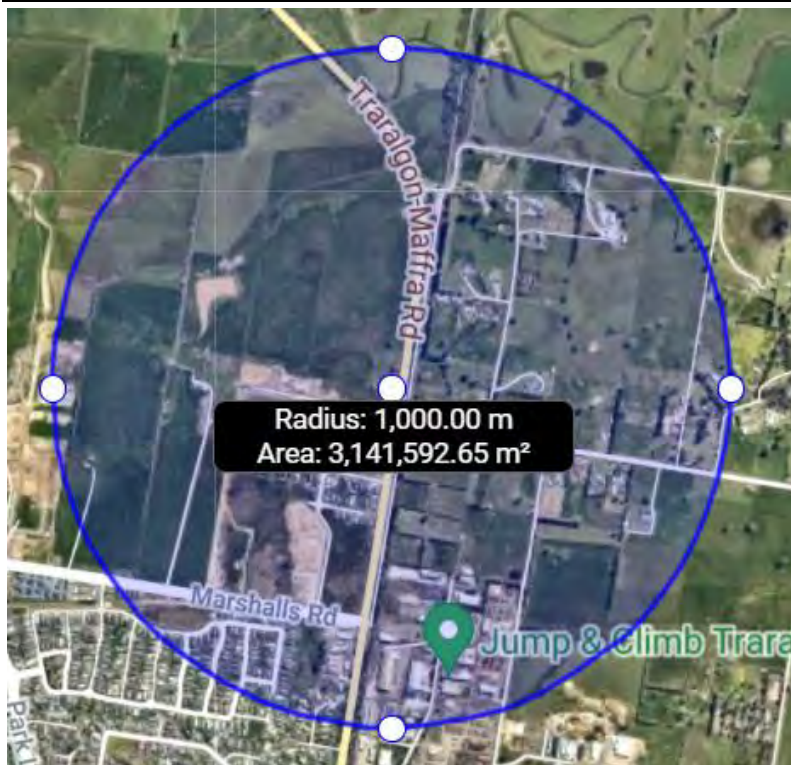


Figure 13 | Eastern Road Traralgon Area within 1,000m of the site



Industrial uses located within the 1,000m threshold distance of the site currently include the following:

- Brentcorp Foodservices & Bulk Barn (food product supplier)
- Construction Sciences Traralgon (Soil testing service)
- Mountain Logging (Logging contractor)
- FedEx
- Steeline (roofing supply store)
- Jump and Climb (Recreation Centre)
- The DocShop (Record storage facility)
- Drac Mechanical (Mechanical contractor)
- Traralgon Industries (Insulation contractor)
- Trade Weld (Fabrication engineer)
- Suez (Gippsland Resource Recovery/Recycling Centre)
- Carllision Body Works Traralgon
- Traralgon Cabinets/Kitchens
- Sims Metal Management (Recycling centre)
- Graham Hobson Refrigeration
- Nova Power (Electricity company)

None of these uses fall within the categories listed in Table 1.

Table 2 | Extract from Clause 53.10-1: 2,000m threshold distances

Type of use or activity	Threshold distance (m)
Non-ferrous metal production – aluminium by electrolysis	2,000
Leather tanning and dressing - exceeding 250 tonnes per year	2,000
Organic and inorganic industrial chemicals production other than those listed within this group	2,000
Petroleum refinery	2,000

Figure 14 overleaf depicts a 2,000m radius from the nearest area of the site proposed to be rezoned. It is clear that the INZ3 zone on Marshalls Road falls within the 2,000m radius as does all of the INZ1 Zone land on the corner of Princes Highway and Marshalls Road, the INZ3 zoned land along McMahon Street and INZ1 and INZ3 along Standing Drive south of the Highway.

All of these industrial areas are within close proximity to Traralgon Town Centre and none of the activities listed in Table 2 are located within this area.

Figure 14 | 2,000m radius from the closest point of the site

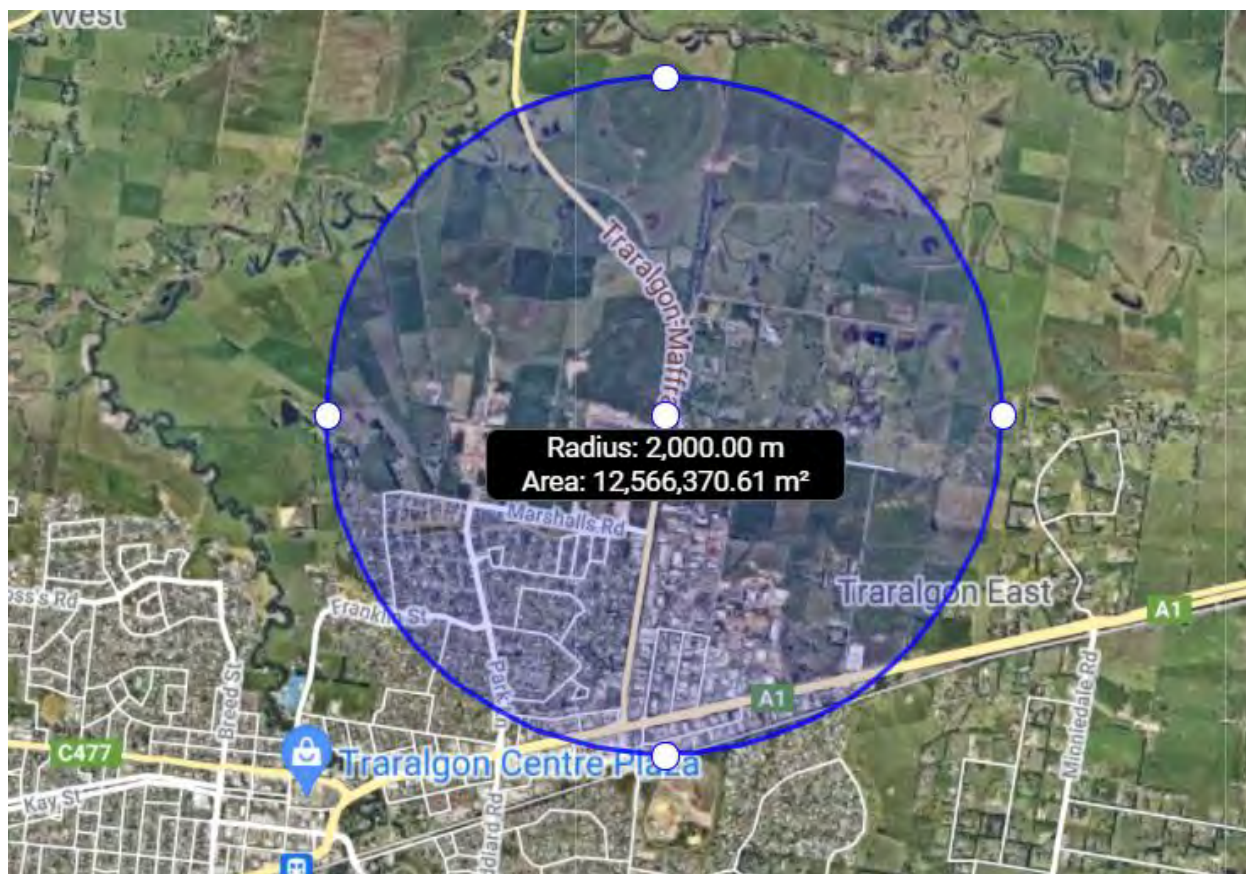


Figure 15 | 5000m radius from the closest point of the site



Table 3 | Extract from Clause 53.10-1: 5,000m threshold distances

Type of use or activity	Threshold distance (m)
Paper or paper pulp production - involving combustion of sulphur or sulphur containing materials	5,000

Figure 15 depicts a 5,000m threshold distance from the western most portion of the land to be rezoned. The Australian Paper Mill is located outside of this 5,000m radius.

The subject site is not impacted by threshold distances from nearby industrial areas. It is considered suitable for residential development in that context, as evidenced by the zoning of land south of the subject site which is in fact closer to industrial land than the subject site.

2.16 Land Supply

A land supply analysis has been prepared to demonstrate the need for additional residential land in Traralgon.

The Land Supply Analysis notes the following in relation to Traralgon Growth Area Review (TGAR):

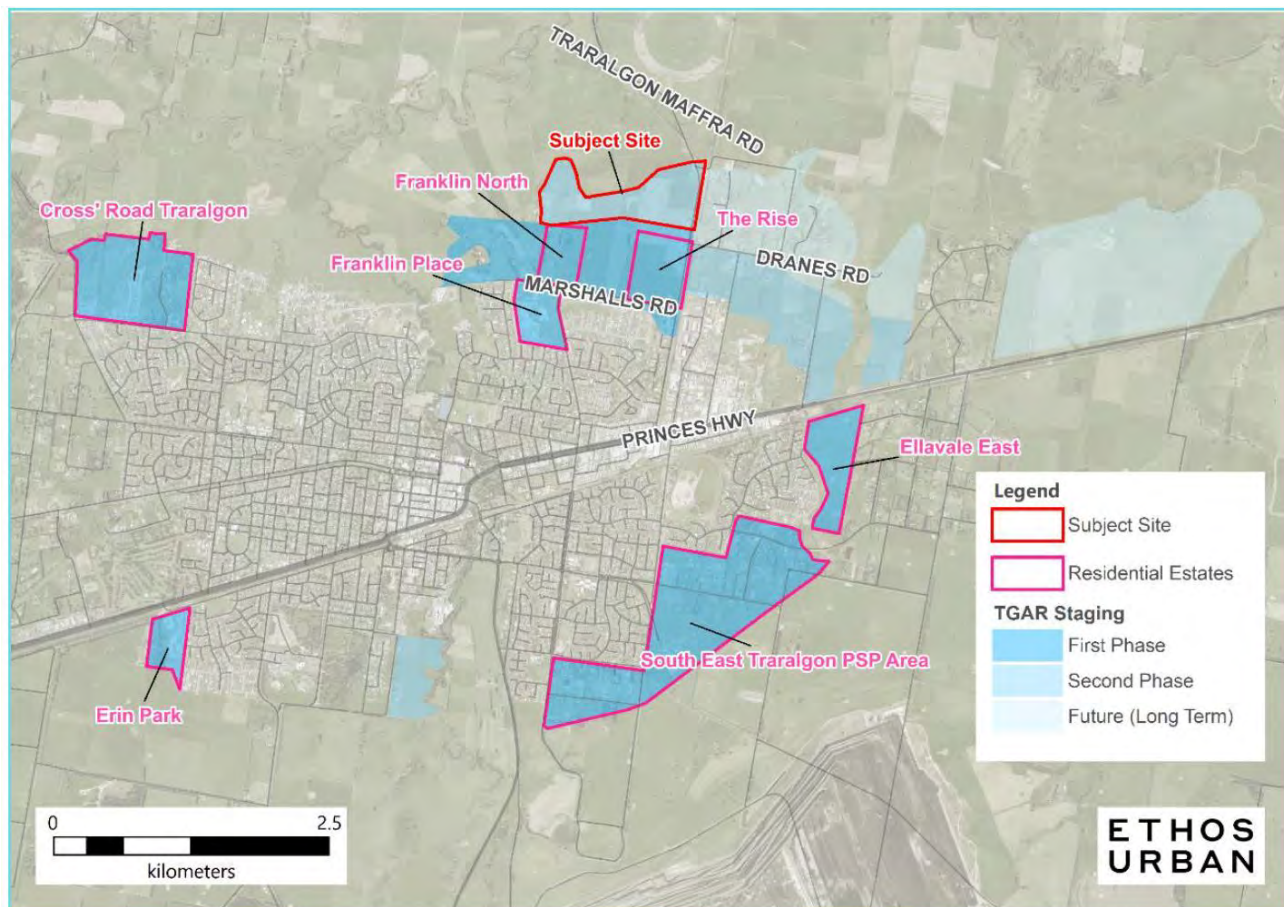
Situated at the northern edge of Traralgon's northern growth front, as shown in Figure 1.2, the Subject Site is currently zoned Farming Zone 1 (FZ1) but is identified in the TGAR for residential development as part of the 'second stage' of future residential growth.

TGAR distributes the identified areas for future residential development into three phases for staging, and these are as follows:

- First Phase, which includes land located at the urban fringes of Traralgon in the north-east, north-west, south-west and south-east. These areas include residential-zoned land and land identified as being part of the Traralgon South East Precinct Structure Plan (PSP). The PSP is currently under development and, having regard for the timing required to prepare and implement the PSP, residential development on the land is not anticipated for at least two years.*
- Second Phase, which includes the Subject Site as well as land located east of Traralgon-Maffra Road, and land located on the southern border of the urban growth boundary south of the principal activity centre. The Subject Site is the logical next growth front identified in TGAR. The Subject Site is identified in Stage 2A in the suggested staging of development (refer TGAR, p59), whereas land located to the east of Traralgon-Maffra Road is identified for Stage 2B. TGAR provides support for the Subject Site as the next logical expansion of growth areas in Traralgon.*
- Third Phase, land located further from the existing extent of urban Traralgon, currently zoned Farming Zone. These areas are to be progressively rezoned as the Second Phase land is developed from west to east.*

We understand the TGAR phasing has been removed from the framework plan, however note that the areas identified below and assessment in the attached Land Supply Analysis is still relevant.

Figure 16 | Traralgon Land Supply Analysis Mapping



The Land Supply Analysis goes on to provide an assessment of land supply within each phase previously identified in TGAR (since removed from the Framework Plan) The reference to phasing remains in the Land Supply report simple for ease of reference to different areas of the township. It noted the following key points in relation to each area (previously identified as phases):

First Phase

In addition to the estates above, the South East Traralgon PSP area is located in the First Phase. Planning for the PSP is currently underway, during which the indicative residential yield will be investigated. Having regard for the size of the precinct and the potential for areas to be constrained, it would be reasonable to expect a residential yield in the order of 1,500 lots. As noted earlier, the PSP area is unlikely to become available for residential development for at least three or so years, having regard for timeframes associated with preparing and gaining approval of the PSP, implementing the PSP into the Planning Scheme, and mobilising landowners to subdivide and develop their land.

In total, the First Phase growth areas have a capacity of 3,960 lots (including South East Traralgon) as shown in Table 2.1, with 530 lots having been developed and with 3,430 vacant lots remaining; developed lots were estimated based on an audit of aerial imagery, with lots considered developed if there was evidence of a concrete slab.

Second Phase

In total, the Second Phase growth areas have a capacity of approximately 1,470 lots, including the Subject Site.

Importantly, the Subject Site is able to leverage both existing and planned infrastructure investment delivered as part of the Franklin North and The Rise developments, including the \$3.5m pump station servicing Traralgon North and Glengarry, \$2.7m intersection upgrade completed at Rise Boulevard, and a \$3m signalised intersection to be constructed at the intersection of Marshalls Road and Traralgon-Maffra Road. Construction costs have been provided by Millar Merrigan.

However, land to the east of Traralgon-Maffra Road and land on the southern border of the township will require substantial additional infrastructure investment, including reconstruction of Dranes Road to allow additional vehicle movements and other essential services.

The Subject Site represents the next logical location for residential development in the township, based on infrastructure provision efficiencies linked to the First Phase precinct located immediately south of the Site, TGAR development principles outlined in Section 1.3 above, and infrastructure barriers and constraints associated with other land in the Second Phase.

Third Phase

The Third Phase is considered to be the longer-term residential land supply for Traralgon. In total, it is estimated Third Phase land could accommodate approximately 2,730 lots at capacity.

The analysis goes on to discuss market activity and notably the significant rise in sales in Traralgon within 2020. It notes that vacant land sales in 2020 were higher than they have been in 10 years, developers are selling 3-5 stages of development in advance, compared to the usual single stage sales and the price of land has substantially increased.

The analysis includes an important discussion on the impacts of COVID19 on the region. Whilst some industry such as tourism and retail have been negatively impacted upon by the pandemic, the regional residential property market has thrived as working from home has become a new normal and people re assess their need to live close to their workplace. The report notes:

A clear spike in sales activity from April 2020 to October 2020 is illustrated in Figure 3.6 [12], which shows the 12-month rolling average number of property sales indexed against the 10-year average. The slowdown in activity in late 2020 is to some extent due to limited properties on the market as existing developments struggle to keep up with demand. This situation is supported by advice from agents that developments are selling multiple stages at a time.

While uncertainty remains on whether recent trends reflect a one-off 'sugar-hit' or a long-term structural trend, it is clear that in the short-term residential demand in regional areas such as Traralgon is likely to remain strong. This highlights the need to ensure adequate supply is available for development in the short-term to support growth and housing affordability in Traralgon.

Figure 17 | Residential property transactions (12 moth rolling average) indexed to the 10 year average, Traralgon



When assessing the current land supply available in Traralgon, the Land Supply Analysis notes:

A 15-year supply is widely considered the minimum for residential land supply planning, and this is reflected in the State Planning Policy Framework at Section 11.01-15 in regard to supply of residential land on a municipal-wide basis. To this extent, background analysis for Live Work Latrobe indicates sufficient supply of residential land exists throughout Latrobe City over the 2016 to 2031 period.

However, as noted throughout this report, Traralgon's residential market is distinct from other residential markets in the balance of Latrobe City. In this context, it is prudent to consider the local demand and supply situation.

Based on the supply analysis detailed in Chapter 2, and the forecast demand scenarios detailed in Section 3.7, Traralgon has between 10.1 and 12.5 years of existing vacant zoned residential land supply, including existing vacant lots and lots within the area defined in TGAR as First Phase residential (this excludes South East Traralgon PSP).

If the Subject Site is rezoned to support in the order 450 lots, total supply of residential zoned land – either available to the market or with the potential to be provided to the market in the near-term – would increase to between 12.2 years to 15.1 years (this excludes the South East Traralgon PSP due to anticipated delays relating to finalising and implementing the PSP, and the eventual delivery to the market due to fragmented landownership and other issues).

The South East Traralgon PSP will add a further 7.1 to 8.8 years of supply; however, the timing of when this land will be available to the market is unknown.

On this basis the report concludes:

The following key considerations support the suitability of the Subject Site as the next location for residential development in Traralgon:

- *With completion of the South East Traralgon PSP not anticipated for another three or so years, zoned residential land supply available for development in Traralgon (10.1 to 12.5 years) is below the minimum supply benchmark of 15-years.*
- *The Subject Site is identified in TGAR as Stage 2A, and the Site is the next growth area intended for development under the Framework Principles.*
- *The Subject Site can leverage existing infrastructure supporting the First Phase growth areas, such as Franklin North and The Rise estates. On this basis, development of the Subject Site is well-placed to minimise infrastructure investment costs for Council.*
- *The Subject Site is under single ownership and the landowner has the capability and willingness to develop the land for residential uses.*
- *Development of the Subject Site would not increase total supply in Traralgon, it only brings forward supply already identified for residential development to address a short-fall in the short to medium-term.*
- *It is the intention of planning policy to provide a residential land supply of at least 15 years, so the South East Traralgon PSP will always be competing with other residential growth fronts in Traralgon, noting that the South East Traralgon PSP accounts for a supply of between 7 to 9 years.*

It is considered that the Land Supply Analysis provides compelling justification for a need for additional residential land in Traralgon and it is appropriate to bring forward the rezoning of the subject site.

2.17 Bushfire Considerations

The land is not covered by a Bushfire Management Overlay however it is within a designated Bushfire Prone Area (BPA).

Figure 18 | Bushfire Prone Area Mapping



A Bushfire Assessment has been prepared in response to *Integrated Decision Making (71.02-3)* which states that *in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.*

It addresses the requirements of *Clause 13.02-1S Bushfire Planning*, providing advice on the bushfire hazard landscape assessment and bushfire hazard site assessment. A review of alternative locations is also included and the assessment demonstrates that bushfire risk can be mitigated to an acceptable level.

The following recommendation is made:

It is recommended that the Development Plan Overlay proposed to be applied to the land includes a section on bushfire protection and that Council undertake liaison with CFA to discuss appropriate wording for the DPO to achieve implementation of bushfire protection measures.

The draft DPO11 prepared includes suggested Bushfire Protection Measures for Council and CFA consideration.

2.18 Contamination

A Contamination Assessment was prepared by DRC Environmental and is attached to this application. It was prepared in accordance with EPA Guidelines, Practice Note 30 and Ministerial Direction 1.

Based on advice from the EPA and various discussions with Council, additional works were conducted by DRC Environmental as a part of this PSI. The report notes:

*In accordance with the DELWP PPN30, the site does not meet the definition of ‘potentially contaminated land’ as no land uses listed in Table 2 of PPN30 as having a high or medium potential for contamination have been found to have occurred at the site and the **potential for contamination was therefore considered low**. On this basis, in the opinion of DRC, the site is not subject to provisions made by Ministerial Direction No.1 under Section 12(1A) of the Planning and Environment Act 1987.*

*DRC does note that a high-pressure oil pipeline does run along the southern boundary of the site, however based on the PPN30, and the proposed development plan, this area is proposed to be open space. As such, based on Table 3 of the PPN30, a PSI is required to inform if an Audit is required (this PSI). Based on DRC findings, an environmental audit is **not required** for this site for its intended use based on the following:*

- *An easement of 100m each side of the oil pipeline is maintained. This buffer is significantly larger than is required by other authorities;*
- *This buffer land is managed by Exxon/Esso and strict safety management standards (SMS) are required if/when the easement needs to be crossed. These SMS will be complied with by the site developer; and*
- *Esso supports the rezoning and has no objection to the planning permit application.*

DRC recommends the following:

- *A hazardous materials assessment should be undertaken prior to the demolition of any buildings as there is potential for asbestos containing material within the buildings based on their age;*
- *Any soils that may be brought onto the site in future should be tested to assess potential for contamination prior to placement; and*
- *During development/other works at the site, any soils surplus to requirements are required to be tested prior to offsite disposal in accordance with EPA Victoria Publications IWRG822.4 and 1828.2.*

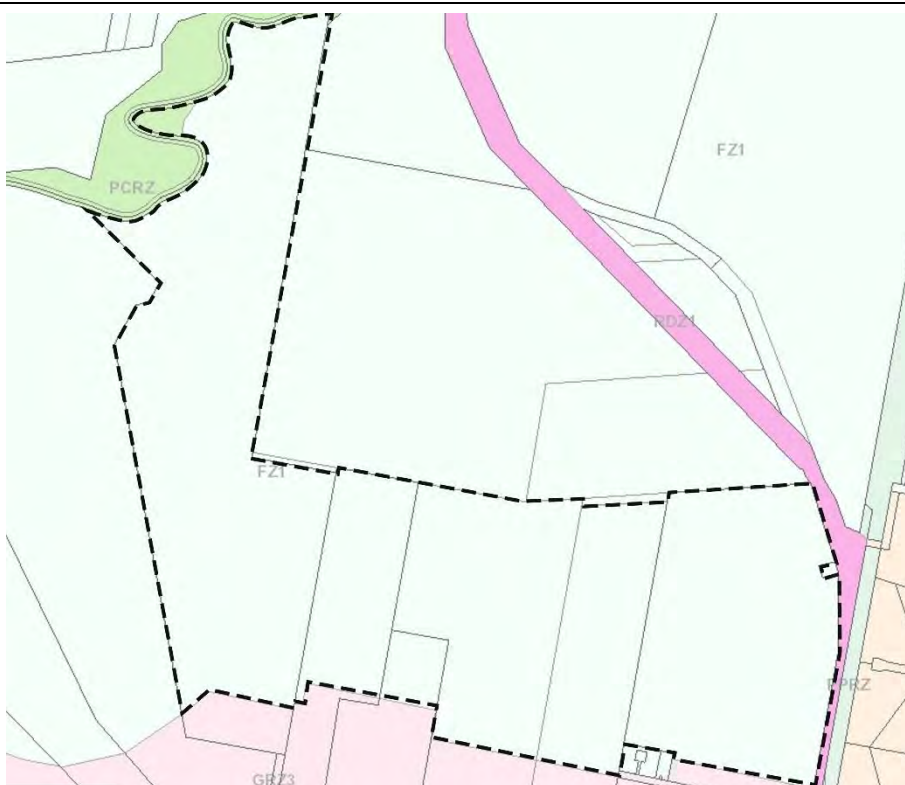
3 Proposed Use

3.1 Existing Zoning

Pursuant to the Latrobe Planning Scheme, the subject land is presently contained within the Farming Zone (FZ), as shown in Figure 14 below.

It is surrounded by a variety of different land zonings including Farming Zone (FZ), General Residential Zone (GRZ3), Rural Living Zone (RLZ), Public Park and Recreation Zone and Road Zone Category 1.

Figure 19 | Existing Zoning Plan



3.2 Proposed Zoning

When deciding upon the most appropriate set of planning controls for the subject site, a number of planning scheme options were considered. Discussions were held with Council's planning department and the existing planning controls of the Latrobe City Council Planning Scheme and relevant strategic documents were reviewed.

The Housing Framework Plan for Traralgon contained within the Live Work Latrobe Housing Strategy identifies land south of the pipeline as a Limited Change Area. The Housing Strategy notes the most appropriate zone for the Limited Change Area is the General Residential Zone.

In this instance it is considered appropriate to apply the existing General Residential Zone – schedule 3 (GRZ3) to the subject site as this will continue the current zoning of the Traralgon North Growth area and reflects the zoning of land south of the pipeline. Development of land north of the pipeline is to continue the pattern

The extent of land to be rezoned correlates with the growth boundary in the TTSP and TGAR. It responds to the existing conditions of the site and maximises residential development opportunity whilst limiting impacts on the floodplain.

Figure 20 | Proposed Zoning Plan



- *To encourage development that respects the neighbourhood character of the area;*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport; and*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Response:

- The proposed zoning is a logical extension of the existing General Residential Zone area to the south of the site;

- The land is fully serviceable via reticulated services proposed as part of the TNDP area;
- The application of the General Residential Zone provides the opportunity for residential development in accordance with the intent of the Traralgon Township Structure Plan;
- The proposal results in a logical expansion of the existing residential TNDP area to allow fully serviceable land to be developed for residential purposes;
- Future development of the land can occur in accordance with the requirements of the proposed zone and consistent with the style and form of other residential developments within the area; and
- Planning permission will be required for subdivision of land once the land is rezoned.
- It is acknowledged that the proposal will result in some split zoned parcels with some land contained within the GRZ1 zone and some contained within the Farming Zone. Given the size of the land holdings this is considered appropriate and is consistent with what has happened previously in this growth area with 50 and 55 Glendale Road both currently containing split zoning. The indicative master plan has been designed to ensure developable land is contained in the GRZ land and development of the land will result in subdivision that creates separate parcels for each zone. Opportunity exists to consider consolidation of surplus farming land into farming properties to the north at the subdivision stage.

3.3 Existing Design and Development Overlay and Amendment C121 Introduction of Buffer Area Overlay

The subject site is currently constrained by a Design and Development Overlay – Schedule 1 (DDO1) as shown below.

Figure 21 | Existing Design and Development Overlay Plan



Schedule 1 to the Design and Development Overlay is unique to the Major Pipeline Infrastructure and the design objective of the DDO is:

- *To ensure that all buildings and works and in particular buildings designed to accommodate people are sufficiently separated from high pressure pipelines to avoid a safety hazard.*

Pursuant to this Clause a planning permit is required to subdivide land.

Pursuant to this Clause a planning permit is also required to construct a building or carry out works. This includes fencing and construction of outdoor swimming pools associated with dwellings.

The Decision Guidelines of the overlay are:

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- *The appropriateness of constructing any buildings or fences within 3 metres of any pipeline;*
- *The appropriateness of constructing any dwelling or building designed to accommodate 20 or more people within 200 metres of a Type C Pipeline; and*
- *The views of the Secretary of the Department administering the Pipelines Act 1967.*

Response:

There are no changes proposed to the extent or content of the Design and Development Overlay as a result of this Amendment.

The Overlay includes a planning permit trigger for subdivision and as such future subdivision applications will need to address overlay requirements.

In addition, the overlay also currently includes permit triggers for buildings and works associated with a dwelling, including fencing and swimming pools. No changes are proposed to these requirements as a result of this amendment and as such future development within the overlay area will trigger a planning permit.

An indicative concept plan has been prepared to demonstrate how the land could be developed in the future and facilitate discussions with the relevant authorities. The plan provides for growth as encouraged by the Latrobe Planning Scheme whilst responding to the features of the site. It includes a green spine within the development over the gas easement. As part of detailed design at the Development Plan and subdivision stage. Restrictions in relation to works and development within the easement can be imposed.

As mentioned above, ESSO Australia and Exxon Mobil have not indicated an objection to the proposal to date and have indicated that a Safety Management Strategy (SMS) and SWM will need to be prepared prior to the development of the zoned land to determine relevant controls that will need to be adopted to appropriately manage risks associated with development in the vicinity of the pipeline. Opportunity exists for this SMS to be prepared at the subdivision stage.

The proposal responds appropriately to the DDO1 and retention of this overlay will ensure future development is appropriately managed.

It is noted that the Latrobe City Council were involved in a pilot program on the review of planning scheme controls for major pipelines. As a result of the review the *Latrobe City Council Design and Development Overlay Schedule 1 Major Pipeline Infrastructure Review (May 2020)* was prepared.

This review resulted in the recommendation that the DDO1 be removed from the Latrobe Planning Scheme and replaced with a more appropriate planning overly. On 9 June 2021 a Buffer Area Overlay (BAO) was introduced into the Victorian Planning Provisions.

Planning Scheme Amendment C121 seeks to implement the findings of the *Latrobe City Council Design and Development Overlay Schedule 1 Major Pipeline Infrastructure Review (May 2020)* through the replacement of the DDO1 with the BAO1.

The Objectives of the proposed BAO are:

- *To protect human life, property and the environment from the impacts of pipeline failure.*
- *To identify the location of licensed pipeline and the region where impacts from pipeline failure are greatest;*
- *To ensure land use and development around pipelines is appropriately designed and sited to minimise risk.*
- *To protect the integrity of licensed pipelines.*

The BAO triggers a planning permit for the use of land for:

- *Accommodation (other than Dependant person's unit and Dwelling);*
- *Earth and energy resource industry where Clause 62.01 is not met;*
- *Education Centre;*
- *Freeway service Centre;*
- *Hospital;*
- *Industry where any of the following applies:*
 - *A fire protection quantity is exceeded under the Dangerous Goods (Storage and Handling) Regulations 2012.*
 - *A notification is required under the Occupational Health and Safety Regulations 2017.*
 - *A license is required under the Dangerous Goods (Explosives) Regulations 2011.*
 - *A license is required under Dangerous Goods (HCDC) Regulations 2016;*
- *Leisure and Recreation Facility (excluding informal outdoor recreation. Open sports ground)*
- *Place of Assembly;*
- *Service Station;*
- *Warehouse (excluding commercial display are, milk depot, mail centre).*

The BAO does not trigger a planning permit for subdivision.

The BAO triggers a planning permit for buildings and works associated with the above mentioned uses or construction of two or more dwellings on a lot.

The BAO includes an application requirement for an SMS to be prepared for planning permit applications.

The proposed width of the Buffer Area Overlay has been calculated to cover the expected distance of a pipeline failure – most likely through puncture. This is known as the ‘notification area’.

In the instance of the subject site, the proposed BAO will impact a larger area with the overlay proposed at 360m wide as apposed to the current DDO which is 200m wide.

Figure 22 | Amendment C121 – Proposed Buffer Area Overlay (Map 63BAO)



At the 4 July 2022 Council meeting, Council adopted Amendment C121 and lodged the Amendment with the Minister for Planning approval. The Amendment is awaiting approval by the Minister for Planning.

Response:

It is considered that the impacts of Amendment C121 and introduction of the BAO on the proposed rezoning will be minimal. Whilst the area of land impacted by the overlay will increase as a result of the amendment, the Schedule to the BAO includes less onerous permit triggers than that of the DDO1. No planning permit will be required for subdivision and permit triggers for buildings and works are limited to particular high impact vulnerable uses and no permits will be triggers for single dwellings on lots or alterations to dwellings ect. The removal of the DDO1 and application of BAO1 appears to be logical, will provide for appropriate safety measures surrounding the pipeline and will limit unnecessary permit applications to Council. It would appear that the timing of C121 will preceed that of this proposed amendment and will have no negative impact on this proposal.

3.4 Existing Overlays

Clause 44.04 Land Subject to Inundation Overlay

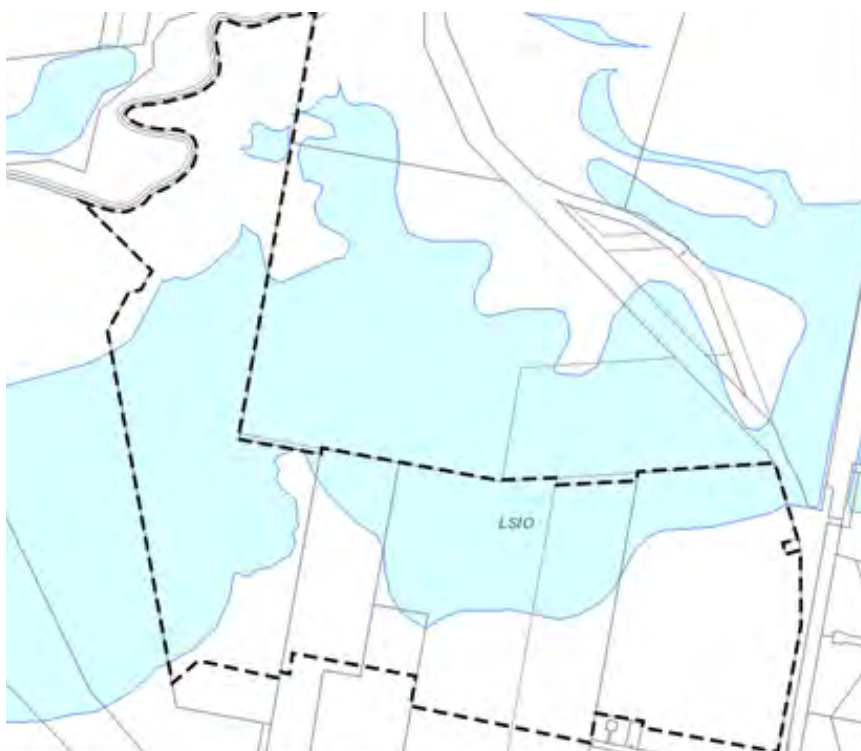
The northern reaches of the site are impacted by the Land Subject to Inundation Overlay.

Alongside implementing the Municipal Planning Strategy and the Planning Policy Framework, the purpose of the LSIO is:

- To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

A planning permit is required for subdivision and some buildings and works within an LSIO area.

Figure 23 | Land Subject to Inundation Overlay



Response – LSIO:

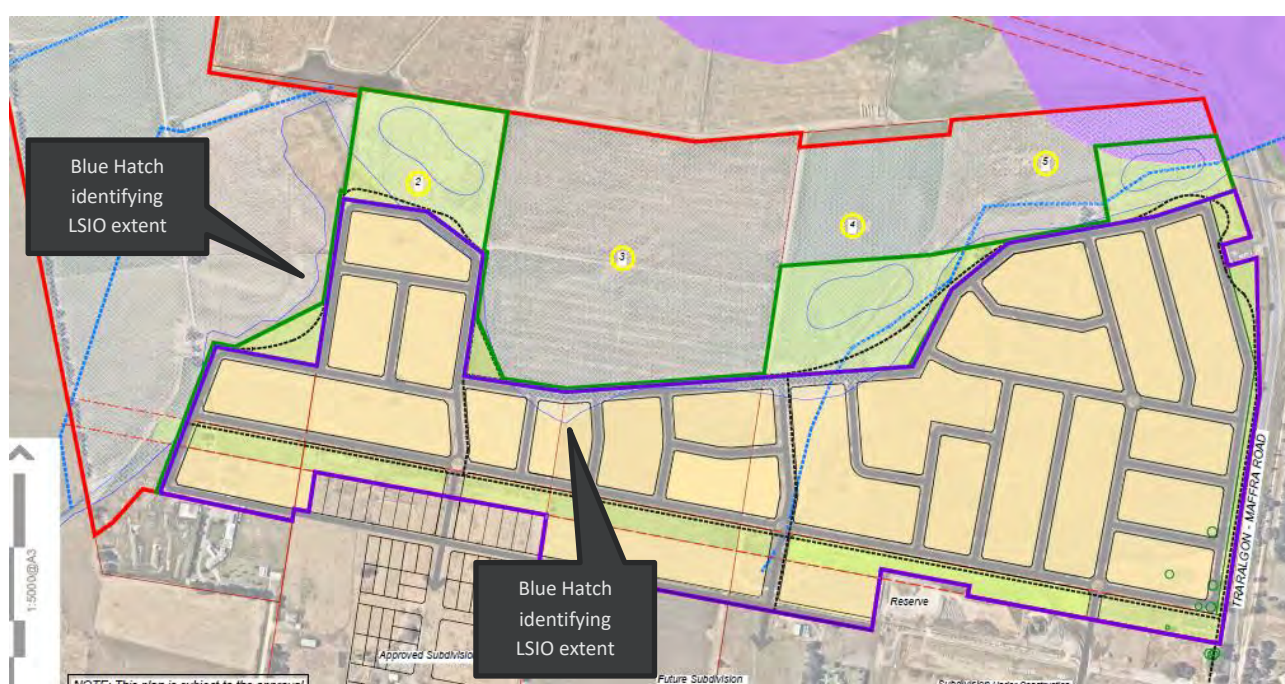
No changes are proposed to the LSIO as part of this amendment. The Flood Modelling report discusses the extent of the LSIO in comparison to modelling carried out and notes:

In several locations the TUFLOW model shows the extent of the flood waters some distance from the LSIO Boundary despite the conservative nature of the model run. It is likely that the LSIO Boundary was drawn by tracing a contour in this location, rather than exactly matching the flood water extent.

It should be noted that despite the footprint of the proposed development extending beyond the LSIO in a number of location, in only the highlighted area above does it protrude into the actual flood extent. And it does so marginally.

The extent of land impacted by the LSIO to be developed has been greatly reduced in the version 2 concept as a result of feedback and post lodgement discussions with WGCMA. Both CMA and Council agreed that the provisions of roads and some minor encroachment into the overlay through the middle of the site would be considered acceptable if the development extent was reduced substantially at the western end. The revised concept represents an accepted outcome as agreed to by the various authorities.

Figure 24 | Area of LSIO



In reviewing the Concept plan prepared for the site, the report notes:

It can be seen from the above that the proposed development has no impact on the flood extent or flood water levels. This is as expected, given the vast area of the Latrobe River Flood Plain and the quantum of flows relative to the area the proposed development protrudes into the flood extent. Again, it is only the section highlighted in Figure 7, which extends into the flood waters.

On this basis, it is considered that the extent of the LSIO should not preclude the land from being rezoned for residential purposes. There is scope to develop land in line with the parameters set out in the LSIO with only a small section of the residential land shown on the concept plan impacted by the LSIO.

It is envisioned that Water Sensitive Urban Design (WSUD) elements will be incorporated into the reserve areas to the north of the residential land and these will assist in mitigating flood waters and improving water quality.

Clause 44.03 Floodway Overlay

The very northern section of Property 1 is partially impacted by the *Floodway Overlay*. This area of the site is well outside the area proposed to be rezoned and developed in the future and therefore the overlay has no bearing on this application.

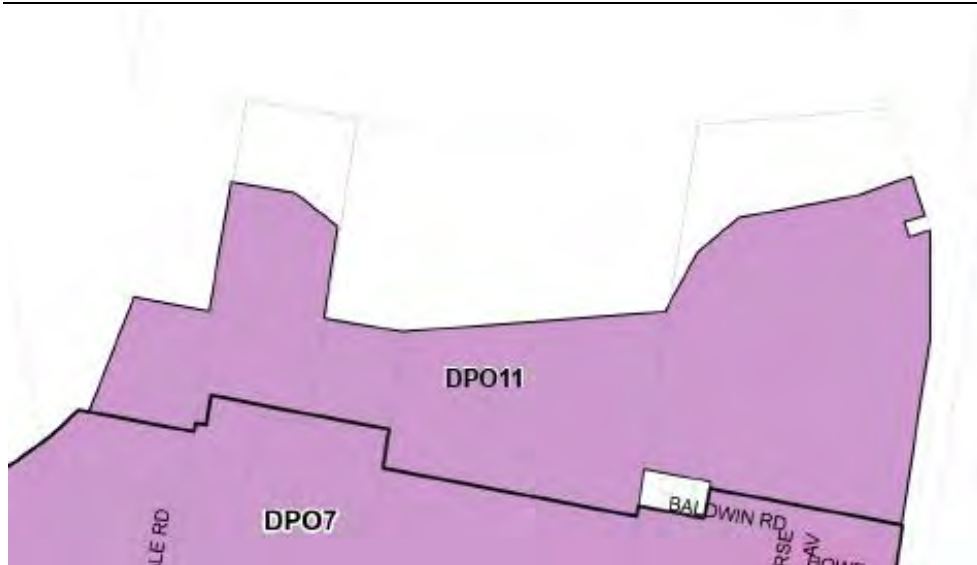
Figure 25 | Floodway Overlay



3.5 Proposed Overlays

It is proposed to apply a Development Plan Overlay over the subject land as shown below and on the plans as provided. Given the surrounding residential area already has a Development Plan prepared and approved (TNBP), it was considered most appropriate to create a new schedule to the overlay and apply that to the subject site.

Figure 26 | Proposed Development Plan Overlay Schedule 11



The requirements of the DPO are as such that a Development Plan must be approved prior to the subdivision and development of land.

Response:

The application of DPO11 is considered an appropriate mechanism to guide future development of the subject site, as it will require a Development Plan and associated Development Contributions Plan to be prepared and approved for the entire site prior to subdivision.

A draft schedule 11 has been prepared for Council's consideration and includes necessary requirements for a future Development Plan to provide for the orderly planning of the area. The draft Development Plan Schedule has been prepared and includes a requirement that prior to development landowners must enter into a Section 173 Agreement. The Agreement must provide for infrastructure contributions to be paid prior to the commencement of any development of the land. All landowners are aware of the application of the DPO and its requirements as evidence by their involvement in driving this project or consent letters attached.

3.6 Planning Policy Framework (PPF)

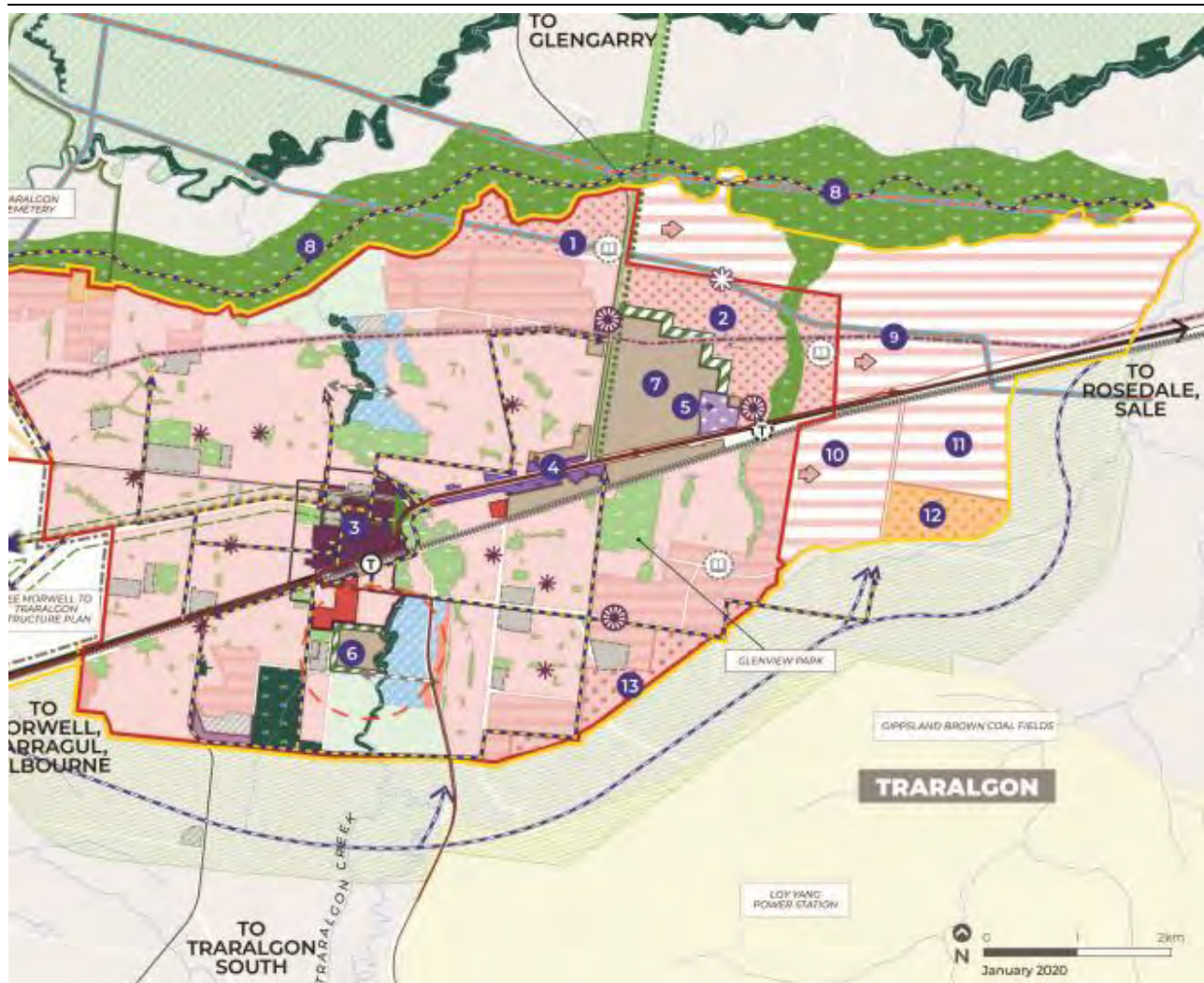
The amendment is consistent with the Planning Policy Framework (PPF) and supports its objectives.

The amendment supports the objectives of Clause 11 Settlement, particularly Clause 11.01-1R Settlement – Gippsland to ensure that regional centres can support urban growth, Clause 11.02-1 to accommodate projected population growth over at least a 15 year period, Clause 11.02-2S to facilitate orderly development of urban areas, Clause 11.02-3S Sequencing of Development to ensure that sequencing of development in growth areas facilitates infrastructure planning and funding, and Clause 11.03-6S Regional and Local Places to consider the characteristics and needs of regional places for future land use and development.

Clause 11.01-1L Traralgon contains the Traralgon Town Structure Plan where the subject land is identified as Area 1 'Future Residential and 'Future Public Open Space'. The strategies of the TTSP including encouraging short to medium term (0-15 years) development within TTSP Area 1. The rezoning is completely compatible with these objectives. It is noted that the TTSP also identifies a potential school site on the subject land. The potential for a school on the subject site has been investigated and preliminary conclusions suggest the site may not be suitable for such sensitive land use due to the proximity of the gas pipeline infrastructure. It seems the responsible authority may not accept a school in this location. The proposed GRZ zoning of the land provides opportunity for a school, should further investigations as part of the Development Plan process determine that one is required and suitable for this location.

The amendment supports the Gippsland Regional Growth Plan and its objectives of strengthening community resilience, providing for sustainable growth and delivering timely and accessible infrastructure, by providing zoned land in an appropriate location where sustainable growth can occur.

Figure 27 | Traralgon Town Structure Plan



Traralgon currently has between 10.1 and 12.5 years of existing vacant zoned residential land supply, including existing vacant lots and excluding the South East Traralgon PSP. The rezoning of the subject site and its potential to support in the order of 450 lots would increase land supply to between 12.2 years to 15.1 years, in line with state policy recommendations.

The amendment is consistent with *Clause 12 Environmental and Landscape Values* and various sub objectives (including the Latrobe specific objectives in *Clause 12.01-1 L and 12.03-L*), which includes the objectives of ensuring no net loss to biodiversity, through the rezoning of generally degraded and modified land that supports little environmental significance. The appropriate implementation of the Victorian Planning Provisions at the development stage will ensure no net loss to Victoria's Biodiversity and that the nearby waterways are protected.

The amendment is consistent with *Clause 13 Environmental Risks and Amenity*, particularly Objective 13.02-1S (Bushfire Planning) 13.02-1 L Planning in the BMO and Bushfire Planning by directing growth and development to a location where the risk to life and property can be managed to an acceptable level through application of Bushfire Protection measures specified in the DPO. The interface between Farming Land and Residential Land will require consideration, with the indicative concept suggesting a multi-purpose reserve

network north of the residential land that can be managed to low threat conditions and offer a suitable buffer between land uses. The draft DPO includes bushfire protection measures that will need to be implemented in a future Development Plan. The amendment is also consistent with the objective of Clause 13.03-1S Floodplain Management as demonstrated by the flood modelling report which concludes that the rezoning and future development can occur in a manner that will have no impact on the floodplain. The amendment has addressed Clause 13.04-1S Contaminated land through preparation of Preliminary Contamination assessment and inclusion of recommendations in the draft Development Plan Overlay. The amendment has also addressed Clause 13.07-1S and 13.07-1L Land Use Compatibility through appropriate separation from industrial and farming land and no obvious land use conflicts under existing conditions.

The amendment is consistent with Clause 15 Built Environment and Heritage, particularly the objectives of Clause 15.01-1S Urban Design, Clause 15.01-3S and L Subdivision Design, Clause 15.01-4S Healthy Neighbourhoods and Clause 15.01-5S and L Neighbourhood Character, by extending the existing residential area and offering opportunity to create urban environments that are safe, functional and contribute to a sense of place and identity. A detailed Development Plan will need to be prepared and approved prior to the subdivision of land. Such plan can be prepared in accordance with the relevant objectives contained in these clauses.

The amendment is supported by Clause 16 Housing in that it seeks to provide zoned and serviceable land ready for residential development to increase housing opportunities within Latrobe.

The amendment is therefore considered to be completely in accordance with Clause 19 Infrastructure. Clause 19.01-3S and 19.01-3L Pipeline Infrastructure seek to ensure that gas, oil and other substances are safely delivered to users from port terminals at minimal risk to people, other critical infrastructure and the environment. The amendment recognises the existing high pressure oil pipeline located within the site. Appropriate measures will be put in place to protect the operations and safety of the pipeline via a Safety Management Plan which will be developed in conjunction with the pipeline operator following rezoning of the land.

Clause 19.03-1S Development and infrastructure contribution plans require the timely and efficient provision of cost-effective development infrastructure through development contributions. As part of a future Development Plan, a Development Contributions Plan will be prepared. A preliminary draft plan has been prepared to demonstrate the viability of development of this site and provide guidance to Council.

Clause 19.03-2S and L Infrastructure Design and Provision encourages the timely, efficient and cost-effective development infrastructure that meets the needs of the community. The amendment is considered consistent with this objective in that it directs residential growth to an area where substantial infrastructure is already provided or proposed to be provided for by the TNDP. The site is a logical expansion to an existing residential area.

3.7 Municipal Planning Strategy

The Municipal Planning Strategy provides local content to support the PPF and as such the amendment is considered to be supported by the MPS. In particular:

Strategic Directions (02.03) notes the following:

Traralgon is the largest of the four main towns in Latrobe. It is the key Regional Retail Centre for Gippsland. Compared to other towns in Latrobe, due to its role as a commercial centre, Traralgon is experiencing higher population and urban growth. This trend is expected to continue.

Council's settlement planning seeks to:

- *Promoting growth in Traralgon-Morwell as the primary population centre, serving as the dominant residential, commercial and retail node.*
- *Strengthen Traralgon's role as the Regional Retail Centre for Gippsland.*

The proposed rezoning is completely compatible with these settlement objectives in that it introduces additional residential land to the main township of Latrobe to cater for the high population growth.

Built Environment and Heritage (02.03-5) includes a number of objectives that relate to Heritage and Neighbourhood Character. It is submitted that the rezoning of the land can occur in a manner that allows future development to protect and continue the preferred neighbourhood character of the area. The implementation of the DPO will provide council the opportunity to ensure any future Development Plan is prepared in accordance with the objectives contained in this Clause.

Housing (02.03-6) notes Council's aspirations to grow the municipality population to 100,000 by 2050 and as such the provision of additional residential land to cater for this population increase is considered to be consistent with this planning policy.

Infrastructure (02.03-9) the rezoning of the subject site acknowledges infrastructure requirements and constraints required to deliver the additional housing proposed. As such preliminary investigations into infrastructure delivery have been undertaken and recommendations that can be included in a future DCP provided. The SPO will require the preparation of a DCP prior to development of the land.

3.8 Amendment Strategy and Consultation

This Planning Scheme Amendment has been prepared in accordance with various Ministerial Directions and Planning Practice Notes.

The following is noted:

Ministerial Direction Form and Content of Planning Schemes including the Local Provision Templates have been utilised to guide the preparation of the proposed Development Plan Overlay.

Ministerial Direction 1 Potentially Contaminated Land and Planning Practice Note 30 has been considered and preliminary contamination assessment has been prepared in accordance with this direction.

This planning report has been prepared to aid in the strategic evaluation of the planning scheme amendment as per Ministerial Direction 11 Strategic Assessment of Amendments.

Ministerial Direction 15 The Planning Scheme Amendment Process sets timing for completing steps in the planning amendment process which can be followed in the assessment and delivery of this planning scheme amendment.

Ministerial Direction 19 Information requirement for amendments that may result in impacts on the environment, amenity and human health requires planning authorities to seek the views of the EPA. The views of the EPA have been provided throughout the preparation of this amendment and amendment documentation has been updated to address (including the preparation of a preliminary contamination assessment).

Planning Practice Note 23 Applying the Development Plan Overlay was utilised to determine that the DPO was the appropriate planning tool to guide future development of the subject land. The proposed Schedule was drafted in accordance with the PPN and the future preparation of the Development Plan can be guided by the PPN.

To assist with preparing a comprehensive strategic evaluation, Planning Practice Note 46: Strategic Assessment Guidelines for preparing and evaluation planning scheme amendments was relied upon for guidance. The Strategic Assessment Guidelines provide a consistent framework for preparing and evaluating a proposed planning scheme amendment and its outcomes.

Planning Practice Note 91 Using the residential zones has been reviewed and the principals contained in the PPN considered in determining the most appropriate zone for the subject site.

Summary:

This proposal seeks to extend a zone and introduce a new overlay that produces a different and new land use and development outcome and as such a full assessment against the strategic considerations has been prepared. The Attached Amendment Pack (inclusive of Explanatory Report, Instruction Sheet and updated Zone and Overlay Maps) includes a full assessment against the strategic considerations as required by PN46.

The amendment will result in the potential for residential development of land within closer proximity to the ESSO easement than has previously occurred and as such the views of ESSO are considered to be paramount in this amendment. The ESSO easement contains substantial gas infrastructure that conveys services from Longford to Melbourne and as such development within this area is particular significance.

Integration with the existing gas easement is the key consideration for the amendment and future development of the land. As such the NBA Group have engaged in extensive consultation with ESSO Australia Pty Ltd in preparing this amendment. ESSO have raised no objection to the development of land in this area provided assets can be protected without impact and future development can be controlled via an appropriate mechanism.

ESSO have advised a Safety Management Study and Safety Management Workshop would likely need to be prepared in accordance with AS2885 prior to future development of the land. The SMS will determine relevant controls that will need to be adopted as part of the next stage of development to appropriately

manage risks associated with development in the vicinity of the pipeline. Appropriate wording has been included in the draft Development Plan Overlay as required.

The preparation of this amendment has been driven by owners of the subject land including known developers Marshalls Road Pty Ltd and Gippsland Development Group Pty Ltd. Both of these developers have been active in the Latrobe Valley for some time and have approved or pending planning permits for land within the TNDP.

It is acknowledged the owners of properties 3 and 4, the Marshall Family have previously resisted development of their land, such as the inclusion of their land within the strip rezoning. The Marshall family being owners of properties 3 and 4 and the Conway family, owners of property 1 and consented to the inclusion of their land within the amendment (see attached letters). This consent allows for the whole of the growth area to be included in the one amendment which is the preferred strategic outcome.

It is submitted that the views of interested parties have been adequately considered in preparing this amendment.

4 Indicative Concept Plan

Significant site analysis has occurred to determine the opportunities and constraints of the site and therefore the future development potential of the land. To inform third-party expert reports and provide informed development analysis, an indicative concept plan was prepared (copy attached).

The plan is indicative only and has been prepared to demonstrate how the land to be rezoned could be developed in the future. The plan has informed discussions with the various authorities and interested parties who to date have raised no objection to the indicative design. The proposed planning controls will require a detailed Development Plan to be prepared for the area prior to subdivision of land, giving Council and other authorities the opportunity to assess detailed design at that stage.

For the purposes of the rezoning, the plan takes into account the opportunities and constraints of the site as summarised by the various third parties and provides a development footprint, with proposed zone and overlay boundaries corresponding with that footprint.

In particular, the plan responds to expert engineering advice in determining the extent of the land that can be developed for residential purposes and recommends land to the north encompass water storage and treatment. It is recommended that this land be developed as an extensive reserve network offering dual purpose stormwater function and open space, presenting an attractive outlook for future development and a functional recreation space with path network and improvements (refer to the Landscape Master Plan). It was considered appropriate that this land remain in the Farming Zone until such time that a design finalises the extent of reserve area and the land is transferred to Council. An administrative amendment can occur to zone the land for PPRZ use if considered appropriate by Council at a later date. Any surplus land to the north of reserve area would remain in the FZ and be consolidated with neighbouring farming titles if so required.

This amendment does not seek or require the approval of the indicative Concept Plan or Landscape Master Plan and ample opportunity for detailed design is available at the Development Plan and subdivision stage.

5 Conclusions and Recommendations

As detailed in this application there is overwhelming strategic justification to proceed with the rezoning of the subject land from the Farming Zone (FZ) to General Residential Zone (GRZ3) and apply the Development Plan Overlay – Schedule 11 (DPO11). The proposed rezoning responds to these strategies and the site opportunities and constraints, and has been informed by comprehensive consultation with relevant stake holders where possible.

The following key conclusions can be drawn from the above analysis:

- a) The proposal supports the strategic objectives of the State and Local Planning Policy Framework, including the Municipal Strategic Statement;
- b) The proposed rezoning will allow for the development of the land in accordance with the Traralgon Structure Plan whereby the subject site is identified as 'Second Phase Future Residential';
- c) The proposed amendment will implement the findings of the Traralgon Growth Areas Review, whereby the subject site is identified as a future residential development area available for development;
- d) The earlier development of the subject land is seen as a logical expansion of the TNDP area given the provision of infrastructure. Growth towards the north of Traralgon is considered logical and preferable given the constraints impacting the southern growth areas of Traralgon;
- e) The rezoning and future development of the subject land is considered necessary in order to achieve a 15-year land supply as encouraged by the Planning Policy Framework and outlined in the recently prepared land supply analysis;
- f) The use of the Development Plan Overlay will ensure that future development is appropriate and in accordance with Councils strategic vision for the site;
- g) The rezoning does not prejudice any significant flora or fauna with the Schedule to the DPO to include appropriate commentary for preparation of a future Development Plan and subsequent subdivision;
- h) The rezoning prioritises protection of life from bushfire in accordance with relevant bushfire planning requirements and CFA input into the proposed DPO Schedule should be sought from CFA by Council;
- i) The extent of floodwaters has been a key consideration in determining the extent of land to be rezoned for residential purposes and the LSIO remains in place;
- j) The rezoning does not impact the DDO and major pipeline infrastructure will be protected in accordance with the requirements of the relevant authorities;

- k) Increased residential density within a fully serviced and growing area will reinforce the role of Traralgon as the primary growth area in Latrobe; and
- l) Appropriate planning mechanisms are provided to ensure future development of the land can occur in accordance with authority requirements, particularly those determined by ESSO to protect the nearby gas infrastructure.

The proponents are keen to proceed with development of the subject land in accordance with Council's requirements and look forward to working in conjunction with Council's team to expedite this project as a matter of priority.



Nick Anderson
Managing Director

6 Appendices

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 08617 FOLIO 660

Security no : 124088181712R
Produced 17/02/2021 03:43 PM

CROWN GRANT

LAND DESCRIPTION

Crown Allotment 26F Parish of Traralgon.

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
STEVEN JOHN CONWAY
TRACEY ANNE EZARD both of 55 GLENDALE ROAD TRARALGON VIC 3844
AB382476H 02/07/2002

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AB382477F 02/07/2002
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

MORTGAGE AH784131B 12/02/2011
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

COVENANT as to part D423517

COVENANT as to part D715342

Any crown grant reservations exceptions conditions limitations and powers noted on the plan or imaged folio set out under DIAGRAM LOCATION below.
For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP004233S FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: UNIT 2 55 GLENDALE ROAD TRARALGON VIC 3844

ADMINISTRATIVE NOTICES

NIL

eCT Control 16165A ANZ RETAIL AND SMALL BUSINESS
Effective from 23/10/2016

DOCUMENT END

	TITLE PLAN		EDITION 1	TP 4233S	
Location of Land Parish: TRARALGON Township: Section: Crown Allotment: 26 ^F Crown Portion: LTO base record: Last Plan Reference: Title References: V 8617 F 660 Depth Limitation: 15.24 METRES			Notations: SUBJECT TO THE RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS CONTAINED IN CROWN GRANT VOL 8617 FOL 660 AND NOTED ON SHEET 3 OF THIS PLAN WATERWAY NOTATION: LAND IN THIS PLAN MAY ABUT CROWN LAND THAT MAY BE SUBJECT TO A CROWN LICENCE TO USE		
Easement Information E-1 & E-2 : THE CONDITION IN CROWN GRANT TO LATROBE RIVER IMPROVEMENT TRUST E-2 & E-3 : THE EASEMENT TO ESSO CREATED BY D 423517 E-4 : THE EASEMENT TO VICTORIAN PIPELINES COMMISSION CREATED BY D 715342				THIS PLAN HAS BEEN PREPARED BY THE VICTORIAN LAND TITLES OFFICE FOR TITLE DIAGRAM PURPOSES Checked by <i>Radman</i> Date 15 / 3 / 95 Assistant Registrar of Titles	
FOR DIAGRAM DETAILS SEE SHEET 2					
				Sheet 1 of 3 Sheets	
		SCALE SHEET SIZE A3			

Sheet 2 of 3 Sheets

TITLE PLAN

TP 4233S

RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS

PROVIDED

that this Grant is made subject to—

- (a) the reservation to Us Our heirs and successors of—
- (i) all gold silver uranium thorium and minerals within the meaning of the *Mines Act* 1958 and petroleum within the meaning of the *Petroleum Act* 1958 (hereinafter called "the reserved minerals");
 - (ii) rights of access for the purpose of searching for and obtaining the reserved minerals in any part of the said land;
 - (iii) rights for access and for pipe-lines works and other purposes necessary for obtaining and conveying on and from the said land any of the reserved minerals which is obtained in any part of the said land;
- (b) the right to resume the said land for mining purposes pursuant to section 205 of the *Land Act* 1958;
- (c) the right of any person being the holder of a miner's right or of a mining lease or mineral lease under the *Mines Act* 1958 or any corresponding previous enactment to enter on the said land and to mine for gold or minerals within the meaning of that Act and to erect and occupy mining plant or machinery thereon in the same manner and under the same conditions and provisions as those under which such a person has now the right to mine for gold and silver in and upon Crown lands provided that compensation as prescribed by Part II. of that Act is paid for surface damage to be done to the said land by reason of mining thereon.
- (d) the condition that the Latrobe River Improvement Trust and its servants agents and workmen shall have the right at all times hereafter to enter in and upon so much of the said land as is approximately shown by E-1 & E-2 in the said map (hereinafter called "the channel area") and to clear the same of obstructions and to dig out excavate and construct a water channel for the purposes of drainage through in and upon the channel area in such manner and of such width depth and nature as Latrobe River Improvement Trust may deem advisable and to use the said channel for all purposes of drainage and also to repair and alter the said channel and to deposit or place and allow to remain on or along the channel area or any part thereof all timber earth soil stone gravel or other substance matter or thing which may be removed or excavated in clearing the channel area or in the making or construction of the said channel or in repairing or altering the same and also to go pass and repass for all the purposes aforesaid either with or without horses or other animals carts or other carriages through over and along the channel area.

Sheet 3 of 3 Sheets

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10-16

67 WEEKDAY 13 TO TROWTHOR

VICTORIA

CREATION OF EASEMENT

MARCELLO ANTONELLO Farmer and MARIA ANTONELLO Married woman

of TRARALGON

(hereinafter called "the Owner") being registered or entitled to be registered as the proprietor of an estate in fee simple in the land secondly hereinafter described subject to the encumbrances notified hereunder in consideration of the sum of FOUR HUNDRED AND FORTY-SIX DOLLARS AND THIRTY-FOUR CENTS (\$446.54)

paid to us by the VICTORIAN PIPELINES COMMISSION (hereinafter called "the Commission") Do HEREBY TRANSFER AND GRANT unto the Commission and its successors and transferees registered proprietor or proprietors for the time being of ALL THAT piece of land being part of Crown Portion 95 Parish of Eumemmerring and being the whole of



D715342-1-1

the land comprised in Certificate of Title entered in the Register Book Volume 8727 Folio 144 FULL AND FREE RIGHT AND LIBERTY to and for it and them and its and their contractors servants agents and workmen at all times hereafter for the purposes of the Victorian Pipelines Commission Act 1966 :—

- (a) To ENTER AND RE-ENTER in and upon ALL THAT piece of land delineated and colored red on the plan drawn hereon or annexed hereto and marked "A" and being Allotment twenty-six Parish of Traralgon and being part of the land more particularly described in Crown Grant volume 8617 Folio 660.

(which land is hereinafter referred to as "the servient tenement") and to bring on or remove therefrom any plant equipment or materials and to construct re-construct or demolish any works and to excavate trenches and for footings or foundations and to lay or erect or place in on under over along or across the servient tenement and from time to time to repair remove renew re-lay or re-erect any pipes or systems of pipes for the conveyance of hydrocarbons in a gaseous state and any ancillary equipment and works associated with any such pipes or systems of pipes at any place or places and in any position or positions PROVIDED ALWAYS that the upper surface of any such pipes or systems of pipes when laid shall be approximately three feet below the surface of the servient tenement but any ancillary equipment and works associated therewith may extend up to or be upon or above the surface.

- (b) To erect and maintain any gates upon the servient tenement and any temporary fences during any period of construction or maintenance of works.

(c) To fell and remove any tree or any limb or limbs of any tree and remove any obstructions upon the servient tenement and to carry out thereon any digging cutting excavating grading and re-grading.

- (d) To go pass and repass for all of the purposes aforesaid either with or without vehicles machines plant and equipment through over and along the servient tenement.
- (e) To use the servient tenement for all purposes of and incidental to the transmission of hydrocarbons in gaseous state.
- (f) To keep the servient tenement free of any buildings whatsoever and free from any obstructions above the surface.
- (g) To maintain inspect alter repair duplicate add to renew use take up remove and replace all works and installations.
- (h) To enter re-enter and pass on foot or on horseback or in any vehicle or machine over and along the servient tenement as often as the Commission or its officers may desire for the purpose of protecting inspecting maintaining altering repairing duplicating adding to renewing using taking up removing or replacing all works and installations.

PROVIDED ALWAYS that nothing herein contained shall be deemed in any way to restrict limit or detract from any right power authority or immunity of the Commission or its successors under or by virtue of the Victorian Pipelines Commission Act 1966 or any amendment thereof or any other statute or regulation which now or hereafter may confer any rights powers authorities or immunities on the Commission.

AND PROVIDED FURTHER that the Commission will at all times fill in any excavations made in the exercise of the powers and rights hereby granted and leave the servient tenement reasonably level and free from rubbish and debris and will pay to the Owner reasonable compensation for disturbance caused by the execution by the Commission of any works on or in the servient tenement which may be carried out after completion of the initial works to be performed and constructed thereon or therein.

AND the Owner for himself his heirs executors and administrators and transferees registered proprietor or proprietors for the time being of the servient tenement HEREBY COVENANTS with the Commission and its successors and transferees registered proprietor or proprietors for the time being of the land firstly hereinbefore described not to erect on any part of the servient tenement any building or other structure or place thereon any obstruction or to cultivate or dig or excavate any part of the surface of the servient tenement to a depth greater than one foot without the previous consent in writing of the Commission first had and obtained.

AND IT IS HEREBY AGREED AND DECLARED that in the interpretation of this Instrument the singular number shall include the plural number and vice versa and the masculine gender shall include the feminine and neuter genders.

DATED the 17th day of April One thousand nine hundred and sixty-nine.

SIGNED SEALED AND DELIVERED by the
said MARCELLO ANTONELLO AND
MARIA ANTONELLO
in the State of Victoria in the presence of:

M. Antonello
Maria Antonello

Bluyes

VICTORIAN PIPELINES COMMISSION

Easement required for DUTSON-DANDENONG NATURAL GAS PIPELINE

Owner MARCELLO ANTONELLO & MARIA ANTONELLO

Address TRARALGON

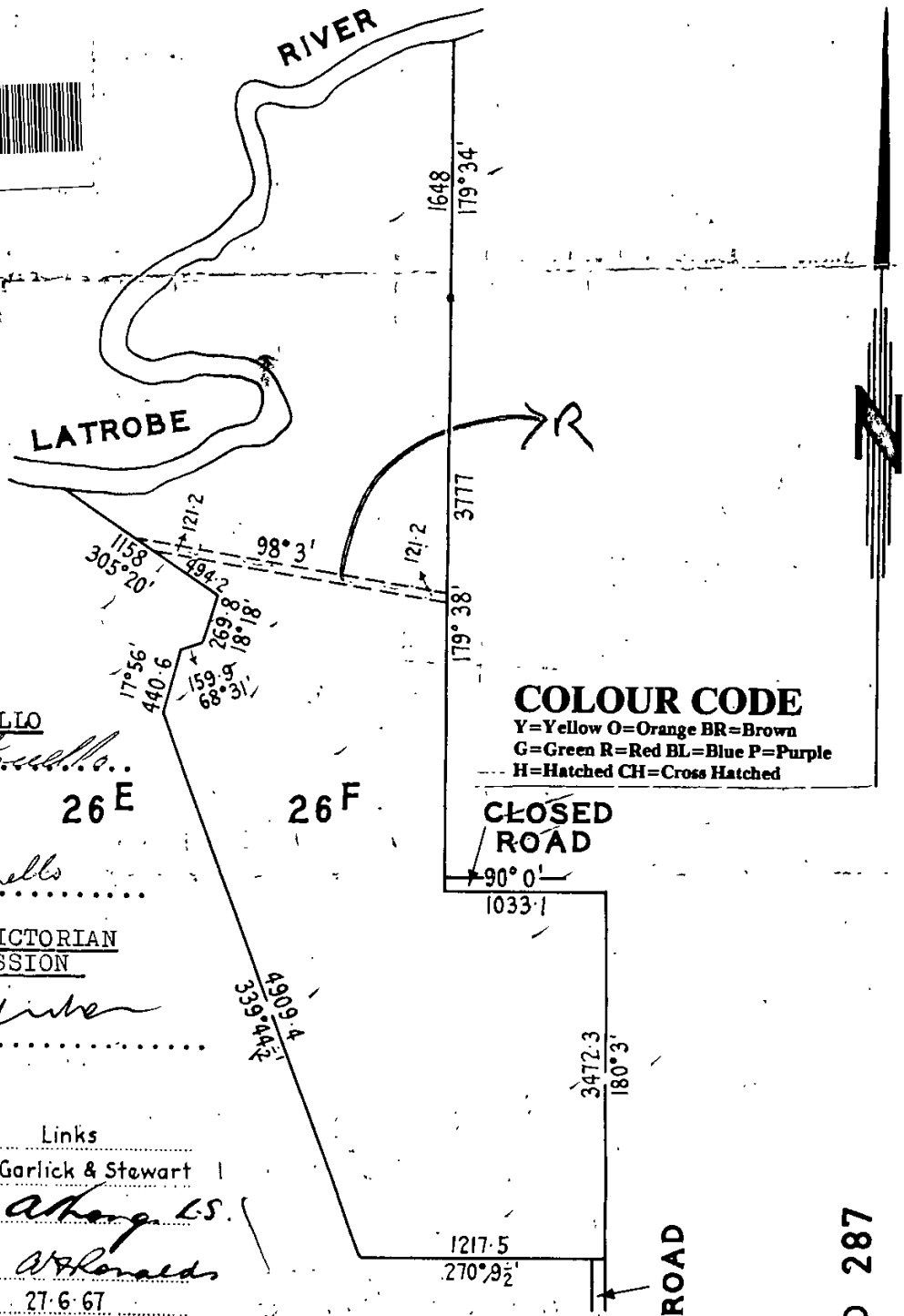
Part of Allotment 26^F
Parish of TRARALGON

Section
County of BULN BULN

Area 2^a - 1 - 35^p

Certificate { Vol. 8617
Fol. 660

Scale:- 10 CHAINS to an Inch.



MARCELLO ANTONELLO

Marcello Antonello

MARIA ANTONELLO

Maria Antonello

Secretary for VICTORIAN
PIPELINES COMMISSION

[Signature]

Measurements are in

Draftsman

Checked

For Vic. Pipelines
Commission

Date

Links

Garlick & Stewart

A. Garlick

A. Stewart

27.6.67

D 287



Natural Resources and Environment

AGRICULTURE · AQUACULTURE · CONSERVATION · LAND MANAGEMENT

**INTENTIONALLY
BLANK**



THE COMMON SEAL of VICTORIAN PIPELINES
COMMISSION was hereunto affixed by the authority
of the Commission and is hereby attested by :—



A. J. Thomas

Commissioner

John McLean

Commissioner

A. J. Thomas

Secretary

ENCUMBRANCES REFERRED TO



To the Registrar of Titles: Please register this Creation of Easement and upon completion Certificate of Title Volume 8617 Folio 660 to be returned to Ambrose, Riches & Co.

Ambrose, Riches & Co.
AMBROSE, RICHES & CO.



MARCELLO & MARIA ANTONELLO

WITH

VICTORIAN PIPELINES COMMISSION

CREATION OF EASEMENT

WEIGALL & CROWTHER

SOLICITORS

83 WILLIAM STREET
MELBOURNE, 3000.

DFB

626121

Hutton, Partridge & Co. Pty. Ltd., Printers, Melbourne.

A memorandum of the within instrument
has been entered in the Register Book.



***6.000 RT

D423517
10-39 276 127 JUN 19-69

D423517

ARTHUR ROBINSON & CO.
VICTORIA

CREATION OF EASEMENT

WE MARCELLO ANTONELLO Farmer and MARIA ANTONELLO Married Woman
both of Buffalo River Myrtleford

(hereinafter called "the Grantor") being registered as the proprietor of an estate in fee simple in the land secondly herein after described subject to the encumbrances notified hereunder in consideration of the sum of \$ 170.39 paid to us DO HEREBY TRANSFER and GRANT unto ESSO EXPLORATION AND PRODUCTION AUSTRALIA INC. of 380 Lonsdale Street Melbourne and HEMATITE PETROLEUM PROPRIETARY LIMITED of 500 Bourke Street Melbourne and their transferees in fee simple the registered proprietor or proprietors for the time being of ALL THOSE pieces of land being the whole of the land described in Certificates of Title Volume 8718 Folio 882 Volume 8718 Folio 883 Volume 8718 Folio 886 Volume 8718 Folio 887 Volume 8718 Folio 888 Volume 8718 Folio 889 and Volume 5992 Folio 297 and Lot 2 on Plan of Subdivision Number 72314 Parish of Glencoe South and being part of the land described in Crown Grant Volume 5643 Folio 486 (hereinafter called "the Grantees") at all times hereafter the full and free liberty and right, as appurtenant to the lands comprised in the said Certificates of Title (which lands are hereinafter referred to as the "dominant tenement"), on over under and through ALL THAT piece of land delineated and coloured blue on the plan annexed hereto (hereinafter referred to as the "servient tenement") being part of Crown Allotment 26th Parish of Traralgon and being part of the land more particularly described in Crown Grant Volume 8617 Folio 660

to lay down, construct, change the size and number of, operate, maintain, inspect, patrol (including aerial patrol), alter, remove, replace, reconstruct and/or repair one or more pipelines designed to convey or conveying oil and other liquid or gaseous hydrocarbons, natural and artificial gas and any products or by-products thereof and any other substance which may be transported by pipeline together with all the works of the Grantees useful in connection with or incidental to their undertaking including but without limiting the generality of the foregoing all such communication and power systems (including pole lines), drips, valves, valve chambers, manholes, inspection pits, fittings, meters, connections and all other equipment and appurtenances whether or not similar to the foregoing as may be useful or convenient in connection therewith or incidental thereto (hereinafter called "the Grantees' appliances") and together with the right for the Grantees and their surveyors, engineers, servants, agents, licensees, contractors, sub-contractors and others authorised by them (hereinafter called "the Grantees' associates")—

- (1) to enter upon and remain pass and repass on and over the servient tenement for all or any of the purposes aforesaid and with or without vehicles, plant and equipment of any description;
- (2) to clear the servient tenement and cut and remove timber, trees, undergrowth, crops and fences and construct and maintain gates in fences crossing the servient tenement and the other adjacent land of the Grantor as the Grantees shall consider necessary or desirable.

And the Grantor for himself his heirs executors administrators and assigns registered proprietor or proprietors of the servient tenement and every part thereof hereby covenants with the Grantees and each of them to the extent that the burden of this covenant may run with and bind the servient tenement and every part thereof and that the benefit thereof may be annexed to and run with the dominant tenement that the Grantor shall not without the prior written consent of the Grantees plant or permit to be planted any trees or shrubs on the servient tenement or excavate, drill, install, erect or permit to be excavated, drilled, installed or erected on or under the servient tenement or any part thereof any pit, well, foundation, pavement or other structure or installation nor shall the Grantor alter or disturb or permit to be altered or disturbed (other than by the processes of nature) the present grades and contours of the servient tenement but otherwise the Grantor shall have the right fully to use and enjoy the servient tenement subject always to and so as not to interfere with the rights and privileges hereby granted and conferred upon the Grantees.

The Grantor and the Grantees hereby mutually covenant and agree one with the other of them as follows:—

A. The consideration hereinbefore mentioned is acknowledged by the Grantor to be in full satisfaction of all moneys payable for the granting of this easement in favour of the Grantees.

B. The Grantees will compensate the Grantor for damage done from and after the date this instrument shall have been delivered to the Grantees to the Grantor's crops, timber, pasture lands, live stock, improvements and other property on the servient tenement or any land of the Grantor adjacent thereto by reason of the exercise of the rights hereinbefore granted. In the event of any difference arising between the Grantor and the Grantees as to the amount of such compensation the same shall be determined in the manner provided in the Arbitration Act 1958. Any compensation paid by the Grantees to the Grantor shall include compensation for damage done to the crops, timber, pasture lands, live stock, improvements and other property on the servient tenement or any land of the Grantor adjacent thereto in which any tenant, sharefarmer or other person has any interest and the Grantor agrees to indemnify the Grantees against any claim by any such tenant, sharefarmer or other person for any damage done by the Grantees in the performance of their rights under this easement.

C. The Grantees shall as soon as weather and soil conditions permit and subject to the restrictions hereinbefore contained and insofar as it is practicable so to do bury and maintain all pipelines so as not to interfere unreasonably with the use of the servient tenement.

D. Notwithstanding any rule of law or equity the pipes (which term shall include all pipelines and the Grantees' appliances) brought onto laid or erected upon or buried in or under the servient tenement by the Grantees shall at all times remain the property of the Grantees and their assigns notwithstanding that the same may be annexed or affixed to the freehold and shall at any time and from time to time be removable in whole or in part by the Grantees and their assigns.

E. Unless otherwise agreed by the Grantor and the Grantees upon the discontinuance of the use of the servient tenement by the Grantees the Grantees may at their option leave the pipe or any part thereof and the Grantees' appliances in the ground but if the Grantees damage the property of the Grantor during the removal of the pipe or appliances then the Grantees will compensate the Grantor upon the terms and in the manner contained in Clause B hereof.

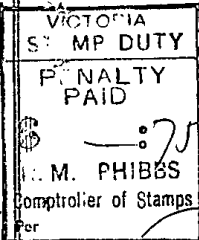
F. The Grantees performing and observing the covenants, and conditions on their part to be observed and performed shall and may peacefully hold and enjoy the rights, liberties, privileges and easement hereby granted without hindrance, molestation or interference on the part of the Grantor or of any person firm or corporation claiming by through under or in trust for the Grantor.

G. All notices to be given hereunder may be given by prepaid registered or certified letter addressed to the Grantor by being forwarded to the registered proprietor for the time being at his latest address shown in the Register Book and to the Grantees at 380 Lonsdale Street Melbourne or such other address as the Grantor and Grantees may respectively from time to time designate in writing and any such notice shall be deemed to have been given to and received by the addressee on the third day following that on which the same is posted.

H. Neither this instrument nor anything herein contained shall affect or prejudice the rights of the Grantees or the Grantees' associates under the Pipelines Act 1967 or under any consent granted pursuant to Section 9 (2) of the said Act or under any permit granted pursuant to Section 12 of the said Act or any written permission given pursuant to Section 22 (1) of the said Act or any other rights of the Grantees under the said Act.

I. The Grantor will execute every such deed, instrument or assurance and do every such thing for further or more effectively securing the rights and interests of the Grantees to or in the servient tenement or any part or parts thereof pursuant to these presents as shall by the Grantees be reasonably required.

Form No. 4, 1/9/67.



3

C/E + Covenant

8617-660 Pt

to

8718-882-3 incl

8718-886-3 incl

8727-448

5992-297

State 1-8-69

JUN-17-69

VICTORIA

Stamp

16/10/69

STAMP DUTY

36713

LE 10105

2-275

7/1/69



DD423517-1-4

J. Wherever the singular or masculine is used it shall be construed as if the plural feminine or neuter, as the case may be had been used where the context or the party or parties hereto so require and the rest of the sentence shall be construed as if the grammatical and other changes thereby rendered necessary had been made and where more than one Grantor is a party hereto the covenants herein contained shall extend to and bind such Grantors jointly and each of them severally.

DATED this 17th day of December One thousand nine hundred and sixty-eight.

SIGNED by the said MARCELLO ANTONELLO

in Victoria in the presence of:

SIGNED by the said MARIA ANTONELLO

in Victoria in the presence of:

EXECUTED by ESSO EXPLORATION AND PRODUCTION AUSTRALIA INC. by being SIGNED SEALED AND DELIVERED in Victoria by JAMES EUGENE PIANTA

its attorney under Power Number 161368 in the presence of:

EXECUTED by HEMATITE-PETROLEUM PROPRIETARY LIMITED by being SIGNED SEALED AND DELIVERED in Victoria by COLIN PARKER

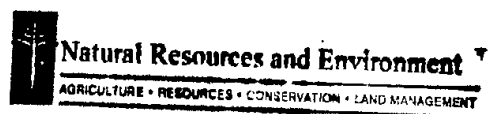
its attorney under Power Number 160324 in the presence of:

ENCUMBRANCES REFERRED TO:
Any easements affecting the same.

~~under Mortgage Number~~ being the Mortgage in the Register Book of part of the abovementioned land hereby consent to the above Creation of Easement and Restrictive Covenant and to this Creation of Easement and Restrictive Covenant taking priority over the said Mortgage and to an endorsement to that effect being made on the said Mortgage.

DISTRIBUTION: Original — Office of Titles.
1st Copy — Cons't Div. for Company.
2nd Copy — R/W Agent.
3rd Copy — Landowner.
4th Copy — Solicitor.

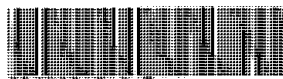
Form No. 4, 1-9-67.



**INTENTIONALLY
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]

✓



00423017-1-1

To the Registrar of Titles,

Please register this Creation of Easement and on completion
return Crown Grant Volume 8617 Folio 660 to **AMBROSE, RICHES & CO.**
of Melbourne.

AMBROSE, RICHES & CO.

Ambrose, Riches & Co...

A memorandum of the within instrument
has been entered in the Register Book.



CREATION OF EASEMENT

ESSO EXPLORATION AND
PRODUCTION AUSTRALIA INC. AND
HEMATITE PETROLEUM
PROPRIETARY LIMITED

to

MARCELLO ANTONELLO
and MARIA ANTONELLO

ARTHUR ROBINSON & CO.
Solicitors
447 Collins Street, Melbourne, 3000.

TR-369

Dated the day of 1968

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 2

VOLUME 10150 FOLIO 467

Security no : 124088181928G
Produced 17/02/2021 03:46 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 329021J.

PARENT TITLES :

Volume 07359 Folio 771 Volume 08461 Folio 326

Created by instrument PS329021J 05/01/1994

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

DENIS HOWARD BRADY of 40 TRISTANIA DRIVE TRARALGON VIC 3844
AE360920N 18/05/2006

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT (as to whole or part of the land) in instrument D382326

CAVEAT AQ145351Y 15/08/2017

Caveator

GIPPSLAND DEVELOPMENT GROUP PTY LTD ACN: 610506164

Grounds of Claim

AGREEMENT WITH THE FOLLOWING PARTIES AND DATE.

Parties

THE REGISTERED PROPRIETOR(S)

Date

15/08/2017

Estate or Interest

FREEHOLD ESTATE

Prohibition

ABSOLUTELY

Lodged by

HORSEMAN SIM PTY LTD

Notices to

HORSEMAN SIM of 154 COMMERCIAL ROAD MORWELL VIC 3840

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS329021J FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 50 GLENDALE ROAD TRARALGON VIC 3844

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 2 of 2

DOCUMENT END

PLAN OF SUBDIVISION		STAGE No. —	LTO USE ONLY EDITION 1	PLAN NUMBER PS 3290 21 J
----------------------------	--	----------------	----------------------------------	------------------------------------

LOCATION OF LAND PARISH: TRARALGON TOWNSHIP: — SECTION: — CROWN ALLOTMENT: A 8 (PART) FORMER GOVERNMENT ROAD (PART) CROWN PORTION: — CROWN PRE-EMPTIVE SECTION A (PART) LTO BASE RECORD: LITHO TITLE REFERENCES: VOL 8461 FOL 326 VOL 7359 FOL 771 LAST PLAN REFERENCE/S: LP 4847 LP 60689 POSTAL ADDRESS: (At time of subdivision) MARSHALLS ROAD TRARALGON 3844 AMG Co-ordinates (of approx centre of land in plan) E 460 700 N 5 774 600 ZONE: 55	COUNCIL CERTIFICATION AND ENDORSEMENT COUNCIL NAME: SHIRE OF TRARALGON REF: 1. This plan is certified under Section 6 of the Subdivision Act 1988. 2. This plan is certified under Section 11(7) of the Subdivision Act 1988. Date of original certification under Section 6: / / 3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988. OPEN SPACE (i) A requirement for public open space under Section 18 of the Subdivision Act 1988 has has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage — Council Delegate Council Seal Date 1 / 7 / 93 Re-certified under Section 11(7) of the Subdivision Act 1988. Council Delegate Council Seal Date / /
---	---

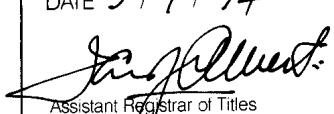
VESTING OF ROADS AND/OR RESERVES	
IDENTIFIER	COUNCIL/BODY/PERSON
NIL	NIL

NOTATIONS	
STAGING	This is/is not a staged subdivision. Planning permit No. 925
DEPTH LIMITATION	15.24m BELOW THE SURFACE. APPLIES TO THE FORMER GOVERNMENT ROAD ONLY.

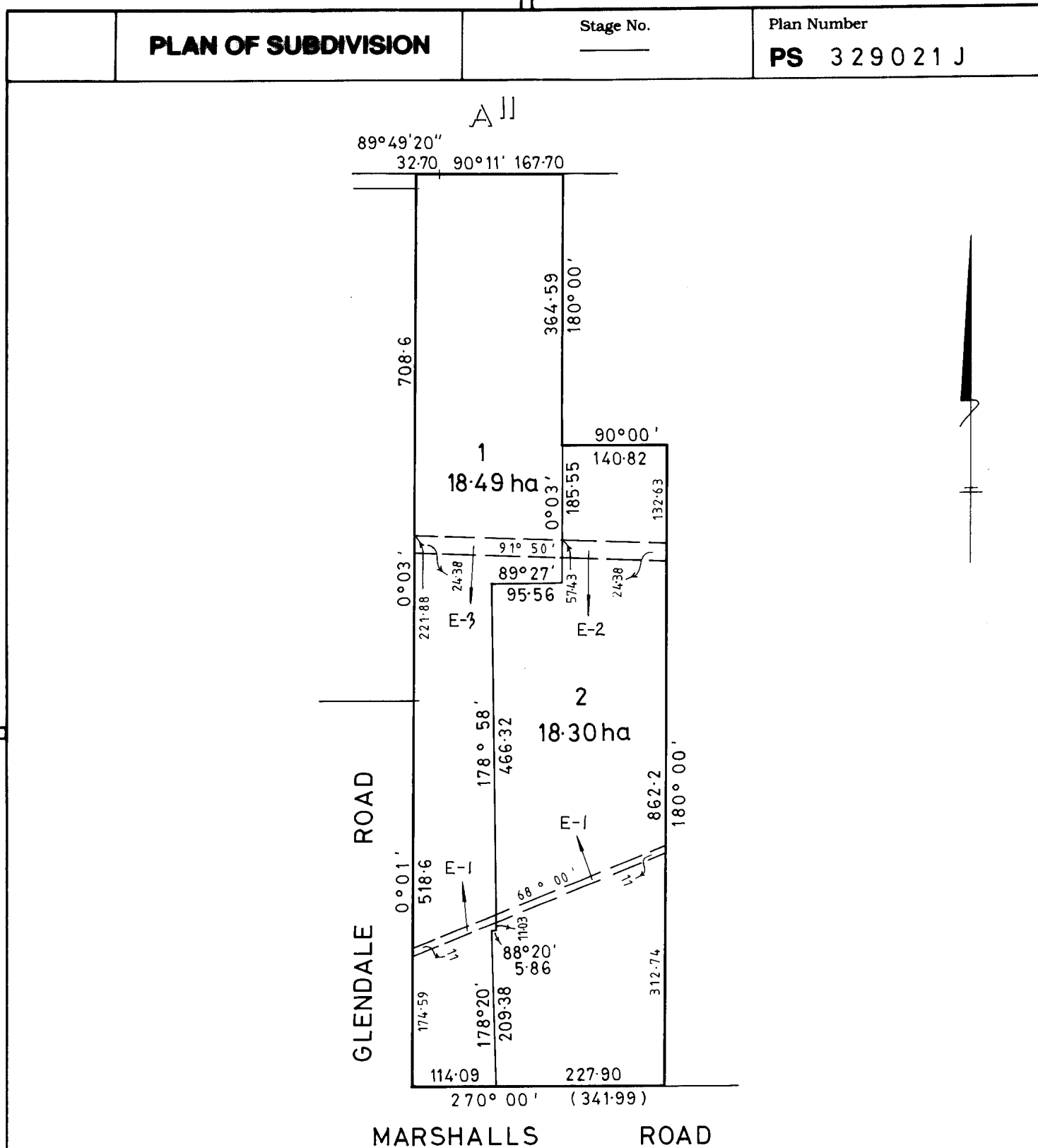
SURVEY. THIS PLAN IS/IS NOT BASED ON SURVEY

THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No(s) —

IN PROCLAIMED SURVEY AREA No. —

EASEMENT INFORMATION					LTO USE ONLY
LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)					STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT RECEIVED ☒ DATE: 27 / 9 / 93
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	
E-1	POWER LINE	11	THIS PLAN — SECTION 103 B OF THE SEC ACT 1958.	SE C V	LTO USE ONLY PLAN REGISTERED TIME 10.25 AM DATE 5 / 1 / 94  Assistant Registrar of Titles SHEET 1 OF 2 SHEETS
E-2	PIPELINE PURPOSES	24.38	C/E D 285661 }	{VOL: 8718 FOL: 882 / 3 / 6 / 7 / 8 / 9.	
E-3	PIPELINE PURPOSES	24.38	C/E D 382326 }	{VOL: 5992 FOL: 297 VOL: 8727 FOL: 448	

beveridge williams & co. pty. ltd. SURVEYORS & PLANNERS & ENGINEERS o Melbourne—554 High St., Prahran 3181 529 4022 o Ballarat—48 Lydiard St. South 3350 (053) 31 3877 o Leongatha—57 Bair Street 3953 (056) 62 2630 o Traralgon—3/6-8 Grey Street 3844 (051) 74 5385 o Wonthaggi—31 Murray Street 3995 (056) 72 1505	LICENSED SURVEYOR (PRINT) IAN GORDON KEITH SIGNATURE _____ DATE 25 / 5 / 93 REF 7793 VERSION 1	DATE / / COUNCIL DELEGATE SIGNATURE ORIGINAL SHEET SIZE A3
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beveridge williams & co. Pty. Ltd.
SURVEYORS • PLANNERS • ENGINEERS

o Melbourne—554 High St., Prahran 3181 529 4022
 o Balaclava—48 Lydiard St. South 3350 (053) 31 3877
 o Leongatha—57 Bair Street 3953 (056) 62 2630
 o Traralgon—3/6-6 Grey Street 3844 (051) 74 5385
 o Wonthaggi—31 Murray Street 3995 (056) 72 1505

ORIGINAL	SCALE	50 0 100 200 LENGTHS ARE IN METRES
SCALE 1:5000	SHEET SIZE A3	

LICENSED SURVEYOR (PRINT)..... IAN GORDON KEITH

SIGNATURE..... DATE 25 / 5 / 93

REF **7793** VERSION **1**

Sheet 2 of 2 sheets
DATE / /
COUNCIL DELEGATE SIGNATURE
Original sheet size A3

0 10 20 30 40 50 60 70 80 90 100 mm

Form No. 4, 1/9/67.

File 30-6-63
O
In All 3/7/69
Encl
7/7/69

250

J. Wherever the singular or masculine is used it shall be construed as if the plural feminine or neuter, as the case may be had been used where the context or the party or parties hereto so require and the rest of the sentence shall be construed as if the grammatical and other changes thereby rendered necessary had been made and where more than one Grantor is a party hereto the covenants herein contained shall extend to and bind such Grantors jointly and each of them severally.

DATED this 20th day of December 1967
SIGNED by the said WILLIAM JOHN ADAMS

in Victoria in the presence of: W. J. Adams

SIGNED by the said

in Victoria in the presence of:

EXECUTED by ESSO EXPLORATION AND PRODUCTION
AUSTRALIA INC. by being SIGNED SEALED AND
DELIVERED in Victoria by JAMES EUGENE PIANTA
161368
its attorney under Power Number 161368 in the presence of:
W. J. Adams

EXECUTED by HEMATITE PETROLEUM PROPRIETARY
LIMITED by being SIGNED SEALED AND DELIVERED in
Victoria by COLIN LIVINGSTONE PARKER
its attorney under Power Number 160324 in the presence of
B. L. Parker

ENCUMBRANCES REFERRED TO:
Nil.

being the Mortgagee
under Mortgage Number 161368 in the Register Book of part of the abovementioned land hereby consent
to the above Creation of Easement and Restrictive Covenant and to this Creation of Easement and Restrictive Covenant
taking priority over the said Mortgage and is an endorsement to that effect being made on the said Mortgage.

DISTRIBUTION: Original — Office of Titles.
1st Copy — Const Div. for Company.
2nd Copy — R/W Agent.
3rd Copy — Landowner.
4th Copy — Solicitor.

Form No. 4, 1-9-67.

ESSO EXPLORATION AND PRODUCTION AUSTRALIA INC. AND HEMATITE PETROLEUM PROPRIETARY LIMITED

RIGHT-OF-WAY EASEMENT REQUIRED FOR PIPELINE

OWNER WILLIAM JOHN ADAMS

ADDRESS TRARALGON

PART OF CROWN PRE-EMPTIVE SECTION A

PARISH OF TRARALGON

COUNTY OF BULN BULN

Certificate of Title VOLUME 7359
Area 1:21260AC. 1A OR 34P

FOLIO 771

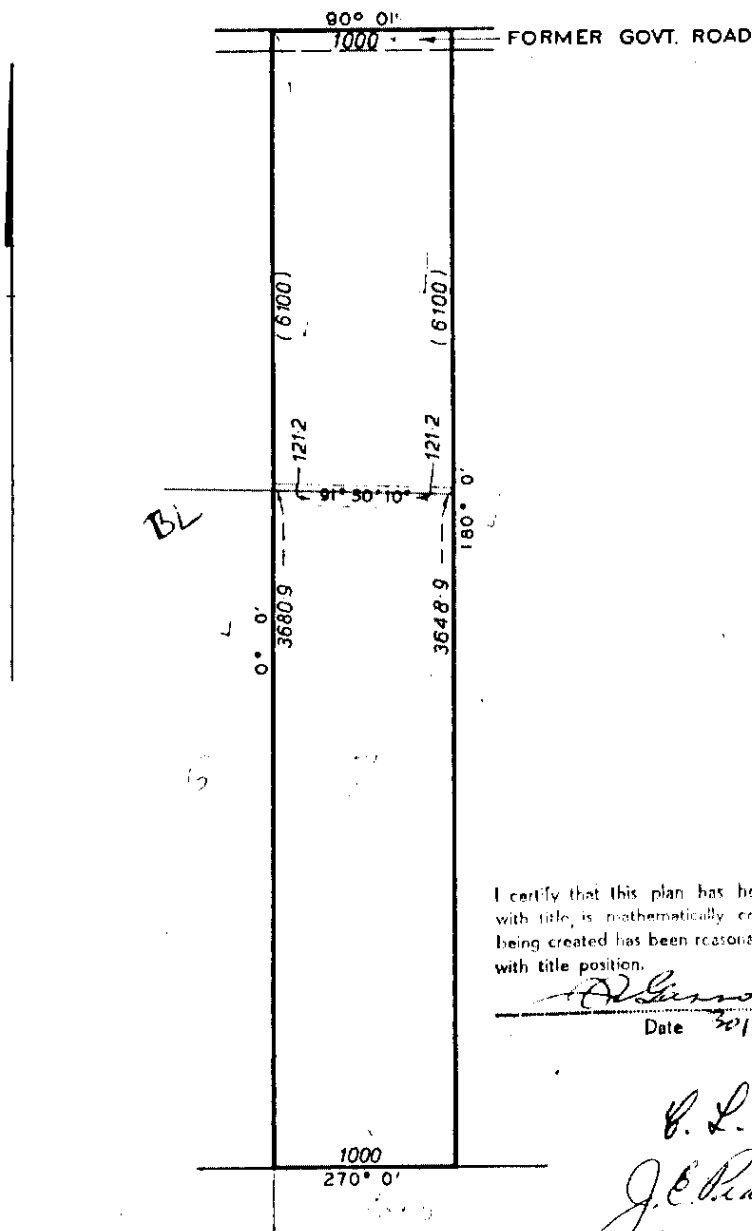
Scale: 8 CHAINS to an inch
Measurements are in LINKS

COLOUR CODE

Y=Yellow G=Green O=Orange

BL=Blue BR=Brown CH=Cross Hatched

R=Red P=Purple PK=Pink H=Hatched



I certify that this plan has been made by me, agree with title, is mathematically correct and the easement being created has been reasonably located in accordance with title position.

J. A. Gannon
Date 30/1/14

Licensed Surveyor

B. L. Parker.

J. E. Ranta
W. J. Adams.

SURVEYORS
J. A. GANNON & ASSOCIATES
in association with
CULLIVEN & GIM

J. A. Gannon
17-10-68
Licensed Surveyor

**RIGHT-OF-WAY OR
EASEMENT NUMBER**
TR - 368

Ref. No. 783

Plan No. 169

To the Registrar of Titles,

Please register this Creation of Easement and on completion
return Certificate of Title Volume 7359 Folio 771 to

Ernest Sullivan 16 Church St. Melbourne

Ernest Sullivan

Dated the day of 1968

WILLIAM JOHN ADAMS

to

ESSO EXPLORATION AND
PRODUCTION AUSTRALIA INC. AND
HEMATITE PETROLEUM
PROPRIETARY LIMITED

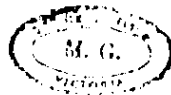
CREATION OF EASEMENT

ARTHUR ROBINSON & CO.
Solicitors

447 Collins Street, Melbourne, 3000.

TR-368

A memorandum of the within instrument
has been entered in the Register Book.



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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 12324 FOLIO 522

Security no : 124095456234B
Produced 11/02/2022 04:05 PM

LAND DESCRIPTION

Lot A on Plan of Subdivision 826057P.
PARENT TITLE Volume 10150 Folio 468
Created by instrument PS826057P 13/08/2021

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
GIPPSLAND DEVELOPMENT GROUP PTY LTD of 44 MCNAIRN ROAD TRARALGON EAST VIC
3844
PS826057P 13/08/2021

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT D285661

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

AGREEMENT Section 173 Planning and Environment Act 1987
AU872509X 01/10/2021

DIAGRAM LOCATION

SEE PS826057P FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 110 MARSHALLS ROAD TRARALGON VIC 3844

ADMINISTRATIVE NOTICES

NIL

eCT Control 16524X PRIOR LAW
Effective from 13/08/2021

DOCUMENT END

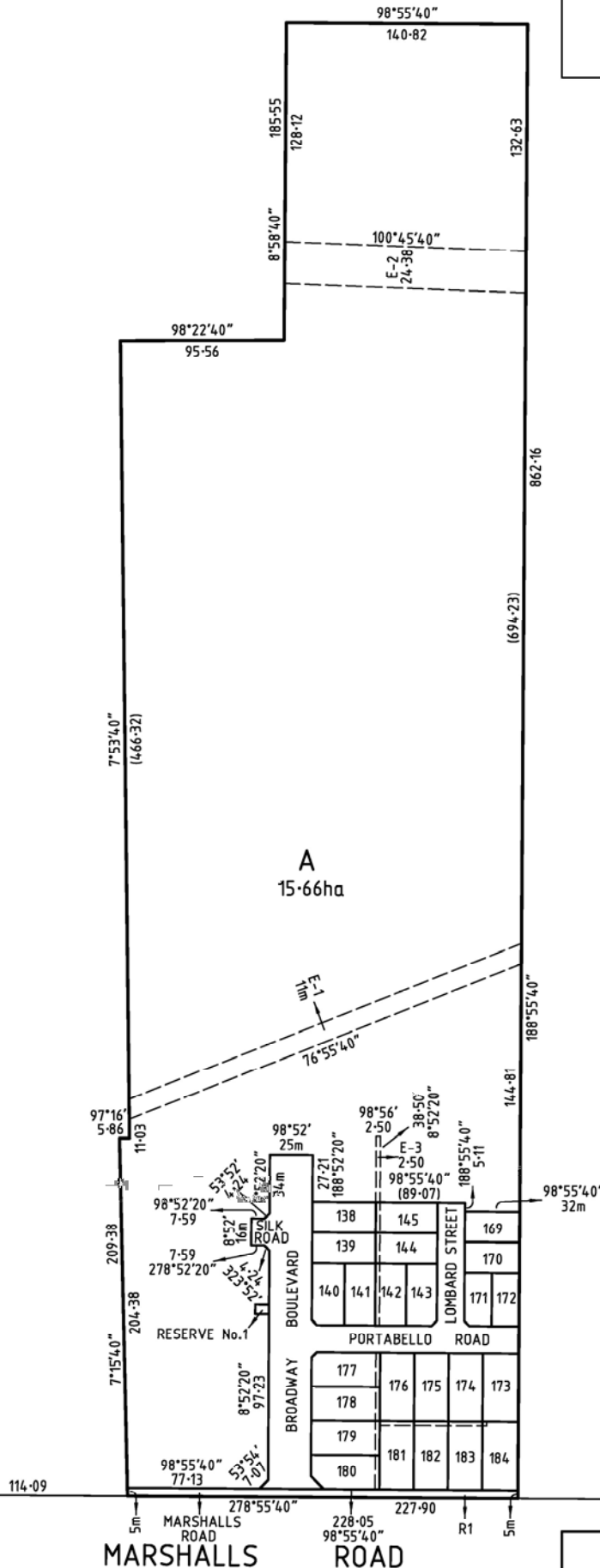
Delivered from the LANDATA System by GlobalX Terrain Pty Ltd

PLAN OF SUBDIVISION				EDITION 1		PS826057P					
LOCATION OF LAND PARISH: TRARALGON PART OF TRARALGON EAST PRE-EMPTIVE RIGHT SECTION A TITLE REFERENCE: VOL.10150 FOL.468 LAST PLAN REFERENCE: PS329021J LOT 2 POSTAL ADDRESS: 110 MARSHALLS ROAD, (at time of subdivision) TRARALGON, 3844. MGA CO-ORDINATES E: 460 705 ZONE: 55 (at approx centre of land in plan) N: 5774 645 GDA2020				Council Name: Latrobe City Council Council Reference Number: 2020/43/CRT3 Planning Permit Reference: 2016/197 SPEAR Reference Number: S158748V Certification This plan is certified under section 6 of the Subdivision Act 1988 Public Open Space A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made Digitally signed by: Lucy Lane for Latrobe City Council on 10/03/2021 Statement of Compliance issued: 09/08/2021							
				VESTING OF ROADS AND/OR RESERVES				NOTATIONS			
				IDENTIFIER		COUNCIL/BODY/PERSON		LOTS 1 TO 137 & 146 TO 168 HAVE BEEN OMITTED FROM THIS PLAN <			

PS826057P



GLENDALE ROAD



SEE SHEET 3 FOR DETAILS
NOT SHOWN HEREON

SCALE 1:2500	25 0 25 50 75 100 LENGTHS ARE IN METRES
-----------------	--

Millar | Merrigan

Land Development Consultants

M(03) 8720 9500 R (03) 5134 8611
www.millarmerrigan.com.au
survey@millarmerrigan.com.au
SAI GLOBAL Quality ISO 9001

Millar & Merrigan Pty Ltd ACN 005 541 668
Metro 2/126 Merrindale Drive, Croydon 3136
Regional 156 Commercial Road, Monwell 3840
Mail PO Box 247 Croydon, Victoria 3136

SURVEYOR'S REF: 18733S1E 14/1/2021

Digitally signed by: Geoffrey John Ladner, Licensed
Surveyor,
Surveyor's Plan Version (5),
18/02/2021, SPEAR Ref: S158748V

ORIGINAL SHEET
SIZE: A3

SHEET 2

Digitally signed by:
Latrobe City Council,
10/03/2021,
SPEAR Ref: S158748V

10-07
D285661

0285661

D285661

10-3 39028 JAN-7-07

ARTHUR ROBINSON & CO.

CREATION OF EASEMENT

I FRANCIS JAMES BRADY of "Glendale" Traralgon Farmer

(hereinafter called "the Grantor") being registered as the proprietor of an estate in fee simple in the land secondly herein after described subject to the encumbrances notified hereunder in consideration of the sum of \$ 62.26 paid to me DO HEREBY TRANSFER and GRANT unto ESSO EXPLORATION AND PRODUCTION AUSTRALIA INC. of 380 Lonsdale Street Melbourne and HEMATITE PETROLEUM PROPRIETARY LIMITED of 500 Bourke Street Melbourne and their transferees in fee simple the registered proprietor or proprietors for the time being of ALL THOSE pieces of land being the whole of the land described in Certificates of Title Volume 8718 Folio 882 Volume 8718 Folio 883 Volume 8718 Folio 886 Volume 8718 Folio 887 Volume 8718 Folio 888 Volume 8718 Folio 889 and Volume 5992 Folio 297 and Lot 2 on Plan of Subdivision Number 72314 Parish of Glencoe South and being part of the land described in Crown Grant Volume 5643 Folio 486 (hereinafter called "the Grantees") at all times hereafter the full and free liberty and right, as appurtenant to the lands comprised in the said Certificates of Title (which lands are hereinafter referred to as the "dominant tenement"), on over under and through ALL THAT piece of land delineated and coloured blue on the plan annexed hereto (hereinafter referred to as the "servient tenement") being part of Lot One on Plan of Subdivision Number 60689 Parish of Traralgon and being part of the land more particularly described in Certificate of Title Volume 8461 Folio 326

to lay down, construct, change the size and number of, operate, maintain, inspect, patrol (including aerial patrol), alter, remove, replace, reconstruct and/or repair one or more pipelines designed to convey or conveying oil and other liquid or gaseous hydrocarbons, natural and artificial gas and any products or by-products thereof and any other substance which may be transported by pipeline together with all the works of the Grantees useful in connection with or incidental to their undertaking including but without limiting the generality of the foregoing all such communication and power systems (including pole lines), drips, valves, valve chambers, manholes, inspection pits, fittings, meters, connections and all other equipment and appurtenances whether or not similar to the foregoing as may be useful or convenient in connection therewith or incidental thereto (hereinafter called "the Grantees' appliances") and together with the right for the Grantees and their surveyors, engineers, servants, agents, licensees, contractors, sub-contractors and others authorised by them (hereinafter called "the Grantees' associates")—

- (1) to enter upon and remain pass and repass on and over the servient tenement for all or any of the purposes aforesaid and with or without vehicles, plant and equipment of any description;
- (2) to clear the servient tenement and cut and remove timber, trees, undergrowth, crops and fences and construct and maintain gates in fences crossing the servient tenement and the other adjacent land of the Grantor as the Grantees shall consider necessary or desirable.

And the Grantor for himself his heirs executors administrators and assigns registered proprietor or proprietors of the servient tenement and every part thereof hereby covenants with the Grantees and each of them to the extent that the burden of this covenant may run with and bind the servient tenement and every part thereof and that the benefit thereof may be annexed to and run with the dominant tenement that the Grantor shall not without the prior written consent of the Grantees plant or permit to be planted any trees or shrubs on the servient tenement or excavate, drill, install, erect or permit to be excavated, drilled, installed or erected on or under the servient tenement or any part thereof any pit, well, foundation, pavement or other structure or installation nor shall the Grantor alter or disturb or permit to be altered or disturbed (other than by the processes of nature) the present grades and contours of the servient tenement but otherwise the Grantor shall have the right fully to use and enjoy the servient tenement subject always to and so as not to interfere with the rights and privileges hereby granted and conferred upon the Grantees.

The Grantor and the Grantees hereby mutually covenant and agree one with the other of them as follows:—

A. The consideration hereinbefore mentioned is acknowledged by the Grantor to be in full satisfaction of all moneys payable for the granting of this easement in favour of the Grantees.

B. The Grantees will compensate the Grantor for damage done from and after the date this instrument shall have been delivered to the Grantees to the Grantor's crops, timber, pasture lands, live stock, improvements and other property on the servient tenement or any land of the Grantor adjacent thereto by reason of the exercise of the rights hereinbefore granted. In the event of any difference arising between the Grantor and the Grantees as to the amount of such compensation the same shall be determined in the manner provided in the Arbitration Act 1958. Any compensation paid by the Grantees to the Grantor shall include compensation for damage done to the crops, timber, pasture lands, live stock, improvements and other property on the servient tenement or any land of the Grantor adjacent thereto in which any tenant, sharefarmer or other person has any interest and the Grantor agrees to indemnify the Grantees against any claim by any such tenant, sharefarmer or other person for any damage done by the Grantees in the performance of their rights under this easement.

C. The Grantees shall as soon as weather and soil conditions permit and subject to the restrictions hereinbefore contained and insofar as it is practicable so to do bury and maintain all pipelines so as not to interfere unreasonably with the use of the servient tenement.

D. Notwithstanding any rule of law or equity the pipes (which term shall include all pipelines and the Grantees' appliances) brought onto laid or erected upon or buried in or under the servient tenement by the Grantees shall at all times remain the property of the Grantees and their assigns notwithstanding that the same may be annexed or affixed to the freehold and shall at any time and from time to time be removable in whole or in part by the Grantees and their assigns.

E. Unless otherwise agreed by the Grantor and the Grantees upon the discontinuance of the use of the servient tenement by the Grantees the Grantees may at their option leave the pipe or any part thereof and the Grantees' appliances in the ground but if the Grantees damage the property of the Grantor during the removal of the pipe or appliances then the Grantees will compensate the Grantor upon the terms and in the manner contained in Clause B hereof.

F. The Grantees performing and observing the covenants, and conditions on their part to be observed and performed shall and may peacefully hold and enjoy the rights, liberties, privileges and easement hereby granted without hindrance, molestation or interference on the part of the Grantor or of any person firm or corporation claiming by through under or in trust for the Grantor.

G. All notices to be given hereunder may be given by prepaid registered or certified letter addressed to the Grantor by being forwarded to the registered proprietor for the time being at his latest address shown in the Register Book and to the Grantees at 380 Lonsdale Street Melbourne or such other address as the Grantor and Grantees may respectively from time to time designate in writing and any such notice shall be deemed to have been given to and received by the addressee on the third day following that on which the same is posted.

H. Neither this instrument nor anything herein contained shall affect or prejudice the rights of the Grantees or the Grantees' associates under the Pipelines Act 1967 or under any consent granted pursuant to Section 9 (2) of the said Act or under any permit granted pursuant to Section 12 of the said Act or any written permission given pursuant to Section 22 (1) of the said Act or any other rights of the Grantees under the said Act.

I. The Grantor will execute every such deed, instrument or assurance and do every such thing for further or more effectively securing the rights and interests of the Grantees to or in the servient tenement or any part or parts thereof pursuant to these presents as shall by the Grantees be reasonably required.

Form No. 4, 1/9/67.

C/E with Grantor

8461-326 A
to

8718-882

8718-883

8718-886

8718-887

8718-888

8718-889

5392-297

8727-448

26/3/69

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1. Wherever the singular or masculine is used it shall be construed as if the plural feminine or neuter, as the case may be had been used where the context or the party or parties hereto so require and the rest of the sentence shall be construed as if the grammatical and other changes thereby rendered necessary had been made and where more than one Grantor is a party hereto the covenants herein contained shall extend to and bind such Grantors jointly and each of them severally.

DATED this 28th day of December One thousand nine hundred and sixty-eight.

SIGNED by the said FRANCIS JAMES BRADY

in Victoria in the presence of: M. J. Brady

SIGNED by the said

in Victoria in the presence of:

EXECUTED by ESSO EXPLORATION AND PRODUCTION AUSTRALIA INC. by being SIGNED SEALED AND DELIVERED in Victoria by James Eugene Panta 161368 its attorney under Power Number 156024 in the presence of:

EXECUTED by HEMATITE PETROLEUM PROPRIETARY LIMITED by being SIGNED SEALED AND DELIVERED in Victoria by ROSS LEONARD HARRISON its attorney under Power Number 160124 in the presence of:

ENCUMBRANCES REFERRED TO:
Mortgage Number C696219 in the Register Book.

THE NATIONAL BANK OF AUSTRALASIA LIMITED of 271-285 Collins Street Melbourne being the Mortgagee

under Mortgage Number C696219 in the Register Book of part of the abovementioned land hereby consent to the above Creation of Easement and Restrictive Covenant and to this Creation of Easement and Restrictive Covenant taking priority over the said Mortgage and to an endorsement to that effect being made on the said Mortgage.

Executed on behalf of THE NATIONAL BANK OF AUSTRALASIA LIMITED by its Attorneys
MAURICE JAMES BAINEB
JOHN HENRY ELYELLA ALLEN HEYNOLD
under Power of Attorney No. 181531 (who state that they hold the office in the Bank indicated under their signatures) in the presence of:

Regional Manager, Victorian Branch Department
The National Bank of Australasia Limited.

DISTRIBUTION: Original — Office of Titles.
1st Copy — Cons't Div. for Company.
2nd Copy — R/W Agent.
3rd Copy — Landowner.
4th Copy — Solicitor.

Form No. 4, 1-9-67.

ESSO EXPLORATION AND PRODUCTION AUSTRALIA INC. AND HEMATITE PETROLEUM PROPRIETARY LIMITED

RIGHT-OF-WAY EASEMENT REQUIRED FOR PIPELINE

OWNER FRANCIS JAMES BRADY
ADDRESS "GLENDALE", TRARALGON

LOT 1 ON PLAN OF SUBDIVISION NO.60689
PARISH OF TRARALGON

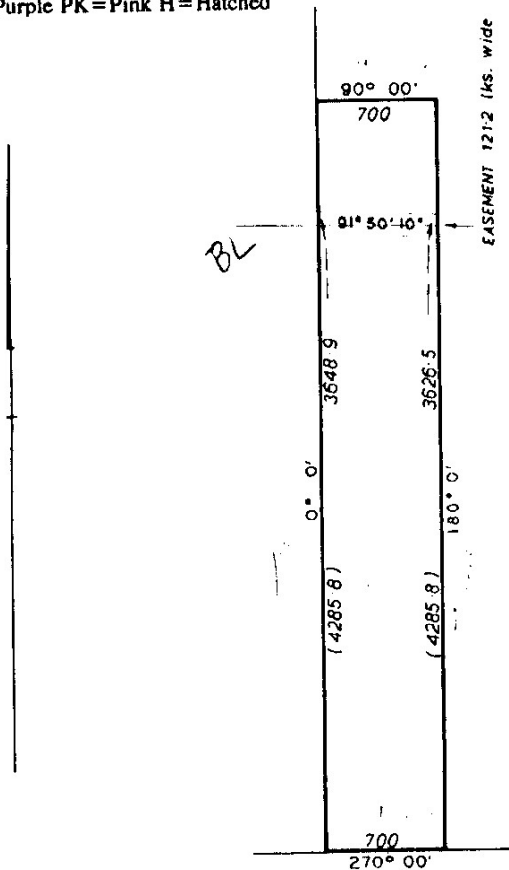
COUNTY OF BULN BULN

Certificate of Title VOLUME 8461 FOLIO 326
Area 0.84888 AC. O.A. 3R. 15 8/10 P.

Scale: 8 CHAINS to an Inch
Measurements are in LINKS

COLOUR CODE

Y=Yellow G=Green O=Orange
BL=Blue BR=Brown CH=Cross Hatched
R=Red P=Purple PK=Pink H=Hatched



Executed on behalf of THE NATIONAL BANK OF AUSTRALASIA LIMITED by its Attorneys
MAURICE JAMES BAINE
JOHN HENRY TREVILLA ALLEN REYNOLDS
under Power of Attorney No. 301531 in the State of Victoria
that they hold the office in the Bank indicated
under their signature(s) in the presence of:
Regional Manager, Victorian Branch Department,
The National Bank of Australasia Limited.

J. L. Brady
Regional Manager
The National Bank of Australasia Limited.

SURVEYORS
J. A. GANNON & ASSOCIATES
in association with
CULLIVERT & SIM
J. A. Gannon
17-10-68
Licensed Surveyor

**RIGHT-OF-WAY OR
EASEMENT NUMBER**
TR - 367

Ref. No. 783

Plan No. 168

To the Registrar of Titles

Please register this Creation of Easement and on completion return duplicate of the
Certificate of Title Volume 8461 Folio 326 to

THE NATIONAL BANK OF AUSTRALASIA LIMITED

FOR THE NATIONAL BANK OF AUSTRALASIA LIMITED



FRANCIS JAMES BRADY

to

ESSO EXPLORATION AND
PRODUCTION AUSTRALIA INC. AND
HEMATITE PETROLEUM
PROPRIETARY LIMITED

CREATION OF EASEMENT

Dated the day of 1968

ARTHUR ROBINSON & CO.
Solicitors
447 Collins Street, Melbourne, 3000.

TR-367

A memorandum of the within instrument
has been entered in the Register of Deeds.





Department of Environment, Land, Water & Planning

Electronic Instrument Statement

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

Produced 25/02/2022 09:52:12 AM

Status	Registered	Dealing Number	AU872509X
Date and Time Lodged	01/10/2021 04:08:03 PM		

Lodger Details

Lodger Code	18776H
Name	HARWOOD ANDREWS
Address	
Lodger Box	
Phone	
Email	
Reference	7cmm:22003689

APPLICATION TO RECORD AN INSTRUMENT

Jurisdiction	VICTORIA
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Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

Estate and/or Interest

FEE SIMPLE

Land Title Reference

12324/522

Instrument and/or legislation

RECORD - AGREEMENT - SECTION 173
Planning & Environment Act - section 173

Applicant(s)

Name	LATROBE CITY COUNCIL
Address	
Street Number	141
Street Name	COMMERCIAL
Street Type	ROAD
Locality	MORWELL
State	VIC
Postcode	3840

Additional Details



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

Refer Image Instrument

The applicant requests the recording of this Instrument in the Register.

Execution

1. The Certifier has taken reasonable steps to verify the identity of the applicant or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of	LATROBE CITY COUNCIL
Signer Name	CLARE MARGARET MCKENNA
Signer Organisation	THE LANTERN LEGAL GROUP PTY LTD
Signer Role	LAW PRACTICE
Execution Date	01 OCTOBER 2021

File Notes:

NIL

This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

Statement End.

Imaged Document Cover Sheet

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Document Identification	AU872509X
Number of Pages (excluding this cover sheet)	17
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The document is invalid if this cover sheet is removed or altered.

**HARWOOD
ANDREWS**

**SECTION 173 AGREEMENT
PLANNING AND ENVIRONMENT ACT 1987**

LATROBE CITY COUNCIL
Council

- and -

GIPPSLAND DEVELOPMENT GROUP PTY LTD ACN 610 506 164
Registered Land Owner

in relation to land at:

110 MARSHALLS ROAD, TRARALGON

Aaron Shrimpton 22003689
Harwood Andrews
ABN 98 076 868 034
70 Gheringhap Street, Geelong 3220, Victoria, Australia
DX 22019 Geelong
PO Box 101 Geelong VIC 3220

Telephone: 03 5225 5225 Facsimile: 03 5225 5222

This agreement is made the 8th day of September 2021

PARTIES:

1. **Latrobe City Council** of 141 Commercial Road, Morwell, Victoria, 3840 (Council)
2. **Gippsland Development Group Pty Ltd ACN 610 506 164** of Tyrrell Partners 57 Temple Street, Heyfield, Victoria, 3858 (Owner)

RECITALS:

- R.1. The Owner is or is entitled to be the registered proprietor of the Land.
- R.2. Council is the Responsible Authority under the Act for the Land.
- R.3. The Land is in the Traralgon North residential growth area. The DPO7 and the DP apply to the Land.
- R.4. In accordance with requirements in clause 3.0 of the DPO7, the DP sets out the contribution required from individual land owners within the area covered by the DPO7 and DP to fund specified acquisition of land and provision of infrastructure and services required as a result of development of the area.
- R.5. Council has issued the Permit for the Land. In accordance with clause 2.0 of the DPO7, the Permit requires the Owner to enter into this Agreement to provide for payment of a contribution to fund the infrastructure and services set out in the DP in accordance with the DP.
- R.6. The DP provides that, subject to Council's agreement, the Owner may provide infrastructure or land identified in the DP and receive a Credit.
- R.7. This Agreement is entered into between Council and the Owner pursuant to section 173 of the Act in order to:
 - a. satisfy the requirements of the Permit;
 - b. set out the obligations of the Owner to pay the DIL or, in lieu of payment, provide the land or works specified in this Agreement that Council has agreed to accept in full or partial satisfaction of the obligation to pay DIL on the terms set out in this Agreement;
 - c. set out the obligations of the Owner to pay the CIL;
 - d. set out the obligations of the Owner to transfer the Open Space Land to Council; and
 - e. achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Land.
- R.8. All Mortgagees or Caveators have consented to this Agreement.

IT IS AGREED AS FOLLOWS:

1. DEFINITIONS

In this Agreement unless inconsistent with the context or subject matter:

- 1.1. **Act** means the *Planning and Environment Act 1987* (Vic).
- 1.2. **Agreement** means this Agreement and any agreement executed by the Parties varying or expressed to be supplemental to this Agreement.
- 1.3. **Caveator** means the caveator identified in item 4 of Schedule 1.
- 1.4. **Certificate of Practical Completion** means a written certificate prepared by Council stating that the DP Construction Project has been completed to the satisfaction of Council.
- 1.5. **Council** means Latrobe City Council or its successor as the authority responsible for administering and enforcing the Planning Scheme and includes its agents, officers, employees, servants, workers and contractors.
- 1.6. **Construction Index** means the building price index published in the latest edition of Rawlinson's Australian Construction Handbook and in the event that this index is no longer available then the Council will nominate a replacement index.
- 1.7. **Civil Maintenance Bond** means an irrevocable unconditional bank guarantee from a financial institution approved by Council or other form of security to the satisfaction of Council, in favour of Council, for the amount specified in item 6 of Schedule 1 to secure maintenance of the DP Construction Project.
- 1.8. **Civil Maintenance Period** means the period specified in item 5 of Schedule 1 from the issue of a Certificate of Practical Completion for a DP Construction Project.
- 1.9. **Credit** means a credit for a DP Construction Project or DP Land Project against the Owner's liability to pay DIL, in the amount specified in Column C in Schedule 2 subject to indexation in accordance with clause 3.3.
- 1.10. **CIL** means the community infrastructure levy required to be paid at \$900 per Residential Lot, or such higher amount specified in the DP.
- 1.11. **DP** means the Traralgon North Development Plan and Development Contributions Plan – Final Report prepared by Planisphere dated November 2015, or such later version of this document approved by Council.
- 1.12. **DP Construction Project** means a project for the construction of infrastructure identified in the DP Construction Project Table in Schedule 2, which comprises such part of the construction project included in the DP and identified in Column A of Schedule 2 as described in Column B of Schedule 2.
- 1.13. **DP Land Project** means the provision of land identified in the DP Land Project Table in Schedule 2, which comprises such part of the land project included in the DP and identified in Column A of Schedule 2 as described in Column B of Schedule 2.
- 1.14. **DP Levy** means the DP Levy required to be paid in respect of the Land in accordance with the DP, payable at the rate identified in item 7 of Schedule 1 subject to indexation in accordance with clause 3.3 of this Agreement.
- 1.15. **DIL** means the DP Levy and Drainage Levy.

- 1.16 **DPO7** means Schedule 7 to the Development Plan Overlay – Traralgon North Residential Growth Area
- 1.17 **Drainage Levy** means the drainage levy required to be paid in respect of the Land in accordance with the DP, payable at the rate identified in item 8 of Schedule 1 subject to indexation in accordance with clause 3.3 of this Agreement.
- 1.18 **Endorsed Plans** means the plans endorsed under the Permit.
- 1.19 **GST** means the *New Tax System (Goods and Services Tax) Act 1999 (Cth)* as amended from time to time.
- 1.20 **GST Regulations** means the *New Tax System (Goods and Services Tax) Regulations 1999 (Cth)* as amended from time to time.
- 1.21 **Land** means the land identified in item 1 of Schedule 1 and includes any lots created by the subdivision of the Land or any part of it.
- 1.22 **Land Index** means the annual change in the value of land projects identified in the DP as determined by the valuer appointed by Council pursuant to the DP.
- 1.23 **Localised Infrastructure** means works, services or facilities necessitated by the subdivision or development of the Land including but not limited to provision of utility services such as water supply, stormwater drainage, sewerage, gas and electricity services, telecommunications infrastructure and local road, bridges, culverts and other water crossings, any required associated traffic control measures and devices. For the purposes of this Agreement, localised infrastructure does not include the infrastructure required in accordance with the DP or other infrastructure that is in the nature of regional or state infrastructure.
- 1.24 **Mortgagee** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Land or any part of it.
- 1.25 **Net Developable Area** has the meaning identified in the DP.
- 1.26 **Owner** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as the proprietor or proprietors of an estate in fee simple of the Land or any part of it, and includes a Mortgagee in possession.
- 1.27 **Party** or **Parties** means the Owner and the Council under this Agreement as appropriate.
- 1.28 **Passive Open Space Land** means land for passive open space provided by the Owner to Council in accordance with the DP and Endorsed Plans.
- 1.29 **Plan of Subdivision** means a plan showing the subdivision of the Land which creates an additional lot which can be disposed of separately or which can be re-subdivided.
- 1.30 **Permit** means the planning permit identified in item 2 of Schedule 1, as amended from time to time.
- 1.31 **Planning Scheme** means the Latrobe Planning Scheme and any successor instrument or other planning scheme which applies to the Land.
- 1.32 **Residential Lot** means a lot created as a result of the subdivision of the Land which in the opinion of Council is of a size and dimension that it is intended to be developed as a housing lot without further subdivision.
- 1.33 **Schedule** means a schedule to this Agreement.

- 1.34. **Stage** is a reference to a stage of subdivision of the Permit as shown on an approved Plan of Subdivision or Endorsed Plan;
- 1.35. **Statement of Compliance** means a statement of compliance issued by Council under the *Subdivision Act 1988*;
- 1.36. **Surplus Credit** means any Credit that has been issued under clause 6.1 of this Agreement that, after the final Stage, has not been applied or exhausted under clauses 6.2 & 6.3;
- 1.37. **Tax Act** means the *Taxation Administration Act 1953 (Cth)* as amended from time to time.

2. INTERPRETATION

In the interpretation of this Agreement unless inconsistent with the context or subject matter:

- 2.1. the singular includes the plural and the plural includes the singular;
- 2.2. a reference to a gender includes a reference to all other genders;
- 2.3. words (including defined expressions) denoting persons will be deemed to include all trusts, bodies and associations, corporate or unincorporated, and vice versa;
- 2.4. a reference to a person includes a reference to a firm, corporation, association or other entity and their successors in law;
- 2.5. a reference to a statute includes any statute amending, consolidating or replacing that statute and includes any subordinate instruments made under that statute;
- 2.6. the Recitals to this Agreement are and will be deemed to form part of this Agreement including any terms defined within the Recitals;
- 2.7. references to the Parties will include their transferees, heirs, assigns, and liquidators, executors and legal personal representatives as the case may be;
- 2.8. reference to a document or agreement includes reference to that document or agreement as changed, novated or replaced from time to time;
- 2.9. where a word or phrase is given a definite meaning in this Agreement, a part of speech or other grammatical form for that word or phrase has a corresponding meaning; and
- 2.10. where a word or phrase is not defined in this Agreement, it has the meaning as defined in the Act, or, if it is not defined in the Act, it has its ordinary meaning.

3. REQUIREMENT TO PAY THE DIL AND CIL

3.1 Payment of the DIL and CIL

At least 21 days prior to the issue of a Statement of Compliance for any Stage and in accordance with the Permit, the Owner must pay:

- 3.1.1. in respect of the land within that Stage, the DIL subject to the Owner's entitlement to a Credit under this Agreement; and
- 3.1.2. in respect of each Residential Lot within the Plan of Subdivision for that Stage, the CIL.

3.2. Entitlement to a Credit

The Owner agrees that it will be entitled to a Credit for a Stage if the schedule of contributions endorsed under condition 7 of the Permit for that stage identifies that:

- 3.2.1. there is an existing Credit in excess of the DIL liability for that Stage, in which event the Credit will be applied in accordance with clause 6 of this Agreement;
- 3.2.2. there is an existing Credit which is less than the DIL liability for that Stage, in which event the DIL liability will be reduced by the amount of the Credit;
- 3.2.3. the land comprising a DP Land Project will vest in Council upon the issue of a Statement of Compliance for that Stage, in which event the DIL liability will be reduced by the amount of Credit that will accrue upon the issue of the Statement of Compliance for that Stage; or
- 3.2.4. there is a combination of the circumstances described above in clauses 3.2.1, 3.2.2 or 3.2.3.

3.3. Indexation

The Owner agrees:

- 3.3.1. any Credit for a:
 - (a) DP Construction Project will be adjusted annually at 1 July in accordance with the Construction Index, until a Certificate of Practical Completion is issued in respect of the DP Construction Project;
 - (b) DP Land Project will be adjusted annually as at 1 July in accordance with the Land Index, until the DP Land Project is transferred to or vested in Council;
- 3.3.2. the annual adjustment to the Credit outlined in clause 3.3.1 will cease:
 - (a) in respect of a Credit for a DP Construction Project upon the issue of a Certificate of Practical Completion for the DP Construction Project; and
 - (b) in respect of a DP Land Project when the land is transferred to or vested in Council.
- 3.3.3. the Drainage Levy will be adjusted annually as at 1 July in accordance with the Construction Index;
- 3.3.4. the DP Levy will be adjusted by Council each year as at 1 July applying the Construction Index to DP Construction Projects and Land Index to DP Land Projects.

4. DP CONSTRUCTION PROJECTS

4.1. Construction

The Owner agrees with Council that it must construct the DP Construction Projects

- 4.1.1. at its own cost;

- 4.1.2. in accordance with plans and specifications approved by Council,
- 4.1.3. in accordance with the Permit;
- 4.1.4. in compliance with all applicable laws and permits, consents and approvals;
- 4.1.5. within the time specified for the DP Construction Project in column D of Schedule 2 of this Agreement; and
- 4.1.6. to the satisfaction of Council.

4.2. Design and approval

The Owner agrees that prior to commencing any works for a DP Construction Project, it must, at its own cost:

- 4.2.1. prepare plans and specifications for the DP Construction Project and submit those plans and specifications to Council for its approval, and
- 4.2.2. obtain all necessary permits, consents and approvals for the DP Construction Project.

4.3. Maintenance of DP Construction Projects

The Owner agrees that it must:

- 4.3.1. prior to the issue of a Certificate of Practical Completion for a DP Construction Project, provide the following to Council:
 - (a) a copy of as-built plans and any maintenance information, operational manual or other material which is reasonably required for the ongoing operation and maintenance of the DP Construction Project;
 - (b) a copy of any permit, consent or approval obtained for the DP Construction Project;
 - (c) payment of any fees or charges outstanding in respect of the DP Construction Project; and
 - (d) the Civil Maintenance Bond for the DP Construction Project;
- 4.3.2. following the issue of a Certificate of Practical Completion for a DP Construction Project, maintain the DP Construction Project in good order, condition and repair for the Civil Maintenance Period to the satisfaction of Council.

4.4. Issue of a Certificate of Practical Completion

Upon the completion of a DP Construction Project to Council's satisfaction and in accordance with this Agreement, Council will issue a Certificate of Practical Completion for the DP Construction Project.

4.5. Application of the Civil Maintenance Bond

Council may use the Civil Maintenance Bond to undertake works or repairs to ensure the good order, condition and repair of the Construction Project in the event that:

- 4.5.1. any part the Construction Project is not maintained to Council's satisfaction during the Civil Maintenance Period; and
- 4.5.2. the Owner fails to comply with a written direction from Council to undertake any maintenance works or repairs required by Council.

4.6. Return of Civil Maintenance Bond

Following the:

- 4.6.1. end of the Civil Maintenance Period; and
- 4.6.2. completion of any maintenance works or repairs required by Council,

Council will return the Civil Maintenance Bond less any monies used by Council in accordance with clause 4.5.

5. DP LAND PROJECTS

5.1. Provision of DP Land Projects

The Owner agrees that it must transfer to or vest in Council each DP Land Project within the timeframe identified for the DP Land Project in column D of Schedule 2 of this Agreement.

5.2. Condition of the land

The Owner agrees that any land transferred to or vested in Council in accordance with clause 5.1 must be:

- 5.2.1. sown to grass or landscaped to the satisfaction of Council;
- 5.2.2. free from disused structures;
- 5.2.3. free of all encumbrances;
- 5.2.4. free from contamination; and
- 5.2.5. connected to services, where applicable;

unless otherwise agreed to in writing by Council.

5.3. No further compensation payable

The Owner acknowledges and agrees that, upon Council complying with its obligations under this Agreement, no further compensation of any kind whatsoever is payable to the Owner in relation to the land transferred to Council for a DP Land Project.

6. CREDIT

6.1. Issue of a Credit

Council agrees that it will issue the Owner with a Credit as follows.

- 6.1.1. in relation to a DP Construction Project, Council will issue a Credit upon the issue of Certificate of Practical Completion for the DP Construction Project; and

- 6.1.2. in relation to a DP Land Project, Council will issue a Credit once the land has been vested in or transferred to Council

6.2. Application of the Credit

Council agrees that:

- 6.2.1. the Owner will not be required to make cash payments towards the Owner's obligation to pay DIL until any Credit has been exhausted as determined in accordance with clause 6.3; and
- 6.2.2. prior to the issue of a Statement of Compliance for a Stage, Council must deduct the amount of DIL payable in relation to that Stage from any Credit.

6.3. Exhaustion of the Credit

When the amount of the DIL payable in relation to a Stage exceeds the amount of any Credit that has been issued:

- 6.3.1. in relation to that Stage, the Owner must pay in cash an amount equal to the amount of DIL payable in relation to that Stage that exceeds the amount of any Credit remaining prior to the issue of the Statement of Compliance for that Stage; and
- 6.3.2. in relation to subsequent Stages, the Owner must pay the DIL in cash prior to the issue a Statement of Compliance for each Stage or as otherwise agreed by Council, unless a further Credit is issued by Council.

6.4. Refund of Credit

Subject to receiving a written request for a refund of any Surplus Credit, Council agrees that within 24 months of the latter of:

- 6.4.1. a Statement of Compliance being issued in respect of the final Stage; or
- 6.4.2. the issue of a Certificate Practical Completion for the final DP Construction Project; or
- 6.4.3. the transfer to or vesting in Council of the final DP Land Project,

Council will refund any Surplus Credit to the Owner.

6.5. Information to be provided

The Owner must include in a request for a Statement of Compliance for any Stage of subdivision of the Land, the following information in relation to that Stage:

- 6.5.1. the net developable area of land included in the Stage;
- 6.5.2. the DIL payable in relation to the Stage;
- 6.5.3. the amounts previously deducted from the Credit in relation to previous Stages;
- 6.5.4. the amount of Credit to be deducted in relation to the Stage; and
- 6.5.5. the amount of the Credit remaining following deduction in relation to the Stage/s.

7. OBLIGATION TO PROVIDE PASSIVE OPEN SPACE LAND

The Owner agrees that prior to the issue of a Statement of Compliance for any Stage or such later time as agreed to by Council in writing, the Owner must transfer to or vest in Council any Passive Open Space Land within that Stage as shown on the DP or an Endorsed Plan.

8. OWNER'S FURTHER COVENANTS

The Owner warrants and covenants that:

- 8.1. It is the registered proprietor (or entitled to be so) of the Land;
- 8.2. save as shown in the certificate of title to the Land, there are no mortgages, liens, charges, easements or other encumbrances or any rights inherent in any person affecting the Land or any part of it and not disclosed by the usual searches;
- 8.3. neither the Land nor any part of it is subject to any right obtained by adverse possession or subject to any easements, rights or encumbrances mentioned in section 42 of the *Transfer of Land Act 1958* (Vic);
- 8.4. it will not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the Land or any part of it without first providing to its successors a copy of this Agreement;
- 8.5. it will within 28 days of written demand pay to Council, Council's reasonable costs (including legal or other professional costs) and expenses of and incidental to the:
 - 8.5.1. negotiation, preparation, execution and recording of this Agreement;
 - 8.5.2. assessment, negotiation, preparation, execution and recording of any proposed amendment to this Agreement; and
 - 8.5.3. the cancellation or alteration of this Agreement in the Register
- 8.6. to the extent that the costs and expenses to be paid for by the Owner in accordance with clause 8.5 constitute legal professional costs, Council may at its absolute discretion have these costs assessed by the Law Institute of Victoria and in that event the Parties will be bound by the amount of that assessment, with any fee for obtaining such an assessment being borne equally by Council and the Owner;
- 8.7. it will do all that is necessary to enable Council to make application to the Registrar of Titles to record this Agreement in the Register in accordance with the Act, including the signing of any further agreement, acknowledgment or other document; and
- 8.8. until such time as this Agreement is recorded in the Register, the Owner must ensure that successors in title will give effect to this Agreement, and do all acts and sign all documents which will require those successors to give effect to this Agreement, including executing a deed agreeing to be bound by the terms of this Agreement.

9. ACKNOWLEDGEMENT BY THE PARTIES

The Parties acknowledge and agree that:

- 9.1. this Agreement relates only to infrastructure that is set out in the DP and not Localised Infrastructure except to the extent that the Localised Infrastructure is specifically funded under DP; and
- 9.2. compliance with the obligations of this Agreement does not relieve the Owner of any obligation imposed by Council or a Tribunal to provide Localised Infrastructure which

obligation may be imposed as a requirement in a planning permit for the subdivision or development of the Land.

10. FURTHER ASSURANCE

The Parties to this Agreement will do all things necessary (including signing any further agreement, acknowledgement or document) to give full effect to the terms of this Agreement and to enable this Agreement to be recorded in the Register in accordance with the Act.

11. AMENDMENT

This Agreement may be amended only in accordance with the requirements of the Act.

12. NO WAIVER

The Parties agree that:

- 12.1. no waiver by any Party of any default in the strict and literal performance of or compliance with any provision, condition or requirement in this Agreement will be deemed to be:
 - 12.1.1. a waiver of strict and literal performance of and compliance with any other provision, condition or requirement of this Agreement; or
 - 12.1.2. a waiver or release any Party from compliance with any provision, condition or requirement in the future; and
- 12.2. any delay or omission of any Party to exercise any right under this Agreement in any manner will not impair the exercise of such right accruing to it thereafter.

13. NO FETTERING OF POWERS OF COUNCIL

The Parties acknowledge and agree that this Agreement does not fetter or restrict the power or discretion of the Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Land or relating to any use or development of the Land.

14. INTEREST ON OVERDUE MONEYS

Any amount due under this Agreement but unpaid by the due date incurs interest at the rate prescribed under section 227A of the *Local Government Act 1989* (Vic) and any payment made shall be first directed to payment of interest and then the principal amount owing.

15. NOTICES

All notices and other communications under this Agreement will be sent by prepaid mail, by hand delivery, email or by facsimile to the Current Addresses for Service, Current Email Address for Service or Current Number for Service of the Parties, and may be sent by an agent of the Party sending the notice. Each notice or communication will be deemed to have been duly received.

- 15.1. not later than two business days after being deposited in the mail with postage prepaid;
- 15.2. when delivered by hand;
- 15.3. if sent by email, at the time of receipt in accordance with the *Electronic Transactions (Victoria) Act 2000* (Vic); or

- 15.4. if sent by facsimile transmission upon completion of that transmission and production of a transmission report stating that the facsimile was sent to the addressee's facsimile number.

16. COSTS ON DEFAULT

If the Owner defaults in the performance of any obligations under this Agreement it will pay to the Council its reasonable costs of action taken to achieve compliance with this Agreement.

17. INVALIDITY OF ANY CLAUSE

Notwithstanding anything to the contrary in this Agreement, if any provision of this Agreement will be invalid and not enforceable in accordance with its terms, all other provisions which are self-sustaining and capable of separate enforcement without regard to the invalid provisions will be and continue to be valid and enforceable in accordance with those terms.

18. AGREEMENT BINDING ON SUCCESSORS OF OWNERS

This Agreement will extend to and bind the Owner's successors, assigns, administrators, transferees and legal personal representatives and the obligations imposed upon them will also be binding on their successors, transferees, purchasers, mortgagees and assigns as if each of them had separately executed this Agreement.

19. JOINT OBLIGATIONS

In the case of each Party that consists of more than one person (including in that expression any corporation) each of those persons covenants, agrees and declares that all of the covenants, agreements, declarations and consents contained in this Agreement and made and given by that Party have been entered into, made and given and are binding upon that person both severally and also jointly with the other person or persons constituting that Party.

20. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the Parties in connection with its subject matter and supersedes all previous agreements or understandings between the Parties in connection with its subject matter.

21. GST

The Parties agree that

- 21.1. expressions used in this clause and in the GST Act have the same meanings as when used in the GST Act;

- 21.2. a supply under this Agreement of:

21.2.1. in-kind contributions of any kind provided by the Owner to the Council for the supply by the Council to the Owner of a right to develop land where the right/s granted comply with requirements imposed by or under an Australian law (as that term is understood in the GST Act) will be exempt from GST;

21.2.2. payments, fees, charges levies or other amounts payable (the amount payable) by the Owner to the Council for the supply of a right to develop land, to the extent:

- (a) the amount payable is a payment of an Australian tax under subsection 81-5(1) of the GST Act, or

- (b) is an amount that is subject to subsection 81-10(1) of the GST Act and is not an amount listed in regulation 81-10.01 of the GST Regulations; or
- (c) is an amount that is not subject to subsection 81-10(1) of the GST Act but is listed in regulation 81-15.01 of the GST Regulations; or
- (d) is an amount that is subject to subsection 81-10(1) of the GST Act and is listed in regulations 81-10.01 and 81-15.01 of the GST Regulations but is listed in subregulation 81-10.01(1)(g);

will be exempt from GST.

- 21.3 the recipient of a taxable supply made under or in respect of this Agreement must pay to the supplier, at the time the consideration for the supply is due, the GST payable in respect of the supply. This obligation extends to supply consisting of a Party's entry into this document; and
- 21.4 a Party is not obliged, under clause 21.3, to pay the GST on a taxable supply to it until given a valid tax invoice for the supply.

22 FOREIGN RESIDENT CAPITAL GAINS WITHHOLDING TAX

- 22.1 The Parties agree that the words defined or used in subdivision 14-D of schedule 1 of the Tax Act have the same meaning in this clause unless the context requires otherwise.
- 22.2 The Owner acknowledges and agrees that if Council is required to pay the Commissioner an amount in accordance with subdivision 14-D of schedule 1 of the Tax Act for any transfer to or vesting of land by the Owner in Council under this Agreement (**the Amount**):
 - 22.2.1 at least 60 days prior to the transfer to or vesting of such land in Council, the Owner must provide Council with a clearance certificate issued by the Commissioner under section 14-220 (1) of schedule 1 to the Tax Act, which must be valid for the period within which the relevant land is to be vested in or transferred to Council and must be issued in the exact name of the Owner; or
 - 22.2.2 where a clearance certificate is not provided in accordance with clause 21.2.1:
 - (a) if the land is to be transferred or vested in Council in exchange for a cash payment to the Owner, then the Amount is to be deducted from the total cash payment;
 - (b) if the land is to be transferred or vested in Council in exchange for non-cash consideration, the Owner must pay the Amount to Council at least 30 days prior to the transfer to or vesting of the land in Council; and
 - (c) if the land is to be transferred or vested in Council in exchange for part cash payment and part non-cash consideration, then the Amount is to be deducted from the total cash payment and to the extent that the total cash payment is less than the Amount, the Owner must pay the

difference to Council at least 30 days prior to the transfer to or vesting of the land in Council

22.2.3. The Owner acknowledges and agrees that it must provide Council with all information and assistance necessary to enable Council to comply with its obligation to make a payment under subdivision 14-D of schedule 1 of the Tax Act in respect to the transfer to or vesting of land in Council under this Agreement.

22.2.4. The Owner indemnifies Council against any interest, penalty, fine or other charge or expense incurred by Council arising from a failure by Council to pay the Amount in accordance with subdivision 14-D of schedule 1 of the Tax Act as a result of the Owner's failure to comply with its obligations under this clause of the Agreement.

23. COUNTERPARTS

23.1. This Agreement may consist of a number of counterparts and, if so, the counterparts taken together constitute an agreement.

23.2. Execution by either or both parties of a fax or email copy of this Agreement, or transmission or email of a copy of this Agreement, executed by that party, will constitute valid and binding execution of this Agreement by such party or parties.

24. COMMENCEMENT OF AGREEMENT

This Agreement will commence:

24.1. on the date that it bears; or

24.2. if it bears no date, on the date it is recorded in the Register.

25. ENDING OF AGREEMENT

The Parties agree:

25.1. this Agreement will end:

25.1.1. in respect of a Residential Lot, upon the issue of a Statement of Compliance for a subdivision that creates that Residential Lot; or

25.1.2. in respect of all other land, once the Owner has completed, to the satisfaction of Council all of the obligations imposed upon it under this Agreement and Council has complied with its obligations under the Agreement; or

25.1.3. otherwise by agreement between the Parties in accordance with Section 177(2) of the Act;

25.2. once this Agreement ends with respect to part or all of the Land, Council will, within 28 days of the Agreement ending with respect to that part of all of the Land, following a request from the Owner and at the cost of the Owner, complete and execute within 21 days all documents necessary to make application to the Registrar of Titles under Section 183(2) of the Act to cancel the recording of this Agreement on the register in relation to the relevant land.

- 14 -

EXECUTED BY THE PARTIES

Signed sealed and delivered as a deed by the Parties

Date: 8 SEPTEMBER 2021

SIGNED for and on behalf of
LATROBE CITY COUNCIL by
Steven Piasente pursuant to Instrument
of Delegation
in the presence of:

8) JUNE 2021


Steven Piasente - Chief Executive Officer

Witness


Louise McKenna
Print Name

EXECUTED by Gippsland Development Group
Pty Ltd ACN 610 506 164 in accordance with
Section 127 of the Corporations Act 2001.

Director

Dale John Stott
Full Name

44 McNairn Road
Traralgon Vic 3844
Address

Director/Secretary

Gary James Johnson
Full Name

50 Payne Road
Beaconsfield VIC 3807
Address

Schedule 1

Item 1 – Land	Lot A on Plan of Subdivision 826057P; Certificate of Title Volume 12324 Folio 522
Item 2 – Permit	Planning Permit 2016/197
Item 3 – Mortgagee & Instrument/s of Mortgagee	NA
Item 4 – Caveator & Instrument of Caveat	NA
Item 5 – Civil Maintenance Period	3 months
Item 6 – Civil Maintenance Bond Amount	5% of the cost of the DP Construction Project
Item 7 –DP Levy	\$181,833.91 per hectare of Net Developable Area or part thereof, as at 1 July 2019 and subject to Indexation.
Item 8 – Drainage Levy	\$36,006.98 per hectare of Net Developable Area or part thereof, as at 1 July 2019 and subject to Indexation.

Schedule 2

DP CONSTRUCTION PROJECTS TABLE

A – DP Project Number and Description	A1 – Total DP Project Value	B – Extent of DP Project	C – Credit	D – Timing for delivery
DI_RO_3 – Park Lane Roundabout	\$583,241	100%	\$583,241	Prior to the issue of a Statement of Compliance for Stage 1.
DI_RO_1 – Marshalls Road Upgrade	\$3,998,931	10% - 150m of a 1500m project	\$399,893	Prior to the issue of a Statement of Compliance for Stage 1.
DI_TR_2 – Marshalls Road Shared Path	\$334,983	9.3% - 150m of a 1600m project	\$31,153	Prior to the issue of a Statement of Compliance for Stage 1.
DI_TR_4 – Shared path – internal connector streets	\$314,047	36.7% - 550m of a 1,550m project	\$115,151	Prior to the issue of a Statement of Compliance for Stage 6.
DI_OS_2d – Central Park	\$584,571	80.0%	\$467,657	Prior to the issue of a Statement of Compliance for Stage 6.
DI_DR_2 – Retention basin – catchment 2	\$1,427,775	33.0%	\$471,166	Prior to the issue of a Statement of Compliance for Stage 6.

DP LAND PROJECTS TABLE

A – DP Project Number and Description	A1 – Total DP Project Value	B – Extent of DP Project	C – Credit	D – Timing for delivery
DI_LA_8b – Marshalls Road widening	\$159,500	19.8% - 0.115ha to be vested	\$31,581	Stage 1
DI_LA_1 – Land for Community Facility	\$96,250	100%	\$96,250	Stage 4
DI_LA_2 – Land for Active Open Space	\$671,000	35.4% - 0.86ha to be vested	\$237,534	Stage 4

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 10245 FOLIO 531

Security no : 124088182057R
Produced 17/02/2021 03:48 PM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 323156R.
PARENT TITLE Volume 08424 Folio 541
Created by instrument PS323156R 18/08/1995

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
LEONARD WILLIAM MARSHALL of 60 MARSHALLS ROAD TRARALGON VIC 3844
AS449823V 16/08/2019

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT D261416

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS323156R FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

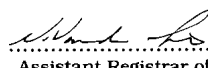
Street Address: 60 MARSHALLS ROAD TRARALGON VIC 3844

ADMINISTRATIVE NOTICES

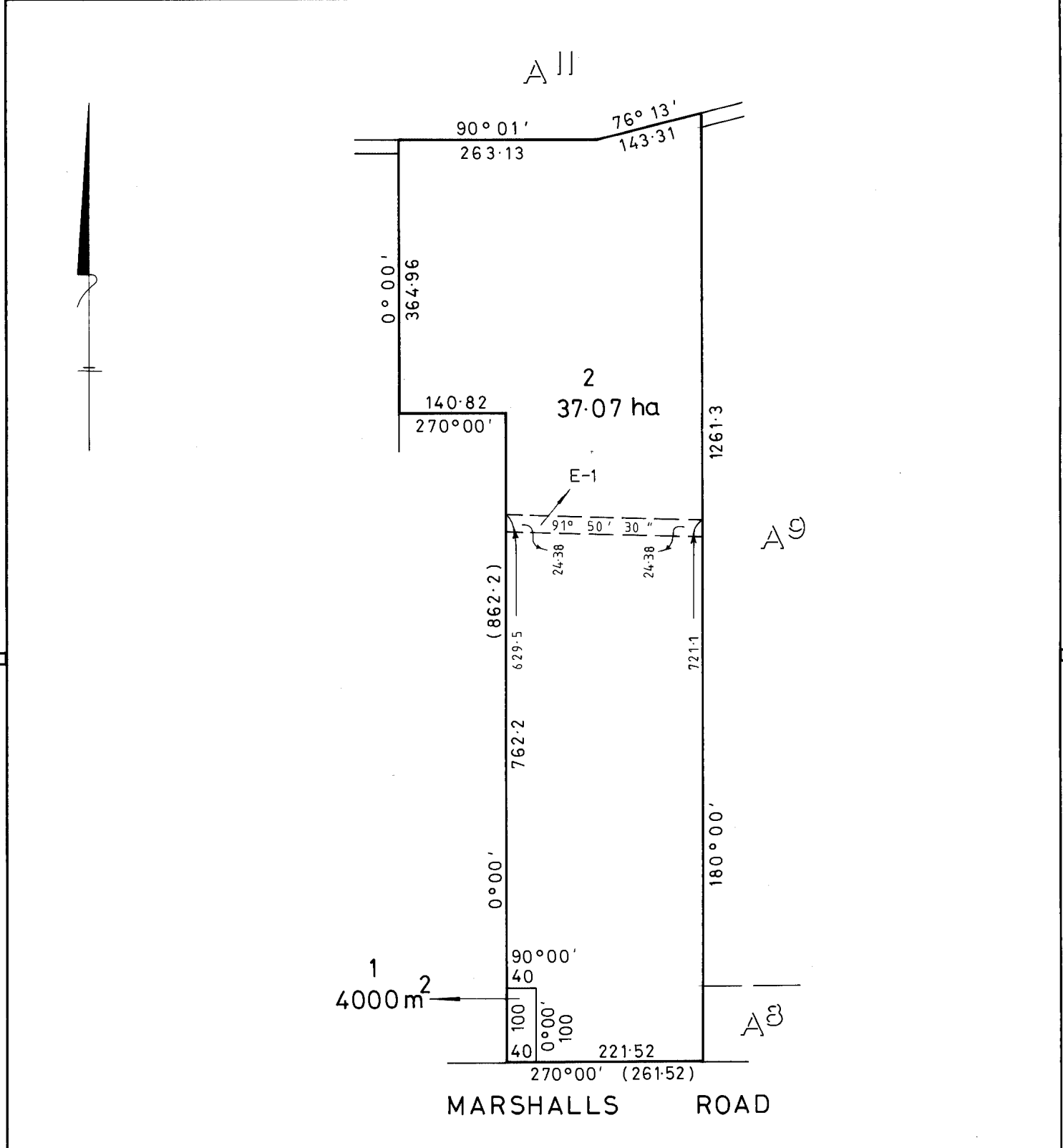
NIL

eCT Control 17349J BD LEGAL
Effective from 16/08/2019

DOCUMENT END

PLAN OF SUBDIVISION				STAGE NO. —	LTO use only EDITION 1	Plan Number PS 323156 R
Location of Land Parish: TRARALGON Township: — Section: — Crown Allotment: A ⁸ (PART) & A ⁹ (PART), TRARALGON EAST PRE-EMPTIVE RIGHT (PART), FORMER GOVERNMENT ROAD (PART) LTO Base Record: LITHO 1 (3647) Title Reference: VOL 8424 FOL 541 Last Plan Reference: LP 60689 LOT 2 Postal Address: MARSHALLS ROAD (at time of subdivision) TRARALGON 3844 AMG Co-ordinates E 460 900 Zone: 55 (of approx. centre of land in plan) N 5 774 500				Council Certificate and Endorsement Council Name: SHIRE OF TRARALGON Ref: 61121906 1. This plan is certified under section 6 of the Subdivision Act 1988. 2. This plan is certified under section 11(7) of the Subdivision Act 1988. Date of original certification under section 6 / / 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. <u>OPEN SPACE</u> (i) A requirement for public open space under section 18 of the Subdivision Act 1988 has /has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage..... Council delegate Council seal Date 1 / 7 / 93 Re-certified under section 11(7) of the Subdivision Act 1988 Council Delegate Council Seal Date / /		
Vesting of Roads and/or Reserves				Notations		
Identifier	Council/Body/Person			Staging This is /is not a staged subdivision Planning Permit No. 61121 906 Depth Limitation 15.24 m BELOW THE SURFACE. APPLIES TO THE FORMER GOVERNMENT ROAD ONLY.		
NIL	NIL					
OTHER NOTATIONS THE AREA OF LOT 2 HAS BEEN OBTAINED BY DEDUCTION FROM TITLE. LOT 1 AND THE CONNECTIONS 0°00' 762.2 AND 270°00' 140.82 ARE THE RESULT OF THIS SURVEY.						
Survey This plan is is not based on survey This survey has been connected to permanent marks no(s) — In Proclaimed Survey Area No. —						
Easement Information					LTO use only	
Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)					Statement of Compliance/ Exemption Statement Received ☒ Date 7 / 6 / 95	
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	LTO use only PLAN REGISTERED TIME 8.40 AM. DATE 18 / 8 / 95  Assistant Registrar of Titles Sheet 1 of 2 Sheets	
E-1	PIPELINE PURPOSES	24.38	C/E D 261416	ESSO EXPLORATION AND PRODUCTION		
beveridge williams & co. pty. ltd. SURVEYORS • PLANNERS • ENGINEERS o Melbourne—554 High St., Prahran 3181 529 4022 o Ballarat—48 Lydiard St. South 3350 (053) 31 3877 o Leongatha—57 Bair Street 3953 (056) 62 2630 o Traralgon—3/6-8 Grey Street 3844 (051) 74 5385 o Wonthaggi—31 Murray Street 3995 (056) 72 1505					LICENSED SURVEYOR (PRINT) IAN GORDON KEITH SIGNATURE..... DATE 24 / 11 / 92 REF 7854 VERSION 1 DATE / / COUNCIL DELEGATE SIGNATURE Original sheet size A3	

PLAN OF SUBDIVISION	Stage No.	Plan Number
		PS 32 3156 R



beveridge williams & co. pty. ltd. SURVEYORS • PLANNERS • ENGINEERS o Melbourne—554 High St., Prahran 3181 529 4022 o Ballarat—48 Lydiard St. South 3350 (053) 31 3877 o Leongatha—57 Bair Street 3953 (056) 62 2630 o Traralgon—3/6-8 Grey Street 3644 (051) 74 5385 o Wonthaggi—31 Murray Street 3995 (056) 72 1505		Sheet 2 of 2 sheets
ORIGINAL SCALE 1:5000	SCALE 50 0 100 200 LENGTHS ARE IN METRES	LICENSED SURVEYOR (PRINT) IAN GORDON KEITH SIGNATURE..... DATE 24 / 11 / 92 REF 7854 VERSION 1
		DATE / / COUNCIL DELEGATE SIGNATURE Original sheet size A3

0261416

0261416

***6.00 ART

11- 6 156330 DEC-14-69 ARTHUR ROBINSON & CO.
VICTORIA

RECEIVED

CREATION OF EASEMENT

I GEORGE ALBERT MARSHALL of Traralgon Farmer

(hereinafter called "the Grantor") being registered as the proprietor of an estate in fee simple in the land secondly herein-
after described subject to the encumbrances notified hereunder in consideration of the sum of \$ 173.36 paid to me
DO HEREBY TRANSFER and GRANT unto ESSO EXPLORATION AND PRODUCTION AUSTRALIA INC. of 380
Lonsdale Street Melbourne and HEMATITE PETROLEUM PROPRIETARY LIMITED of 500 Bourke Street Melbourne
and their transferees in fee simple the registered proprietor or proprietors for the time being of ALL THOSE pieces of land
being the whole of the land described in Certificates of Title Volume 8718 Folio 882 Volume 8718 Folio 883 Volume 8718
Folio 886 Volume 8718 Folio 887 Volume 8718 Folio 888 Volume 8718 Folio 889 and Volume 5992 Folio 297 and Lot 2
on Plan of Subdivision Number 72314 Parish of Glencoe South and being part of the land described in Crown Grant Volume
5643 Folio 486 (hereinafter called "the Grantees") at all times hereafter the full and free liberty and right, as appurtenant
to the lands comprised in the said Certificates of Title (which lands are hereinafter referred to as the "dominant tene-
ment"), on over under and through ALL THAT piece of land delineated and coloured blue on the plan annexed hereto
(hereinafter referred to as the "servient tenement") being part of Lot 2 on Plan of Subdivision
Number 60689 Parish of Traralgon and being part of the land
remaining untransferred in Certificate of Title Volume 8424
Folio 541

to lay down, construct, change the size and number of, operate, maintain, inspect, patrol (including aerial patrol), alter,
remove, replace, reconstruct and/or repair one or more pipelines designed to convey or conveying oil and other liquid or
gaseous hydrocarbons, natural and artificial gas and any products or by-products thereof and any other substance which may
be transported by pipeline together with all the works of the Grantees useful in connection with or incidental to their under-
taking including but without limiting the generality of the foregoing all such communication and power systems (including
pole lines), drips, valves, valve chambers, manholes, inspection pits, fittings, meters, connections and all other equipment
and appurtenances whether or not similar to the foregoing as may be useful or convenient in connection therewith or incen-
tal thereto (hereinafter called "the Grantees' appliances") and together with the right for the Grantees and their surveyors,
engineers, servants, agents, licensees, contractors, sub-contractors and others authorised by them (hereinafter called "the
Grantees' associates")—

- (1) to enter upon and remain pass and repass on and over the servient tenement for all or any of the purposes aforesaid
and with or without vehicles, plant and equipment of any description;
- (2) to clear the servient tenement and cut and remove timber, trees, undergrowth, crops and fences and construct and
maintain gates in fences crossing the servient tenement and the other adjacent land of the Grantor as the Grantees
shall consider necessary or desirable.

And the Grantor for himself his heirs executors administrators and assigns registered proprietor or proprietors of the
servient tenement and every part thereof hereby covenants with the Grantees and each of them to the extent that the burden
of this covenant may run with and bind the servient tenement and every part thereof and that the benefit thereof may be
annexed to and run with the dominant tenement that the Grantor shall not without the prior written consent of the Grantees
plant or permit to be planted any trees or shrubs on the servient tenement or excavate, drill, install, erect or permit to be
excavated, drilled, installed or erected on or under the servient tenement or any part thereof any pit, well, foundation,
pavement or other structure or installation nor shall the Grantor alter or disturb or permit to be altered or disturbed (other
than by the processes of nature) the present grades and contours of the servient tenement but otherwise the Grantor shall
have the right fully to use and enjoy the servient tenement subject always to and so as not to interfere with the rights and
privileges hereby granted and conferred upon the Grantees.

The Grantor and the Grantees hereby mutually covenant and agree one with the other of them as follows:—

A. The consideration hereinbefore mentioned is acknowledged by the Grantor to be in full satisfaction of all moneys
payable for the granting of this easement in favour of the Grantees.

B. The Grantees will compensate the Grantor for damage done from and after the date this instrument shall have been
delivered to the Grantees to the Grantor's crops, timber, pasture lands, live stock, improvements and other property on the
servient tenement or any land of the Grantor adjacent thereto by reason of the exercise of the rights hereinbefore granted.
In the event of any difference arising between the Grantor and the Grantees as to the amount of such compensation the
same shall be determined in the manner provided in the Arbitration Act 1958. Any compensation paid by the Grantees to
the Grantor shall include compensation for damage done to the crops, timber, pasture lands, live stock, improvements and
other property on the servient tenement or any land of the Grantor adjacent thereto in which any tenant, sharefarmer or
other person has any interest and the Grantor agrees to indemnify the Grantees against any claim by any such tenant, share-
farmer or other person for any damage done by the Grantees in the performance of their rights under this easement.

C. The Grantees shall as soon as weather and soil conditions permit and subject to the restrictions hereinbefore con-
tained and insofar as it is practicable so to do bury and maintain all pipelines so as not to interfere unreasonably with the
use of the servient tenement.

D. Notwithstanding any rule of law or equity the pipes (which term shall include all pipelines and the Grantees' appli-
ances) brought onto laid or erected upon or buried in or under the servient tenement by the Grantees shall at all times
remain the property of the Grantees and their assigns notwithstanding that the same may be annexed or affixed to the free-
hold and shall at any time and from time to time be removable in whole or in part by the Grantees and their assigns.

E. Unless otherwise agreed by the Grantor and the Grantees upon the discontinuance of the use of the servient tene-
ment by the Grantees the Grantees may at their option leave the pipe or any part thereof and the Grantees' appliances in the
ground but if the Grantees damage the property of the Grantor during the removal of the pipe or appliances then the
Grantees will compensate the Grantor upon the terms and in the manner contained in Clause B hereof.

F. The Grantees performing and observing the covenants, and conditions on their part to be observed and performed
shall and may peacefully hold and enjoy the rights, liberties, privileges and easement hereby granted without hindrance,
molestation or interference on the part of the Grantor or of any person firm or corporation claiming by through under or
in trust for the Grantor.

G. All notices to be given hereunder may be given by prepaid registered or certified letter addressed to the Grantor by
being forwarded to the registered proprietor for the time being at his latest address shown in the Register Book and to the
Grantees at 380 Lonsdale Street Melbourne or such other address as the Grantor and Grantees may respectively from time
to time designate in writing and any such notice shall be deemed to have been given to and received by the addressee on the
third day following that on which the same is posted.

H. Neither this instrument nor anything herein contained shall affect or prejudice the rights of the Grantees or the
Grantees' associates under the Pipelines Act 1967 or under any consent granted pursuant to Section 9 (2) of the said Act or
under any permit granted pursuant to Section 12 of the said Act or any written permission given pursuant to Section 22
(1) of the said Act or any other rights of the Grantees under the said Act.

I. The Grantor will execute every such deed, instrument or assurance and do every such thing for further or more
effectively securing the rights and interests of the Grantees to or in the servient tenement or any part or parts thereof
pursuant to these presents as shall by the Grantees be reasonably required.

Form No. 4, 1/9/67.

C/E with Grantor

8424-541 - PA

to

8718-882

8718-883

8718-886

8718-887

8718-888

8718-889

5992-297

8727-448

3-2-69

Sd. All 12/2/69.

End to

12/2/69

VICTORIA - STAMP DUTY

368 836250 76241

LE E 1015 ***

2

10.12.69



0261416-1-1

J. Wherever the singular or masculine is used it shall be construed as if the plural feminine or neuter, as the case may be had been used where the context or the party or parties hereto so require and the rest of the sentence shall be construed as if the grammatical and other changes thereby rendered necessary had been made and where more than one Grantor is a party hereto the covenants herein contained shall extend to and bind such Grantors jointly and each of them severally.

DATED this 2nd day of December One thousand nine hundred and sixty-eight.

SIGNED by the said GEORGE ALBERT MARSHALL } *G. A. Marshall*

in Victoria in the presence of: *A. J. [unclear]*

SIGNED by the said

in Victoria in the presence of:

EXECUTED by ESSO EXPLORATION AND PRODUCTION AUSTRALIA INC. by being SIGNED SEALED AND DELIVERED in Victoria by *James Edgar [unclear]* } *J. E. [unclear]*
161368
its attorney under Power Number ~~156054~~ in the presence of: *[unclear]*

EXECUTED by HEMATITE PETROLEUM PROPRIETARY LIMITED by being SIGNED SEALED AND DELIVERED in Victoria by *ROSS PEDDAR HARRISON* } *R. Harrison*
its attorney under Power Number 160324 in the presence of: *[unclear]*

ENCUMBRANCES REFERRED TO:
Nil.

~~under Mortgage Number~~ *being the Mortgage* in the Register Book of part of the abovementioned land hereby consent to the above Creation of Easement and Restrictive Covenant and to this Creation of Easement and Restrictive Covenant taking priority over the said Mortgage and to an endorsement to that effect being made on the said Mortgage.

DISTRIBUTION: Original — Office of Titles.
1st Copy — Cons't Div. for Company.
2nd Copy — R/W Agent.
3rd Copy — Landowner.
4th Copy — Solicitor.

Form No. 4, 1-9-67.

ESSO EXPLORATION AND PRODUCTION AUSTRALIA INC. AND HEMATITE PETROLEUM PROPRIETARY LIMITED

**RIGHT-OF-WAY EASEMENT
REQUIRED FOR PIPELINE**

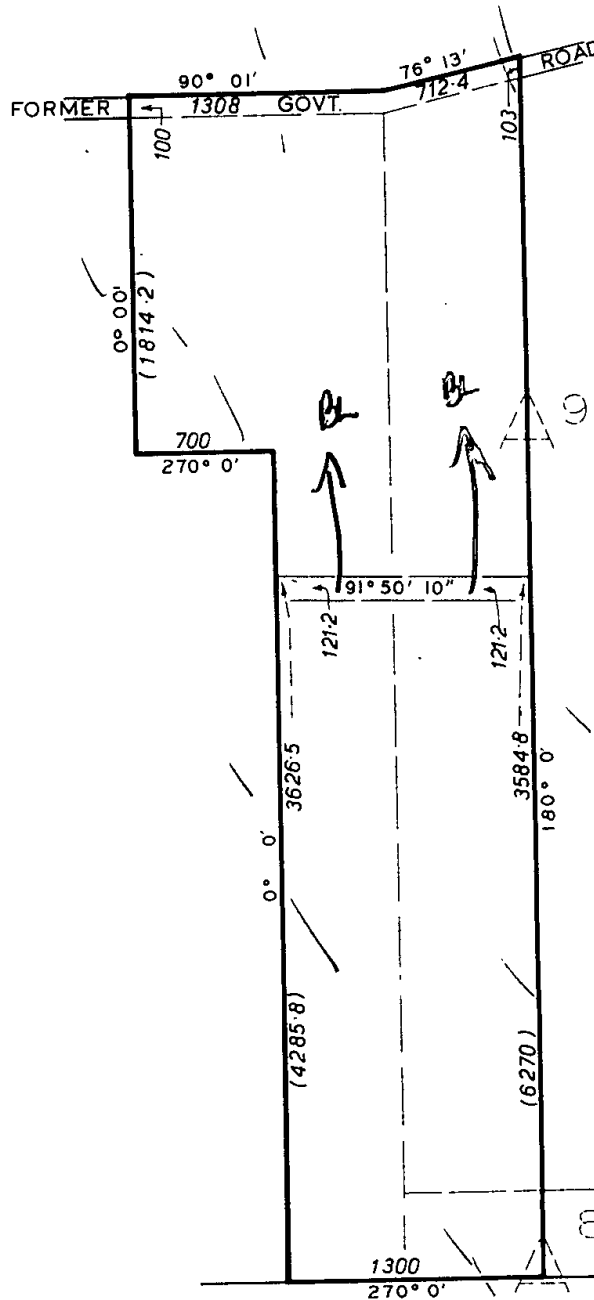
OWNER GEORGE ALBERT MARSHALL
ADDRESS TRARALGON



LOTS 8 & 9 BLOCK 2 ON PLAN OF SUBDIVISION NO. 4847
PARISH OF TRARALGON

COUNTY OF BULN BULN
Scale: 8 CHAINS to an inch
Measurements are in LINKS

Certificate of Title VOLUME 8424 FOLIO 541
Area 1.57644 AC. 1A. 2R. 12 2/10 P.



Accept
Closure's
see 69/980

[Signature]
3-2-69

[Signature]
G.A. Marshall
J.C. Pinta

SURVEYORS
J. A. GANNON & ASSOCIATES
in association with
CULLIVER & SIM
J.A. Gannon
17-10-68
Licensed Surveyor

**RIGHT-OF-WAY OR
EASEMENT NUMBER**
TR-366

Ref. No. 783 Plan No. 167



Natural Resources and Environment

AGRICULTURE • RESOURCES • CONSERVATION • LAND MANAGEMENT

**INTENTIONALLY
BLANK**



00261418-3-4

To the Registrar of Titles,

Please register this Creation of Easement and on completion return Certificate of Title Volume 8424 Folio 541 to

Bruce Marshall 16 Church St Melbourne

Bruce Marshall

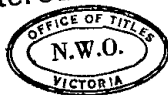
GEORGE ALBERT MARSHALL

to

ESSO EXPLORATION AND
PRODUCTION AUSTRALIA INC. AND
HEMATITE PETROLEUM
PROPRIETARY LIMITED

CREATION OF EASEMENT

A memorandum of the within instrument
has been entered in the Register Book.



ARTHUR ROBINSON & CO.
Solicitors
447 Collins Street, Melbourne, 3000.

TR-366

Dated the day of 1968

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 04416 FOLIO 026

Security no : 124088182114E
Produced 17/02/2021 03:49 PM

LAND DESCRIPTION

Lots 1 and 2 on Title Plan 004167D (formerly known as part of A FORMER GOVERNMENT ROAD Parish of Traralgon, Lot 10 on Plan of Subdivision 004847).

PARENT TITLES :

Volume 03223 Folio 578 Volume 03259 Folio 733

Created by instrument 0983220 27/01/1921

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

NORTHWAY ENGINEERING PTY LTD of 3 CHURCH STREET MORWELL VIC 3840
V348782V 01/04/1998

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT as to part D261415

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP004167D FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

	TITLE PLAN		EDITION 1	TP 4167D
Location of Land Parish: TRARALGON Township: Section: Crown Allotment: A ⁸ (PT) + A ⁹ (PT) Crown Portion: FORMER GOVT. ROAD LTO base record : Last Plan Reference: LP 4847 Title References: ✓ 4416 F 026 Depth Limitation: 15.24 m (FORMER GOVT. ROAD)			Notations:	
Easement Information E-1 and E-2 : EASEMENT TO ESSO CREATED BY D 261415 E-2 and E-3 : EASEMENT TO CITY OF TRARALGON CREATED BY K 268334			THIS PLAN HAS BEEN PREPARED BY THE VICTORIAN LAND TITLES OFFICE FOR TITLE DIAGRAM PURPOSES Checked by <i>Redman</i> Date 6 / 2 / 95 Assistant Registrar of Titles	
FOR DIAGRAM DETAILS SEE SHEET 2				
LENGTHS ARE IN METRES			SCALE	SHEET SIZE A3
Sheet 1 of 2 Sheets				

TITLE PLAN

TP 4167D

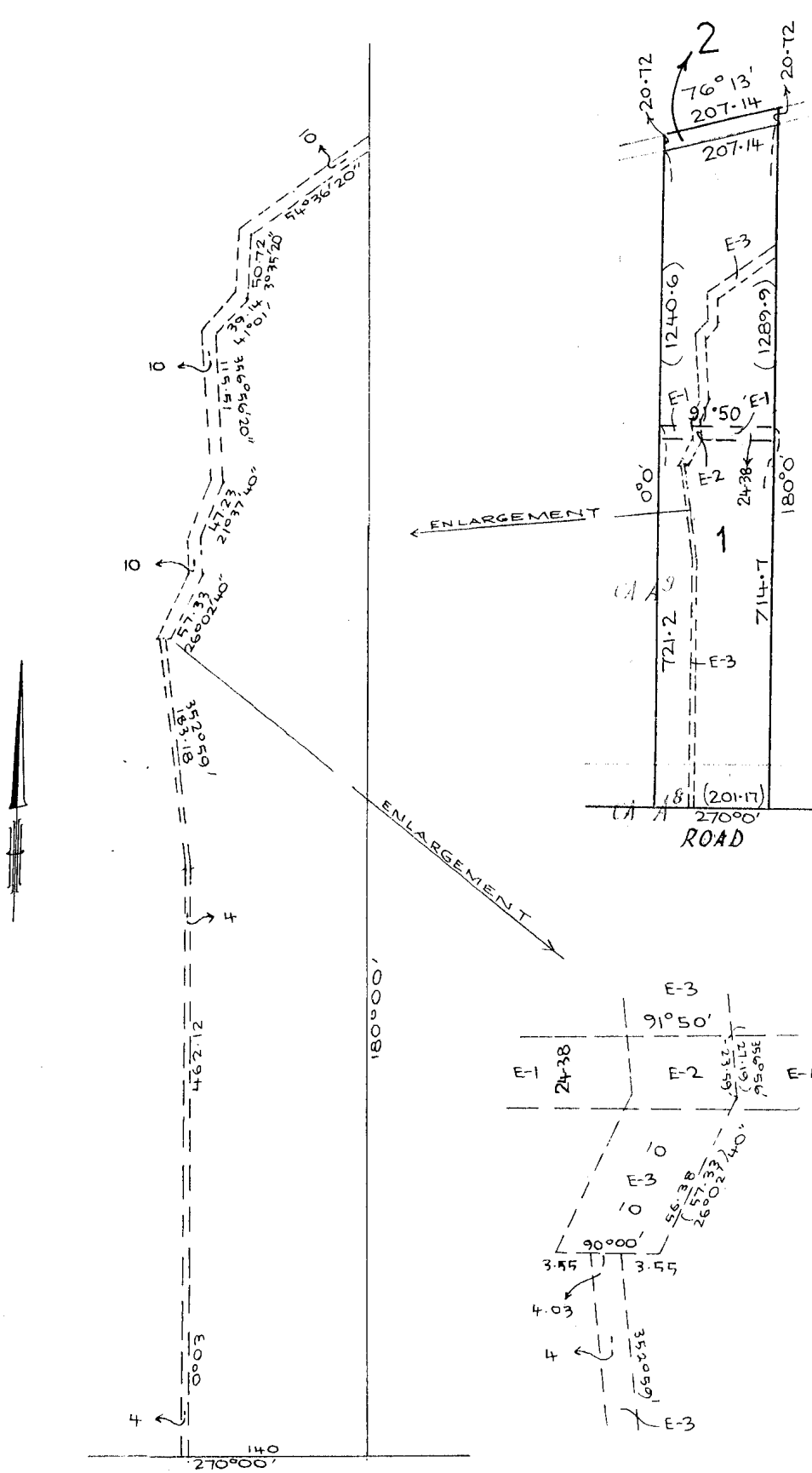


TABLE OF PARCELS

LOT 1 = LOT 10
LP 4847
LOT 2 = FORMER
GOVT. ROAD

Sheet 2 of 2 Sheets

LENGTHS ARE IN METRES

SCALE

SHEET
SIZE
A3

0261415

0261415

ARTHUR ROBINSON & CO.

11- 6 156329 DEC-4-68 VICTORIA

CREATION OF EASEMENT

I GEORGE ALBERT MARSHALL THE YOUNGER formerly of Johnsonville but now of Traralgon Farmer (hereinafter called "the Grantor") being registered as the proprietor of an estate in fee simple in the land secondly herein-after described subject to the encumbrances notified hereunder in consideration of the sum of \$133.43 paid to me DO HEREBY TRANSFER and GRANT unto ESSO EXPLORATION AND PRODUCTION AUSTRALIA INC. of 380 Lonsdale Street Melbourne and HEMATITE PETROLEUM PROPRIETARY LIMITED of 500 Bourke Street Melbourne and their transferees in fee simple the registered proprietor or proprietors for the time being of ALL THOSE pieces of land being the whole of the land described in Certificates of Title Volume 8718 Folio 882 Volume 8718 Folio 883 Volume 8718 Folio 886 Volume 8718 Folio 887 Volume 8718 Folio 888 Volume 8718 Folio 889 and Volume 5992 Folio 297 and Lot 2 on Plan of Subdivision Number 72314 Parish of Glencoe South and being part of the land described in Crown Grant Volume 5643 Folio 486 (hereinafter called "the Grantees") at all times hereafter the full and free liberty and right, as appurtenant to the lands comprised in the said Certificates of Title (which lands are hereinafter referred to as the "dominant tenement"), on over under and through ALL THAT piece of land delineated and coloured blue on the plan annexed hereto (hereinafter referred to as the "servient tenement") being part of Lot 10 Block 2 on Plan of Subdivision Number 4847 Parish of Traralgon and being part of the land more particularly described in Certificate of Title Volume 4416 Folio 026

to lay down, construct, change the size and number of, operate, maintain, inspect, patrol (including aerial patrol), alter, remove, replace, reconstruct and/or repair one or more pipelines designed to convey or conveying oil and other liquid or gaseous hydrocarbons, natural and artificial gas and any products or by-products thereof and any other substance which may be transported by pipeline together with all the works of the Grantees useful in connection with or incidental to their undertaking including but without limiting the generality of the foregoing all such communication and power systems (including pole lines), drips, valves, valve chambers, manholes, inspection pits, fittings, meters, connections and all other equipment and appurtenances whether or not similar to the foregoing as may be useful or convenient in connection therewith or incidental thereto (hereinafter called "the Grantees' appliances") and together with the right for the Grantees and their surveyors, engineers, servants, agents, licensees, contractors, sub-contractors and others authorised by them (hereinafter called "the Grantees' associates")—

- (1) to enter upon and remain pass and repass on and over the servient tenement for all or any of the purposes aforesaid and with or without vehicles, plant and equipment of any description;
- (2) to clear the servient tenement and cut and remove timber, trees, undergrowth, crops and fences and construct and maintain gates in fences crossing the servient tenement and the other adjacent land of the Grantor as the Grantees shall consider necessary or desirable.

And the Grantor for himself his heirs executors administrators and assigns registered proprietor or proprietors of the servient tenement and every part thereof hereby covenants with the Grantees and each of them to the extent that the burden of this covenant may run with and bind the servient tenement and every part thereof, and that the benefit thereof may be annexed to and run with the dominant tenement that the Grantor shall not without the prior written consent of the Grantees plant or permit to be planted any trees or shrubs on the servient tenement or excavate, drill, install, erect or permit to be excavated, drilled, installed or erected on or under the servient tenement or any part thereof any pit, well, foundation, pavement or other structure or installation nor shall the Grantor alter or disturb or permit to be altered or disturbed (other than by the processes of nature) the present grades and contours of the servient tenement but otherwise the Grantor shall have the right fully to use and enjoy the servient tenement subject always to and so as not to interfere with the rights and privileges hereby granted and conferred upon the Grantees.

The Grantor and the Grantees hereby mutually covenant and agree one with the other of them as follows:—

A. The consideration hereinbefore mentioned is acknowledged by the Grantor to be in full satisfaction of all moneys payable for the granting of this easement in favour of the Grantees.

B. The Grantees will compensate the Grantor for damage done from and after the date this instrument shall have been delivered to the Grantees to the Grantor's crops, timber, pasture lands, live stock, improvements and other property on the servient tenement or any land of the Grantor adjacent thereto by reason of the exercise of the rights hereinbefore granted. In the event of any difference arising between the Grantor and the Grantees as to the amount of such compensation the same shall be determined in the manner provided in the Arbitration Act 1958. Any compensation paid by the Grantees to the Grantor shall include compensation for damage done to the crops, timber, pasture lands, live stock, improvements and other property on the servient tenement or any land of the Grantor adjacent thereto in which any tenant, sharefarmer or other person has any interest and the Grantor agrees to indemnify the Grantees against any claim by any such tenant, sharefarmer or other person for any damage done by the Grantees in the performance of their rights under this easement.

C. The Grantees shall as soon as weather and soil conditions permit and subject to the restrictions hereinbefore contained and insofar as it is practicable so to do bury and maintain all pipelines so as not to interfere unreasonably with the use of the servient tenement.

D. Notwithstanding any rule of law or equity the pipes (which term shall include all pipelines and the Grantees' appliances) brought onto laid or erected upon or buried in or under the servient tenement by the Grantees shall at all times remain the property of the Grantees and their assigns notwithstanding that the same may be annexed or affixed to the freehold and shall at any time and from time to time be removable in whole or in part by the Grantees and their assigns.

E. Unless otherwise agreed by the Grantor and the Grantees upon the discontinuance of the use of the servient tenement by the Grantees the Grantees may at their option leave the pipe or any part thereof and the Grantees' appliances in the ground, but if the Grantees damage the property of the Grantor during the removal of the pipe or appliances then the Grantees will compensate the Grantor upon the terms and in the manner contained in Clause B hereof.

F. The Grantees performing and observing the covenants, and conditions on their part to be observed and performed shall and may peacefully hold and enjoy the rights, liberties, privileges and easement hereby granted without hindrance, molestation or interference on the part of the Grantor or of any person firm or corporation claiming by through under or in trust for the Grantor.

G. All notices to be given hereunder may be given by prepaid registered or certified letter addressed to the Grantor by being forwarded to the registered proprietor for the time being at his latest address shown in the Register Book and to the Grantees at 380 Lonsdale Street Melbourne or such other address as the Grantor and Grantees may respectively from time to time designate in writing and any such notice shall be deemed to have been given to and received by the addressee on the third day following that on which the same is posted.

H. Neither this instrument nor anything herein contained shall affect or prejudice the rights of the Grantees or the Grantees' associates under the Pipelines Act 1967 or under any consent granted pursuant to Section 9 (2) of the said Act or under any permit granted pursuant to Section 12 of the said Act or any written permission given pursuant to Section 22 (1) of the said Act or any other rights of the Grantees under the said Act.

I. The Grantor will execute every such deed, instrument or assurance and do every such thing for further or more effectively securing the rights and interests of the Grantees to or in the servient tenement or any part or parts thereof pursuant to these presents as shall by the Grantees be reasonably required.

Form No. 4, 1/9/67:

G/E with Covenant
4416-026 PT
to

8718-882
8718-883
8718-886
8718-887
8718-888
8718-889
5992-257
8727-448

Wh.

State

3-2-69

DEC-3-68

036256

76241

STAMP DUTY

LE E 1015 *****2-00



J. Wherever the singular or masculine is used it shall be construed as if the plural feminine or neuter, as the case may be had been used where the context or the party or parties hereto so require and the rest of the sentence shall be construed as if the grammatical and other changes thereby rendered necessary had been made and where more than one Grantor is a party hereto the covenants herein contained shall extend to and bind such Grantors jointly and each of them severally.

DATED this 2nd day of December One thousand nine hundred and sixty-eight.

SIGNED by the said GEORGE ALBERT MARSHALL
THE YOUNGER

in Victoria in the presence of: [Signature]

SIGNED by the said

in Victoria in the presence of:

EXECUTED by ESSO EXPLORATION AND PRODUCTION
AUSTRALIA INC. by being SIGNED SEALED AND
DELIVERED in Victoria by James Eugene Pianta

its attorney under Power Number 161368 in the presence of:

EXECUTED by HEMATITE PETROLEUM PROPRIETARY
LIMITED by being SIGNED SEALED AND DELIVERED in
Victoria by ROSS PEDAR HARRISON

its attorney under Power Number 160324 in the presence of

ENCUMBRANCES REFERRED TO:

Nil.

being the Mortgagee
under Mortgage Number _____ in the Register Book of part of the abovementioned land hereby consent
to the above Creation of Easement and Restrictive Covenant and to this Creation of Easement and Restrictive Covenant
taking priority over the said Mortgage and to an endorsement to that effect being made on the said Mortgage.

DISTRIBUTION: Original — Office of Titles.
1st Copy — Cons't Div. for Company.
2nd Copy — R/W Agent.
3rd Copy — Landowner.
4th Copy — Solicitor.

Form No. 4, 1-9-67.

ESSO EXPLORATION AND PRODUCTION AUSTRALIA INC. AND HEMATITE PETROLEUM PROPRIETARY LIMITED

RIGHT-OF-WAY EASEMENT

REQUIRED FOR PIPELINE

OWNER GEORGE ALBERT MARSHALL THE YOUNGER

ADDRESS JOHNSONVILLE



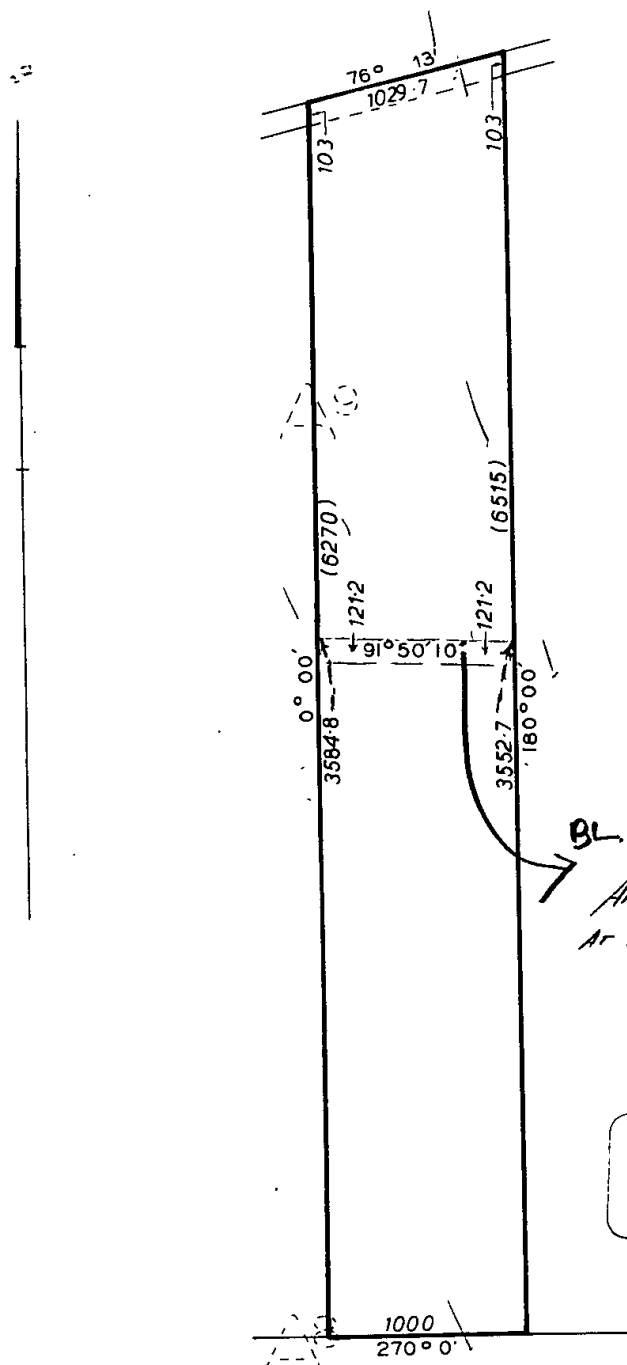
PART OF CROWN ALLOTMENT A9

PARISH OF TRARALGON

COUNTY OF BULN BULN

Certificate of Title VOLUME 4416 FOLIO 026
Area 1 21260AC. 1A. 0R. 34P

Scale: 8 CHAINS to an inch
Measurements are in LINKS



COLOUR CODE

Y=Yellow O=Orange BR=Brown
G=Green R=Red BL=Blue P=Purple
H=Hatched CH=Cross Hatched

SURVEYORS
J. A. GANNON & ASSOCIATES
in association with
CULLIVER & SIM

J. A. Gannon
17-10-68
Licensed Surveyor

RIGHT-OF-WAY OR
EASEMENT NUMBER

TR- 365

Ref. No. 783

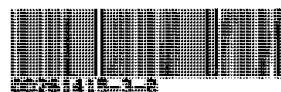
Plan No. 166



Natural Resources and Environment

AGRICULTURE · RESOURCES · CONSERVATION · LAND MANAGEMENT

**INTENTIONALLY
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50291415-3-8

To the Registrar of Titles,

Please register this Creation of Easement and on completion return Certificate of Title Volume 4416 Folio 026 to Australia and New Zealand Bank Limited, Traralgon Branch.



GEORGE ALBERT MARSHALL
THE YOUNGER

to

ESSO EXPLORATION AND
PRODUCTION AUSTRALIA INC. AND
HEMATITE PETROLEUM
PROPRIETARY LIMITED

CREATION OF EASEMENT

A memorandum of the within instrument
has been entered in the Register Book.



ARTHUR ROBINSON & CO.
Solicitors
447 Collins Street, Melbourne, 3000.

Dated the day of 1968

TR-365

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 2

VOLUME 12251 FOLIO 794

Security no : 124088182177L
Produced 17/02/2021 03:50 PM

LAND DESCRIPTION

Lot C on Plan of Subdivision 821062Y.
PARENT TITLES :
Volume 11555 Folio 025 to Volume 11555 Folio 026
Volume 11555 Folio 028
Created by instrument PS821062Y 25/09/2020

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
MARSHALLS ROAD DEVELOPMENTS PTY LTD of 31-33 KIRK STREET MOE VIC 3825
PS821062Y 25/09/2020

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AS098370L 17/04/2019
PRINCIPLED MORTGAGE INVESTMENTS LTD
VARIATION OF MORTGAGE AS740380F 25/11/2019
VARIATION OF MORTGAGE AT378516Q 26/06/2020

COVENANT as to part D775664

COVENANT as to part G567702

COVENANT as to part H341878

COVENANT as to part D464412 01/08/1969

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS821062Y FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 000 TRARALGON-MAFFRA ROAD TRARALGON VIC 3844

ADMINISTRATIVE NOTICES

NIL

eCT Control 21150K RENNICK & GAYNOR

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

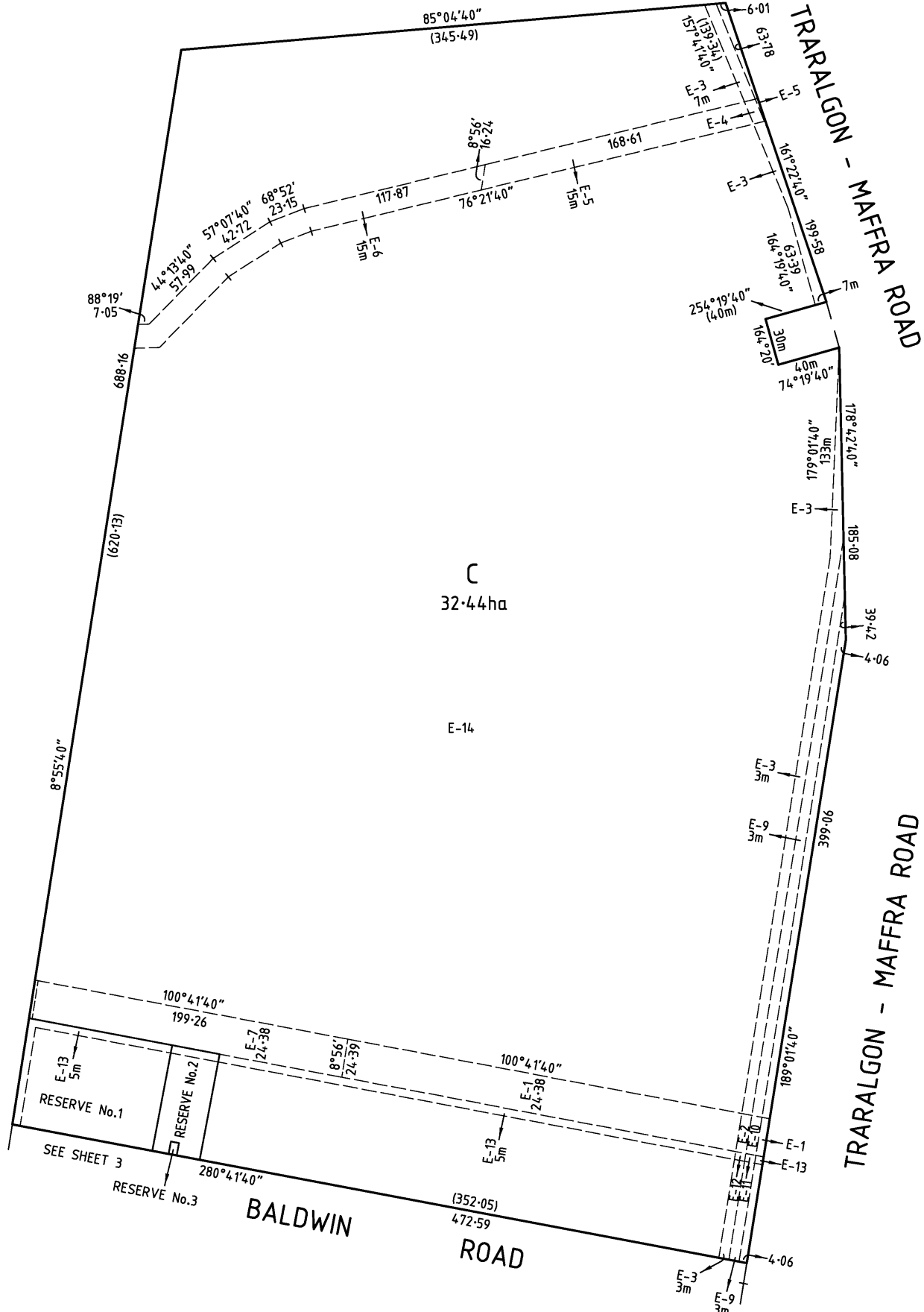
Page 2 of 2

Effective from 25/09/2020

DOCUMENT END

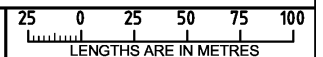
PLAN OF SUBDIVISION			EDITION 1	PS821062Y	
LOCATION OF LAND PARISH: TRARALGON CROWN ALLOTMENT: A8 (PT), A9(PT) & PART OF A FORMER GOVT. ROAD TITLE REFERENCE: VOL.11555 FOLs.025, 026 & 028 LAST PLAN REFERENCE: PS729261G LOT B, RESERVE No.1 & RESERVE No.2 POSTAL ADDRESS: TRARALGON - MAFRRA ROAD, (at time of subdivision) TRARALGON, 3844. MGA CO-ORDINATES E: 461 600 ZONE: 55 (at approx centre of land in plan) N: 5775 060 GDA 94			Council Name: Latrobe City Council Council Reference Number: 2018/24/CRT Planning Permit Reference: 2018/93 SPEAR Reference Number: S117413H Certification This plan is certified under section 6 of the Subdivision Act 1988 Public Open Space A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made Digitally signed by: Danielle Simpson for Latrobe City Council on 01/07/2020 Statement of Compliance issued: 07/07/2020		
VESTING OF ROADS AND/OR RESERVES			NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON		OTHER PURPOSES OF THIS PLAN TO REMOVE THE RESERVE STATUS FROM RESERVES No.1 & No.2 ON PS729261G VIA SECTION 24A OF THE SUBDIVISION ACT GROUND'S FOR REMOVAL LATROBE CITY COUNCIL PLANNING PERMIT 2018/93 TO VARY BY AGREEMENT OF ALL INTERESTED PARTIES PIPELINE OR ANCILLARY PURPOSES EASEMENT E-14 ON PS729261G TO EASEMENT E-13 ON THIS PLAN TO REMOVE BY AGREEMENT OF ALL INTERESTED PARTIES PIPELINE EASEMENT E-17 & PART OF PIPELINE EASEMENTS E-1 & E-12 ON PS729261G CREATED IN INST.D464412 TO REMOVE BY AGREEMENT OF ALL INTERESTED PARTIES PIPELINE EASEMENTS E-6 & E-18 ON PS729261G CREATED IN INST.H341878		
RESERVE No.1	LATROBE CITY COUNCIL				
RESERVE No.2	CENTRAL GIPPSLAND REGION				
RESERVE No.3	WATER CORPORATION AUSNET ELECTRICITY SERVICES PTY LTD				
NOTATIONS					
DEPTH LIMITATION 15-24m applies to the former Govt. Road only SURVEY: This plan is based on survey in PS729261G STAGING This is not a staged subdivision. Planning Permit No. 2018/93 This survey has been connected to permanent marks No(s). In Proclaimed Survey Area No.					
EASEMENT INFORMATION					
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road) IMPLIED EASEMENTS FOR DRAINAGE BY VIRTUE OF SECTION 12(2) OF THE SUBDIVISION ACT 1988 SET APART IN PS729261G APPLIES TO THE LAND MARKED E-14 ON THIS PLAN.					
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	
E-1, E-2, E-10	PIPELINE	SEE DIAGRAM	D464412	ESSO EXPLORATION & PRODUCTION AUSTRALIA INC. & HEMATITE PETROLEUM PTY LTD	
E-2, E-3, E-4, E-12	PIPELINE		G567702	GAS & FUEL CORPORATION OF VICTORIA	
E-4, E-5	DRAINAGE		T143102H	SHIRE OF TRARALGON	
E-6	DRAINAGE		S823375V	SHIRE OF TRARALGON	
E-7, E-8	PIPELINE		D775664	ESSO EXPLORATION & PRODUCTION AUSTRALIA INC. & HEMATITE PETROLEUM PTY LTD	
E-9, E-10, E-11,	GAS DISTRIBUTION & AS SET OUT IN MCP No.AA1261		AK963396P	VIC GAS DISTRIBUTION PTY LTD	
E-8	DRAINAGE		PS729261G	LATROBE CITY COUNCIL	
E-11, E-12, E-13	PIPELINE OR ANCILLARY PURPOSES		PS729261G - SECTION 136 OF THE WATER ACT 1989 THIS PLAN	CENTRAL GIPPSLAND REGION WATER CORPORATION	
	DRAINAGE			LATROBE CITY COUNCIL	
Miller Merrigan			SURVEYOR'S REF: 15534SC		2/04/2019
Land Development Consultants M(03) 8720 9500 R (03) 5134 8611 www.millermerrigan.com.au survey@millermerrigan.com.au SAI GLOBAL Quality ISO 9001		Millar & Merrigan Pty Ltd ACN 005 541 668 Metro 2/126 Merrindale Drive, Croydon 3136 Regional 156 Commercial Road, Morwell 3840 Mail PO Box 247 Croydon, Victoria 3136		Digitally signed by: Geoffrey John Ladner, Licensed Surveyor, Surveyor's Plan Version (4), 12/04/2019, SPEAR Ref: S117413H	
				SHEET 1 OF 3 PLAN REGISTERED TIME: 4:06pm DATE: 25/9/2020 Assistant Registrar of Titles	

PS821062Y



MGA94, ZONE 55

SCALE
1:2500



ORIGINAL SHEET
SIZE: A3

SHEET 2

Millar | Merrigan

M(03) 8720 9500 R (03) 5134 8611
www.millarmerrigan.com.au
survey@millarmerrigan.com.au
SAI GLOBAL Quality ISO 9001

Land Development Consultants
Millar & Merrigan Pty Ltd ACN 005 541 668
Metro 2/126 Merrindale Drive, Croydon 3136
Regional 156 Commercial Road, Morwell 3840
Mail PO Box 247 Croydon, Victoria 3136

SURVEYOR'S REF: 15534SC 2/04/2019

Digitally signed by: Geoffrey John Ladner, Licensed Surveyor,
Surveyor's Plan Version (4),
12/04/2019, SPEAR Ref: S117413H

Digitally signed by:
Latrobe City Council,
01/07/2020,
SPEAR Ref: S117413H

Returned under Sec. 105 Act 6399

TR-363

11341878

Assistant Registrar of Titles

6954553

***18.00 M RT T

01-54-678018-3 FEB 78 11 OCT 1978

6954553

H341878

***10.00 B RT T

03-1 522893 DEC 13 ARTHUR ROBINSON & CO.
VICTORIA

MADE AVAILABLE
TO ISSUE TO

CREATION OF EASEMENT

William Mackford, Baller

I, FREDERICK WAITE of Glengarry, Grazier

(hereinafter called "the Grantor") being registered as the proprietor of an estate in fee simple in the land secondly hereinafter described subject to the encumbrances notified hereunder in consideration of the sum of \$300.00 paid to me DO HEREBY TRANSFER and GRANT unto ESSO EXPLORATION AND PRODUCTION AUSTRALIA INC. of 388 Bourke Street Melbourne and HEMATITE PETROLEUM PROPRIETARY LIMITED of 500 Bourke Street Melbourne being the whole of the land described in Certificates of Title Volume 8718 Folio 882 Volume 8718 Folio 883 Volume 8718 Folio 886 Volume 8718 Folio 887 Volume 8718 Folio 889 and Volume 5992 Folio 297 and Lot 2 Street 447
on Plan of Subdivision Number 72314 Parish of Glencoe South and being part of the land described in Crown Grant Volume 5643 Folio 486 (hereinafter called "the Grantees") at all times hereafter the full and free liberty and right, as appurtenant to the lands comprised in the said Certificates of Title (which lands are hereinafter referred to as the "dominant tenement"), on over under and through ALL THAT piece of land delineated and coloured green on the plan annexed hereto (hereinafter referred to as the "servient tenement") being part of Lot 12

Block 2 on Plan of Subdivision No. 4847 being part of Crown Allotment A9 Parish of Traralgon and being part of the land described in Certificate of Title Volume 5882 Folio 344.

to lay down, construct, change the size and number of, operate, maintain, inspect, patrol (including aerial patrol), alter, remove, replace, reconstruct and/or repair one or more pipelines designed to convey or conveying oil and other liquid or gaseous hydrocarbons, natural and artificial gas and any products or by-products thereof and any other substance which may be transported by pipeline together with all the works of the Grantees useful in connection with or incidental to their undertaking including but without limiting the generality of the foregoing all such communication and power systems (including pole lines), drips, valves, valve chambers, manholes, inspection pits, fittings, meters, connections and all other equipment and appurtenances whether or not similar to the foregoing as may be useful or convenient in connection therewith or incidental thereto (hereinafter called "the Grantees' appliances") and together with the right for the Grantees and their surveyors, engineers, servants, agents, licensees, contractors, sub-contractors and others authorised by them (hereinafter called "the Grantees' associates")—

- (1) to enter upon and remain pass and repass on and over the servient tenement for all or any of the purposes aforesaid and with or without vehicles, plant and equipment of any description;
- (2) to clear the servient tenement and cut and remove timber, trees, undergrowth, crops and fences and construct and maintain gates in fences crossing the servient tenement and the other adjacent land of the Grantor as the Grantees shall consider necessary or desirable.

And the Grantor for himself his heirs executors administrators and assigns registered proprietor or proprietors of the servient tenement and every part thereof hereby covenants with the Grantees and each of them to the extent that the burden of this covenant may run with and bind the servient tenement and every part thereof and that the benefit thereof may be annexed to and run with the dominant tenement that the Grantor shall not without the prior written consent of the Grantees plant or permit to be planted any trees or shrubs on the servient tenement or excavate, drill, install, erect or permit to be excavated, drilled, installed or erected on or under the servient tenement or any part thereof any pit, well, foundation, pavement or other structure or installation nor shall the Grantor alter or disturb or permit to be altered or disturbed (other than by the processes of nature) the present grades and contours of the servient tenement but otherwise the Grantor shall have the right fully to use and enjoy the servient tenement subject always to and so as not to interfere with the rights and privileges hereby granted and conferred upon the Grantees.

The Grantor and the Grantees hereby mutually covenant and agree one with the other of them as follows:—

A. The consideration hereinbefore mentioned is acknowledged by the Grantor to be in full satisfaction of all moneys payable for the granting of this easement in favour of the Grantees.

B. The Grantees will compensate the Grantor for damage done from and after the date this instrument shall have been delivered to the Grantees to the Grantor's crops, timber, pasture lands, live stock, improvements and other property on the servient tenement or any land of the Grantor adjacent thereto by reason of the exercise of the rights hereinbefore granted. In the event of any difference arising between the Grantor and the Grantees as to the amount of such compensation the same shall be determined in the manner provided in the Arbitration Act 1958. Any compensation paid by the Grantees to the Grantor shall include compensation for damage done to the crops, timber, pasture lands, live stock, improvements and other property on the servient tenement or any land of the Grantor adjacent thereto in which any tenant, sharefarmer or other person has any interest and the Grantor agrees to indemnify the Grantees against any claim by any such tenant, sharefarmer or other person for any damage done by the Grantees in the performance of their rights under this easement.

C. The Grantees shall as soon as weather and soil conditions permit and subject to the restrictions hereinbefore contained and insofar as it is practicable so to do bury and maintain all pipelines so as not to interfere unreasonably with the use of the servient tenement.

D. Notwithstanding any rule of law or equity the pipes (which term shall include all pipelines and the Grantees' appliances) brought onto laid or erected upon or buried in or under the servient tenement by the Grantees shall at all times remain the property of the Grantees and their assigns notwithstanding that the same may be annexed or affixed to the freehold and shall at any time and from time to time be removable in whole or in part by the Grantees and their assigns.

E. Unless otherwise agreed by the Grantor and the Grantees upon the discontinuance of the use of the servient tenement by the Grantees the Grantees may at their option leave the pipe or any part thereof and the Grantees' appliances in the ground but if the Grantees damage the property of the Grantor during the removal of the pipe or appliances then the Grantees will compensate the Grantor upon the terms and in the manner contained in Clause B hereof.

F. The Grantees performing and observing the covenants, and conditions on their part to be observed and performed shall and may peacefully hold and enjoy the rights, liberties, privileges and easement hereby granted without hindrance, molestation or interference on the part of the Grantor or of any person firm or corporation claiming by through under or in trust for the Grantor.

G. All notices to be given hereunder may be given by prepaid registered or certified letter addressed to the Grantor by being forwarded to the registered proprietor for the time being at his latest address shown in the Register Book and to the Grantees at 388 Lonsdale Street Melbourne or such other address as the Grantor and Grantees may respectively from time to time designate in writing and any such notice shall be deemed to have been given to and received by the addressee on the third day following that on which the same is posted.

H. Neither this instrument nor anything herein contained shall affect or prejudice the rights of the Grantees or the Grantees' associates under the Pipelines Act 1967 or under any consent granted pursuant to Section 9 (2) of the said Act or under any permit granted pursuant to Section 12 of the said Act or any written permission given pursuant to Section 22 (1) of the said Act or any other rights of the Grantees under the said Act.

I. The Grantor will execute every such deed, instrument or assurance and do every such thing for further or more effectively securing the rights and interests of the Grantees to or in the servient tenement or any part or parts thereof pursuant to these presents as shall by the Grantees be reasonably required.

Form No. 4, 1/9/67.

A memorandum of the within instrument has been entered in the Register Book.

Collins Street

2

C/E + Govt

5882-344 (1/2)

to

8718-882

883

886

887

888

889

5992-297

5643-486 (1/2)

70 Foster Street, Sale

[Signature]

11 OCT 1978

CH-44-435



J. Wherever the singular, or masculine is used it shall be construed as if the plural feminine or neuter, as the case may be had been used where the context or the party or parties hereto so require and the rest of the sentence shall be construed as if the grammatical and other changes thereby rendered necessary had been made and where more than one Grantor is a party hereto the covenants herein contained shall extend to and bind such Grantors jointly and each of them severally.

DO NOT DATE.

DATED this 20th day of December
seventy-seven.
SIGNED by the said

One thousand nine hundred and sixty

in Victoria in the presence of:

SIGNED by the said FREDERICK WAITE

England
in ~~Victoria~~ in the presence of:

EXECUTED by ESSO EXPLORATION AND PRODUCTION
AUSTRALIA INC. by being SIGNED SEALED AND
DELIVERED in ^{NEW} Victoria by C. A. LANGNER

its attorney under Power Number 226700 in the presence of:

EXECUTED by HEMATITE PETROLEUM PROPRIETARY
LIMITED by being SIGNED, SEALED AND DELIVERED in
Victoria by M. R. Manson

its attorney under Power Number 187523 in the presence of:

ENCUMBRANCES REFERRED TO:

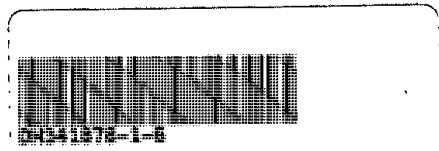
being the Mortgage
under Mortgage Number in the Register Book of part of the abovementioned land hereby consent
to the above Creation of Easement and Restrictive Covenant and to this Creation of Easement and Restrictive Covenant
taking priority over the said Mortgage and to an endorsement to that effect being made on the said Mortgage.

The easement and restrictive covenant contained in Instrument
No. D464412.

creation of easement 6.567702

DISTRIBUTION: Original — Office of Titles.
1st Copy — Cons't Div. for Company.
2nd Copy — R/W Agent.
3rd Copy — Landowner.
4th Copy — Solicitor.

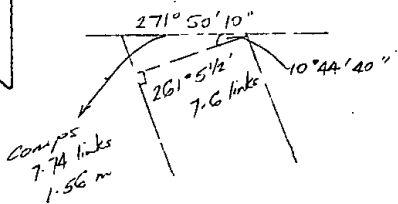
Form No. 4, 1-9-67.



AMENDED with consent of
Solicitors for Grantee 6/12/78

COLOUR CODE

Y=Yellow O=Orange BR=Brown
G=Green R=Red BL=Blue P=Purple
H=Hatched CH=Cross Hatched



Accompanying title
16/5/78

BLUE AREA TO BE EXTINGUISHED

180.2
(466.8 m²)

GREEN AREA TO BE CREATED

665.4
(654.3 m²)

NOTE:

EASEMENT SHOWN NOT DRAWN TO SCALE

Amendments in purple were made
by me this 28th November, 1978

John Jackson L.S.

GANNON KLUGE JACKSON CONSULTANTS PTY. LTD.
SURVEYORS & TOWN PLANNERS
258-260 YORK STREET, SALE, 3850
Tel. (051) 44 3877.



DH341878-2-2

3 WAY OR
MIN. NUMBER

363

PLAN NO

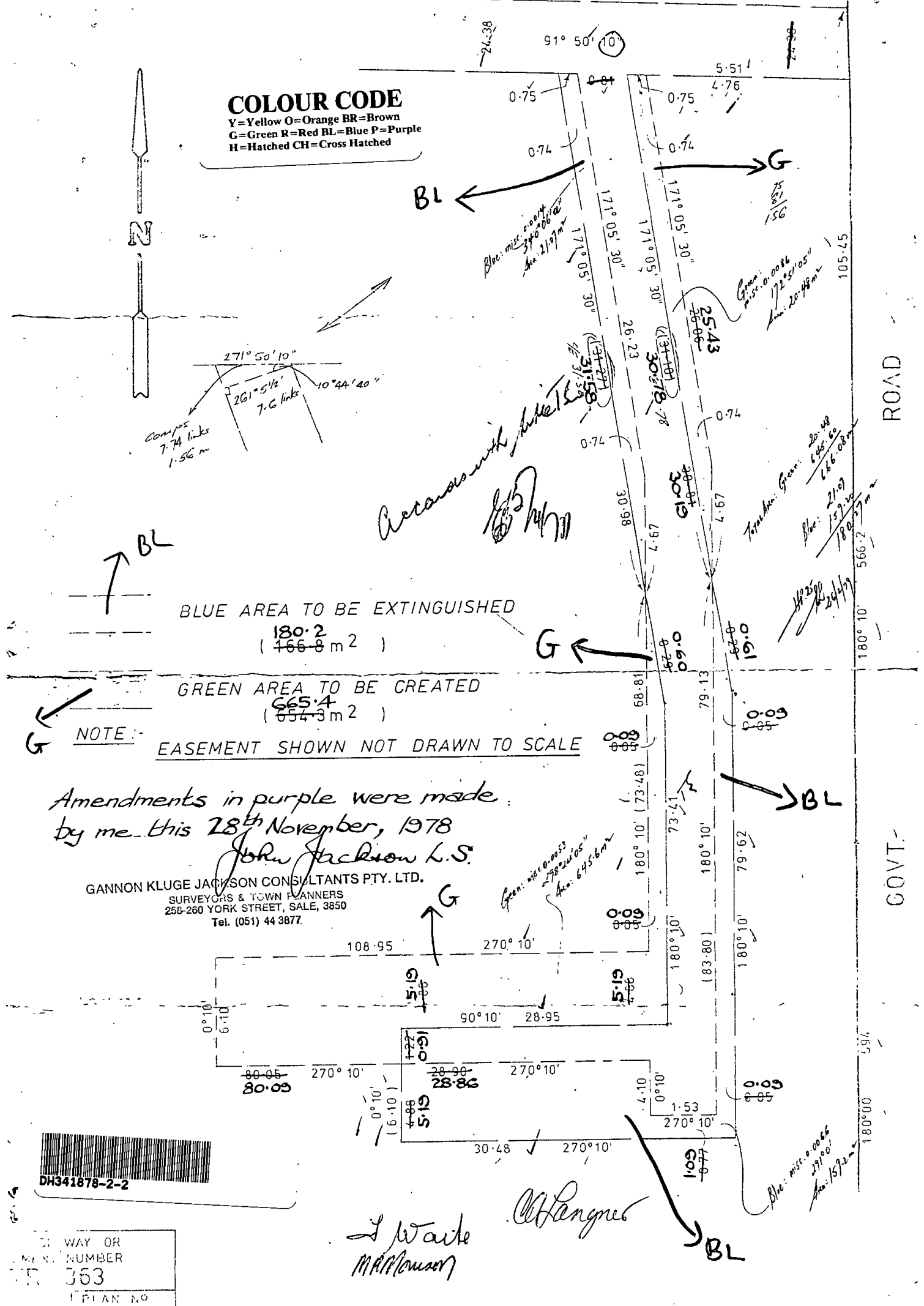
L Waite
M.P. Mason

W Langner

BL

ROAD

GOVT.





Natural Resources and Environment

AGRICULTURE • RESOURCES • CONSERVATION • LAND MANAGEMENT

INTENTIONALLY



BLANK



DH341878-3-9

TO THE REGISTRAR OF TITLES
MELBOURNE.

PLEASE REGISTER this Creation of Easement and on completion
return Certificate of Title Volume 5882 Folio 344 to Messrs.
Littleton, Hackford & Malkin, Solicitors, Traralgon..

Littleton, Hackford & Malkin

Dated the day of 1977

FREDERICK WAITE

to

ESSO EXPLORATION AND
PRODUCTION AUSTRALIA INC. AND
HEMATITE PETROLEUM
PROPRIETARY LIMITED

CREATION OF EASEMENT

ARTHUR ROBINSON & CO.
Solicitors
447 Collins Street, Melbourne, 3000.

2-38

D775664

D775664

02-38 888419 JUL15-70

ARTHUR ROBINSON & CO.

VICTORIA

CREATION OF EASEMENT

I FREDERICK WAITE formerly of Glengarry but now of 14 Quantock Road Bridgewater Somerset England Farmer

(hereinafter called "the Grantor") being registered as the proprietor of an estate in fee simple in the land secondly herein after described subject to the encumbrances notified hereunder in consideration of the sum of \$ 88.95 paid to me DO HEREBY TRANSFER and GRANT unto ESSO EXPLORATION AND PRODUCTION AUSTRALIA INC. of 380 Lonsdale Street Melbourne and HEMATITE PETROLEUM PROPRIETARY LIMITED of 500 Bourke Street Melbourne and their transferees in fee simple the registered proprietor or proprietors for the time being of ALL THOSE pieces of land being the whole of the land described in Certificates of Title Volume 8718 Folio 882 Volume 8718 Folio 883 Volume 8718 Folio 886 Volume 8718 Folio 887 Volume 8718 Folio 888 Volume 8718 Folio 889 and Volume 5992 Folio 297 and Lot 2 on Plan of Subdivision Number 72314 Parish of Glencoe South and being part of the land described in Crown Grant Volume 5643 Folio 486 (hereinafter called "the Grantees") at all times hereafter the full and free liberty and right, as appurtenant to the lands comprised in the said Certificates of Title (which lands are hereinafter referred to as the "dominant tenement"), on over under and through ALL THAT piece of land delineated and coloured blue on the plan annexed hereto (hereinafter referred to as the "servient tenement") being part of Lot 11 Hock 2 on Plan of Subdivision Number 4847 being part of Crown Allotment A⁹ Parish of Traralgon and being part of the land more particularly described in Certificate of Title Volume 5814 Folio 734

to lay down, construct, change the size and number of, operate, maintain, inspect, patrol (including aerial patrol), alter, remove, replace, reconstruct and/or repair one or more pipelines designed to convey or conveying oil and other liquid or gaseous hydrocarbons, natural and artificial gas and any products or by-products thereof and any other substance which may be transported by pipeline together with all the works of the Grantees useful in connection with or incidental to their undertaking including but without limiting the generality of the foregoing all such communication and power systems (including pole lines), drips, valves, valve chambers, manholes, inspection pits, fittings, meters, connections and all other equipment and appurtenances whether or not similar to the foregoing as may be useful or convenient in connection therewith or incidental thereto (hereinafter called "the Grantees' appliances") and together with the right for the Grantees and their surveyors, engineers, servants, agents, licensees, contractors, sub-contractors and others authorised by them (hereinafter called "the Grantees' associates")—

- (1) to enter upon and remain pass and repass on and over the servient tenement for all or any of the purposes aforesaid, and with or without vehicles, plant and equipment of any description;
- (2) to clear the servient tenement and cut and remove timber, trees, undergrowth, crops and fences and construct and maintain gates in fences crossing the servient tenement and the other adjacent land of the Grantor as the Grantees shall consider necessary or desirable.

And the Grantor for himself his heirs executors administrators and assigns registered proprietor or proprietors of the servient tenement and every part thereof hereby covenants with the Grantees and each of them to the extent that the burden of this covenant may run with and bind the servient tenement and every part thereof and that the benefit thereof may be annexed to and run with the dominant tenement that the Grantor shall not without the prior written consent of the Grantees plant or permit to be planted any trees or shrubs on the servient tenement or excavate, drill, install, erect or permit to be excavated, drilled, installed or erected on or under the servient tenement or any part thereof any pit, well, foundation, pavement or other structure or installation nor shall the Grantor alter or disturb or permit to be altered or disturbed (other than by the processes of nature) the present grades and contours of the servient tenement but otherwise the Grantor shall have the right fully to use and enjoy the servient tenement subject always to and so as not to interfere with the rights and privileges hereby granted and conferred upon the Grantees.

The Grantor and the Grantees hereby mutually covenant and agree one with the other of them as follows:—

A. The consideration hereinbefore mentioned is acknowledged by the Grantor to be in full satisfaction of all moneys payable for the granting of this easement in favour of the Grantees.

B. The Grantees will compensate the Grantor for damage done from and after the date this instrument shall have been delivered to the Grantees to the Grantor's crops, timber, pasture lands, live stock, improvements and other property on the servient tenement or any land of the Grantor adjacent thereto by reason of the exercise of the rights hereinbefore granted. In the event of any difference arising between the Grantor and the Grantees as to the amount of such compensation the same shall be determined in the manner provided in the Arbitration Act 1958. Any compensation paid by the Grantees to the Grantor shall include compensation for damage done to the crops, timber, pasture lands, live stock, improvements and other property on the servient tenement or any land of the Grantor adjacent thereto in which any tenant, sharefarmer or other person has any interest and the Grantor agrees to indemnify the Grantees against any claim by any such tenant, sharefarmer or other person for any damage done by the Grantees in the performance of their rights under this easement.

C. The Grantees shall as soon as weather and soil conditions permit and subject to the restrictions hereinbefore contained and insofar as it is practicable so to do bury and maintain all pipelines so as not to interfere unreasonably with the use of the servient tenement.

D. Notwithstanding any rule of law or equity the pipes (which term shall include all pipelines and the Grantees' appliances) brought onto laid or erected upon or buried in or under the servient tenement by the Grantees shall at all times remain the property of the Grantees and their assigns notwithstanding that the same may be annexed or affixed to the freehold and shall at any time and from time to time be removable in whole or in part by the Grantees and their assigns.

E. Unless otherwise agreed by the Grantor and the Grantees upon the discontinuance of the use of the servient tenement by the Grantees the Grantees may at their option leave the pipe or any part thereof and the Grantees' appliances in the ground but if the Grantees damage the property of the Grantor during the removal of the pipe or appliances then the Grantees will compensate the Grantor upon the terms and in the manner contained in Clause B hereof.

F. The Grantees performing and observing the covenants, and conditions on their part to be observed and performed shall and may peacefully hold and enjoy the rights, liberties, privileges and easement hereby granted without hindrance, molestation or interference on the part of the Grantor or of any person firm or corporation claiming by through under or in trust for the Grantor.

G. All notices to be given hereunder may be given by prepaid registered or certified letter addressed to the Grantor by being forwarded to the registered proprietor for the time being at his latest address shown in the Register Book and to the Grantees at 380 Lonsdale Street Melbourne or such other address as the Grantor and Grantees may respectively from time to time designate in writing and any such notice shall be deemed to have been given to and received by the addressee on the third day following that on which the same is posted.

H. Neither this instrument nor anything herein contained shall affect or prejudice the rights of the Grantees or the Grantees' associates under the Pipelines Act 1967 or under any consent granted pursuant to Section 9 (2) of the said Act or under any permit granted pursuant to Section 12 of the said Act or any written permission given pursuant to Section 22 (1) of the said Act or any other rights of the Grantees under the said Act.

I. The Grantor will execute every such deed, instrument or assurance and do every such thing for further or more effectively securing the rights and interests of the Grantees to or in the servient tenement or any part or parts thereof pursuant to these presents as shall by the Grantees be reasonably required.

Form No. 4, 1/9/67.



I. Wherever the singular or masculine is used it shall be construed as if the plural feminine or neuter, as the case may be had been used where the context or the party or parties hereto so require and the rest of the sentence shall be construed as if the grammatical and other changes thereby rendered necessary had been made and where more than one Grantor is a party hereto the covenants herein contained shall extend to and bind such Grantors jointly and each of them severally.

DATED this
seventy.

6th

day of

July

One thousand nine hundred and sixty

SIGNED by the said FREDERICK WAITE

Frederick Waite

in Victoria in the presence of:

Michael P. Goss

SIGNED by the said

39, Quantock Road,
Bridgwater,
Somerset
England.

in Victoria in the presence of:

EXECUTED by ESSO EXPLORATION AND PRODUCTION
AUSTRALIA INC. by being SIGNED SEALED AND
DELIVERED in Victoria by JAMES EUGENE PIANTA,
161368

its attorney under Power Number 160324 in the presence of:

N. E. [Signature]

EXECUTED by HEMATITE PETROLEUM PROPRIETARY
LIMITED by being SIGNED SEALED AND DELIVERED in
Victoria by COLIN LIVINGSTONE PARKER

its attorney under Power Number 160324 in the presence of:

[Signature]

ENCUMBRANCES REFERRED TO:
Mortgage Number 790590.

C. L. Parker
Now discharged

I LAWRENCE HENRY WAITE of Glengarry Farmer

being the Mortgagee

under Mortgage Number 790590 in the Register Book of part of the abovementioned land hereby consent to the above Creation of Easement and Restrictive Covenant and to this Creation of Easement and Restrictive Covenant taking priority over the said Mortgage and to an endorsement to that effect being made on the said Mortgage.

SIGNED by the said LAWRENCE
HENRY WAITE in Victoria in
the presence of:

L. H. Waite

DISTRIBUTION: Original — Office of Titles.
1st Copy — Cons't Div. for Company.
2nd Copy — R/W Agent.
3rd Copy — Landowner.
4th Copy — Solicitor.

ESSO EXPLORATION AND PRODUCTION AUSTRALIA INC. AND HEMATITE PETROLEUM PROPRIETARY LIMITED

RIGHT-OF-WAY EASEMENT
REQUIRED FOR PIPELINE

OWNER FREDERICK WAITE

ADDRESS GLENGARRY

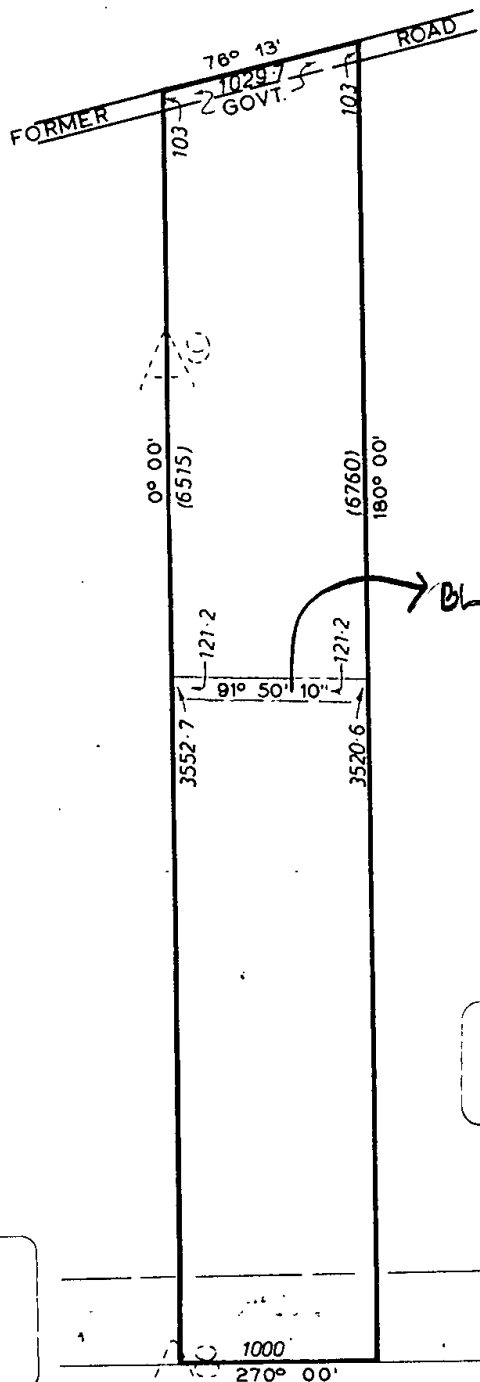
PART OF CROWN ALLOTMENT A9

PARISH OF TRARALGON

COUNTY OF BULN BULN

Certificate of Title VOLUME 5814 FOLIO 734
Area 1:21260 AC. 1A. OR. 34P

Scale: 8 CHAINS to an inch
Measurements are in LINKS



COLOUR CODE

Y=Yellow O=Orange BR=Brown
G=Green R=Red BL=Blue P=Purple
H=Hatched CH=Cross Hatched



6077684-2-5

I certify that this plan has been made by me, agrees with title, is mathematically correct and the easement being created has been reasonably located in accordance with title position.

J. A. Gannon

Licensed Surveyor

Date 22/9/70

Frederick Waite
L. E. Waite
J. E. Pianta
G. L. Parker

SURVEYORS

J. A. GANNON & ASSOCIATES

in association with

CULLIVER & SIM

J. A. Gannon
17-10-68
Licensed Surveyor

RIGHT-OF-WAY OR
EASEMENT NUMBER

TR - 364

Ref. No. 783

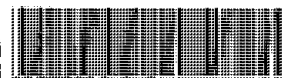
Plan No. 165



Natural Resources and Environment

AGRICULTURE • RESOURCES • CONSERVATION • LAND MANAGEMENT

**INTENTIONALLY
BLANK**



00772404-2-2

To the Registrar of Titles,

please register this Creation of Easement and on completion
return Certificate of Title Volume 5814, Folio 734 to *Bruce*
Stanton & Hayford 16 Church St. Melbourne.

-Jelle in
D739439.

Bruce Stanton Hayford

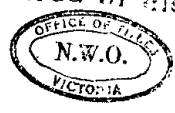
FREDERICK WAITE

to

ESSO EXPLORATION AND
PRODUCTION AUSTRALIA INC. AND
HEMATITE PETROLEUM
PROPRIETARY LIMITED

CREATION OF EASEMENT

A memorandum of the within instrument
has been entered in the Register Book.



ARTHUR ROBINSON & CO.
Solicitors
447 Collins Street, Melbourne, 3000.

TR-364

Dated the day of
196...

D464412

D464412

09-51 474589 AUG-1-69

ARTHUR ROBINSON & CO.
VICTORIA

REGD.

CREATION OF EASEMENT

Grantee to Bruce & Catherine Traralgon

I FREDERICK WAITE formerly of Glengarry but now of 14 Quantock Road Bridgewater Somerset England Farmer (hereinafter called "the Grantor") being registered as the proprietor of an estate in fee simple in the land secondly herein after described subject to the encumbrances notified hereunder in consideration of the sum of \$ 114.94 paid to me DO HEREBY TRANSFER and GRANT unto ESSO EXPLORATION AND PRODUCTION AUSTRALIA INC. of 380 Lonsdale Street Melbourne and HEMATITE PETROLEUM PROPRIETARY LIMITED of 500 Bourke Street Melbourne and their transferees in fee simple the registered proprietor or proprietors for the time being of ALL THOSE pieces of land being the whole of the land described in Certificates of Title Volume 8718 Folio 882 Volume 8718 Folio 883 Volume 8718 Folio 886 Volume 8718 Folio 887 Volume 8718 Folio 888 Volume 8718 Folio 889 and Volume 5992 Folio 297 and Lot 2 on Plan of Subdivision Number 72314 Parish of Glencoe South and being part of the land described in Crown Grant Volume 5643 Folio 486 (hereinafter called "the Grantees") at all times hereafter the full and free liberty and right, as appurtenant to the lands comprised in the said Certificates of Title (which lands are hereinafter referred to as the "dominant tenement"), on over under and through ALL THAT piece of land delineated and coloured blue on the plan annexed hereto (hereinafter referred to as the "servient tenement") being part of Lot 12 Block 2 on Plan of Subdivision Number 4847 being part of Crown Allotment A9 Parish of Traralgon and being part of the land more particularly described in Certificate of Title Volume 5882 Folio 344

to lay down, construct, change the size and number of, operate, maintain, inspect, patrol (including aerial patrol), alter, remove, replace, reconstruct and/or repair one or more pipelines designed to convey or conveying oil and other liquid or gaseous hydrocarbons, natural and artificial gas and any products or by-products thereof and any other substance which may be transported by pipeline together with all the works of the Grantees useful in connection with or incidental to their undertaking including but without limiting the generality of the foregoing all such communication and power systems (including pole lines), drips, valves, valve chambers, manholes, inspection pits, fittings, meters, connections and all other equipment and appurtenances whether or not similar to the foregoing as may be useful or convenient in connection therewith or incidental thereto (hereinafter called "the Grantees' appliances") and together with the right for the Grantees and their surveyors, engineers, servants, agents, licensees, contractors, sub-contractors and others authorised by them (hereinafter called "the Grantees' associates")—

- (1) to enter upon and remain pass and repass on and over the servient tenement for all or any of the purposes aforesaid and with or without vehicles, plant and equipment of any description;
- (2) to clear the servient tenement and cut and remove timber, trees, undergrowth, crops and fences and construct and maintain gates in fences crossing the servient tenement and the other adjacent land of the Grantor as the Grantees shall consider necessary or desirable.

And the Grantor for himself his heirs executors administrators and assigns registered proprietor or proprietors of the servient tenement and every part thereof hereby covenants with the Grantees and each of them to the extent that the burden of this covenant may run with and bind the servient tenement and every part thereof and that the benefit thereof may be annexed to and run with the dominant tenement that the Grantor shall not without the prior written consent of the Grantees plant or permit to be planted any trees or shrubs on the servient tenement or excavate, drill, install, erect or permit to be excavated, drilled, installed or erected on or under the servient tenement or any part thereof any pit, well, foundation, pavement or other structure or installation nor shall the Grantor alter or disturb or permit to be altered or disturbed (other than by the processes of nature) the present grades and contours of the servient tenement but otherwise the Grantor shall have the right fully to use and enjoy the servient tenement subject always to and so as not to interfere with the rights and privileges hereby granted and conferred upon the Grantees.

The Grantor and the Grantees hereby mutually covenant and agree one with the other of them as follows:—

A. The consideration hereinbefore mentioned is acknowledged by the Grantor to be in full satisfaction of all moneys payable for the granting of this easement in favour of the Grantees.

B. The Grantees will compensate the Grantor for damage done from and after the date this instrument shall have been delivered to the Grantees to the Grantor's crops, timber, pasture lands, live stock, improvements and other property on the servient tenement or any land of the Grantor adjacent thereto by reason of the exercise of the rights hereinbefore granted. In the event of any difference arising between the Grantor and the Grantees as to the amount of such compensation the same shall be determined in the manner provided in the Arbitration Act 1958. Any compensation paid by the Grantees to the Grantor shall include compensation for damage done to the crops, timber, pasture lands, live stock, improvements and other property on the servient tenement or any land of the Grantor adjacent thereto in which any tenant, sharefarmer or other person has any interest and the Grantor agrees to indemnify the Grantees against any claim by any such tenant, sharefarmer or other person for any damage done by the Grantees in the performance of their rights under this easement.

C. The Grantees shall as soon as weather and soil conditions permit and subject to the restrictions hereinbefore contained and insofar as it is practicable so to do bury and maintain all pipelines so as not to interfere unreasonably with the use of the servient tenement.

D. Notwithstanding any rule of law or equity the pipes (which term shall include all pipelines and the Grantees' appliances) brought onto laid or erected upon or buried in or under the servient tenement by the Grantees shall at all times remain the property of the Grantees and their assigns notwithstanding that the same may be annexed or affixed to the freehold and shall at any time and from time to time be removable in whole or in part by the Grantees and their assigns.

E. Unless otherwise agreed by the Grantor and the Grantees upon the discontinuance of the use of the servient tenement by the Grantees the Grantees may at their option leave the pipe or any part thereof and the Grantees' appliances in the ground but if the Grantees damage the property of the Grantor during the removal of the pipe or appliances then the Grantees will compensate the Grantor upon the terms and in the manner contained in Clause B hereof.

F. The Grantees performing and observing the covenants, and conditions on their part to be observed and performed shall and may peacefully hold and enjoy the rights, liberties, privileges and easement hereby granted without hindrance, molestation or interference on the part of the Grantor or of any person firm or corporation claiming by through under or in trust for the Grantor.

G. All notices to be given hereunder may be given by prepaid registered or certified letter addressed to the Grantor by being forwarded to the registered proprietor for the time being at his latest address shown in the Register Book and to the Grantees at 380 Lonsdale Street Melbourne or such other address as the Grantor and Grantees may respectively from time to time designate in writing and any such notice shall be deemed to have been given to and received by the addressee on the third day following that on which the same is posted.

H. Neither this instrument nor anything herein contained shall affect or prejudice the rights of the Grantees or the Grantees' associates under the Pipelines Act 1967 or under any consent granted pursuant to Section 9 (2) of the said Act or under any permit granted pursuant to Section 12 of the said Act or any written permission given pursuant to Section 22 (1) of the said Act or any other rights of the Grantees under the said Act.

I. The Grantor will execute every such deed, instrument or assurance and do every such thing for further or more effectively securing the rights and interests of the Grantees to or in the servient tenement or any part or parts thereof pursuant to these presents as shall by the Grantees be reasonably required.

Form No. 4, 1/9/67.

C/E & Covenant
5882-344 (PA)

to
8718-882-3

8718-886-9

8722-448

5992-297

STAMP DUTY

LE E101\$*****2-00



D464412-1-6

J. Wherever the singular or masculine is used it shall be construed as if the plural feminine or neuter, as the case may be had been used where the context or the party or parties hereto so require and the rest of the sentence shall be construed as if the grammatical and other changes thereby rendered necessary had been made and where more than one Grantor is a party hereto the covenants herein contained shall extend to and bind such Grantors jointly and each of them severally.

DATED this 31st day of July One thousand nine hundred and sixty—
~~eight~~ nine

SIGNED by the said FREDERICK WAITE

~~in Victoria~~ in the presence of:

SIGNED by the said

~~in Victoria~~ in the presence of:

EXECUTED by ESSO EXPLORATION AND PRODUCTION AUSTRALIA INC. by being SIGNED SEALED AND DELIVERED in Victoria by JAMES EUGENE PIANA

its attorney under Power Number 161368 in the presence of:

EXECUTED by HEMATITE PETROLEUM PROPRIETARY LIMITED by being SIGNED SEALED AND DELIVERED in Victoria by COLIN LIVINGSTONE PARKER

its attorney under Power Number 160324 in the presence of

ENCUMBRANCES REFERRED TO:
 Nil.

~~being the Mortgage~~
~~under Mortgage Number~~ ~~in the Register Book of part of the abovementioned land hereby consent~~
~~to the above Creation of Easement and Restrictive Covenant and to this Creation of Easement and Restrictive Covenant~~
~~taking priority over the said Mortgage and to an endorsement to that effect being made on the said Mortgage.~~

DISTRIBUTION: Original — Office of Titles.
 1st Copy — Cons't Div. for Company.
 2nd Copy — R/W Agent.
 3rd Copy — Landowner.
 4th Copy — Solicitor.

Form No. 4, 1-9-67.



Natural Resources and Environment

AGRICULTURE • RESOURCES • CONSERVATION • LAND MANAGEMENT

INTENTIONALLY



BLANK



O



To the Registrar of Titles,

Please register this Creation of Easement and on completion return Certificate of Title Volume 5882 Folio 344 to

Bruce Sheldrake 16 Church St. Melbourne

Bruce Sheldrake

FREDERICK WAITE

to

ESSO EXPLORATION AND
PRODUCTION AUSTRALIA INC. AND
HEMATITE PETROLEUM
PROPRIETARY LIMITED

CREATION OF EASEMENT

ARTHUR ROBINSON & CO.
Solicitors
447 Collins Street, Melbourne, 3000.

TR-363

Dated the day of 1968.

**A memorandum of the within instrument
has been entered in the Register Book.**

SURVEYED
As to
Register
No.

February 1979.
H/22435



6567702

10-3 196476 44528-77

6567702

GAS AND FUEL CORPORATION OF VICTORIA

CREATION OF EASEMENT

No. ET 2230 &
ET 2233

FREDERICK WAITE formerly of Glengarry but now of 14 Quantock Road, Bridgewater, Somerset, England, Grazier

(hereinafter called "the Grantor") being registered as the proprietor of an estate in fee simple in the land secondly hereinafter described subject to the encumbrances notified hereunder in consideration of the sum of

TWO HUNDRED AND FIFTY DOLLARS (\$250)

paid to me DO HEREBY TRANSFER and GRANT unto GAS AND FUEL CORPORATION OF VICTORIA of 171 Flinders Street Melbourne and its successors and transferees in fee simple the registered proprietor or proprietors for the time being of ALL THAT piece of land being the whole of the land described in Certificate of Title Volume 5219 Folio 723 (hereinafter called "the Grantee") at all times hereafter the full and free liberty and right, as appurtenant to the lands comprised in the said Certificate of Title (which land is hereinafter referred to as the "dominant tenement"), on over under and through ALL THAT piece of land delineated and coloured red on the plan marked "A" and "B" annexed hereto (hereinafter referred to as the "servient tenement") being part of

Lot 12 Block Two on Plan of Subdivision No. 4847 and part of former Government Road Parish of Traralgon and being part of the land described in Certificates of Title Volume 5882 Folio 344 and Volume 5882 Folio 345

to lay down, construct, change the size and number of, operate, maintain, inspect, patrol (including aerial patrol), alter, remove, replace, reconstruct and/or repair one or more pipelines designed to convey or conveying liquid or gaseous hydrocarbons, natural and artificial gas and any products or by-products thereof and any other substance which may be transported by pipeline together with all the works of the Grantee useful in connection with or incidental to its undertaking including but without limiting the generality of the foregoing all such communication and power systems (including pole lines), drips, valves, valve chambers, manholes, inspection pits, fittings, meters, connections and all other equipment and appurtenances whether or not similar to the foregoing as may be useful or convenient in connection therewith or incidental thereto (hereinafter called "the Grantee's appliances") and together with the right for the Grantee and its surveyors, engineers, servants, agents, licensees, contractors, sub-contractors and others authorised by them (hereinafter called "the Grantee's associates")

(1) to enter upon and remain pass and repass on and over the servient tenement for all or any of the purposes aforesaid and with or without vehicles, plant and equipment of any description;

to clear the servient tenement and remove any obstructions therefrom and cut and remove timber, trees, undergrowth, crops and fences and construct and maintain gates in boundary fences abutting and in other fences crossing the servient tenement and the other adjacent land of the Grantor as the Grantee shall consider necessary or desirable.

And the Grantor for himself his heirs executors administrators and assigns registered proprietor or proprietors of the servient tenement and every part thereof Hereby Covenants with the Grantee to the extent that the burden of this covenant may run with and bind the servient tenement and every part thereof and that the benefit thereof may be annexed to and run with the dominant tenement that the Grantor shall not without the prior written consent of the Grantee cultivate dig or excavate or permit to be cultivated dug or excavated any part of the surface of the servient tenement to a depth greater than one foot or plant or permit to be planted any trees or shrubs on the servient tenement or excavate, drill, install, erect or permit to be excavated, drilled, installed or erected on or under the servient tenement or any part thereof any pit, well, foundation, pavement or other structure or installation or use or permit to be used on or under the servient tenement or any part thereof explosives of any type nor shall the Grantor alter or disturb or permit to be altered or disturbed (other than by the processes of nature) the present grades and contours of the servient tenement but otherwise the Grantor shall have the right fully to use and enjoy the servient tenement subject always to and so as not to interfere with the rights and privileges hereby granted and conferred upon the Grantee.

The Grantor and the Grantee hereby mutually covenant and agree one with the other of them as follows:—

- The consideration hereinbefore mentioned is acknowledged by the Grantor to be in full satisfaction of all moneys payable for the granting of this easement in favour of the Grantee.
- In the exercise of the rights hereby granted the Grantee shall do as little damage as possible and the Grantee shall if so required within two years from the exercise of such rights compensate the Grantor for damage done to the Grantor's crops, timber, pasture lands, livestock, improvements and other property on the servient tenement or any land of the Grantor adjacent thereto by reason of the exercise of the rights hereinbefore granted. In the event of any difference arising between the Grantor and the Grantee as to the amount of such compensation the same shall be determined in the manner provided in the Lands Compensation Act 1958. Any compensation paid by the Grantee to the Grantor shall include compensation for damage done to the crops, timber, pasture lands, live stock, improvements and other property on the servient tenement or any land of the Grantor adjacent thereto in which any tenant, sharefarmer or other person has any interest and the Grantor agrees to indemnify the Grantee against any claim by any such tenant, sharefarmer or other person for any damage done by the Grantee in the performance of its rights under this easement.
- The Grantee shall as soon as weather and soil conditions permit and subject to the restrictions hereinbefore contained and insofar as it is practicable so to do bury to a minimum depth of thirty inches below the level of the immediately surrounding land and maintain all pipelines so as not to interfere unreasonably with the use of the servient tenement and restore the surface of the servient tenement to its condition prior to the exercise of the rights granted herein.



6567702-1-8

- (d) Notwithstanding any rule of law or equity the pipes (which term shall include all pipelines and the Grantee's appliances) brought onto laid or erected upon or buried in or under the servient tenement by the Grantee shall at all times remain the property of the Grantee and its successors and assigns notwithstanding that the same may be annexed or affixed to the freehold and shall at any time and from time to time be removable in whole or in part by the Grantee and its successors and assigns.
- (e) Unless otherwise agreed by the Grantor and the Grantee upon the discontinuance of the use of the servient tenement by the Grantee the Grantee may at its option leave the pipe or any part thereof and the Grantee's appliances in the ground but if the Grantee damages the property of the Grantor during the removal of the pipe or appliances then the Grantee will compensate the Grantor upon the terms and in the manner contained in Clause (b) hereof.
- (f) The Grantee performing and observing the covenants and conditions on its part to be observed and performed shall and may peaceably hold and enjoy the rights, liberties, privileges and easement hereby granted without hindrance, molestation or interference on the part of the Grantor or of any person firm or corporation claiming by through under or in trust for the Grantor.
- (g) All notices to be given hereunder may be given by prepaid registered or certified letter addressed to the Grantor by being forwarded to the registered proprietor for the time being at his latest address shown in the Register Book and to the Grantee at 171 Flinders Street Melbourne or such other address as the Grantor and Grantee may respectively from time to time designate in writing and any such notice shall be deemed to have been given to and received by the addressee on the third day following that on which the same is posted. All notices to be given by the Grantee hereunder may be signed on behalf of the Grantee by its Secretary or Substitute Secretary for the time being.
- (h) Neither this instrument nor anything herein contained shall affect restrict limit or detract from or prejudice the rights power authority or immunity of the Grantee or the Grantee's associates under the Pipelines Act 1967 or any subsequent amendments thereto or under any consent granted pursuant to Section 9 (2) of the said Act or under any permit granted pursuant to Section 12 of the said Act or any written permission given pursuant to Section 22 (1) of the said Act or any other rights of the Grantee under the said Act or under the Gas and Fuel Corporation Act 1958 or any subsequent amendments thereto as the case may be.
- (i) The Grantor will execute every such deed, instrument or assurance and do every such thing for further or more effectively securing the rights and interests of the Grantee to or in the servient tenement or any part or parts thereof pursuant to these presents as shall by the Grantee be reasonably required.
- (j) Wherever the singular or masculine is used it shall be construed as if the plural feminine or neuter, as the case may be had been used where the context or the party or parties hereto so require and the rest of the sentence shall be construed as if the grammatical and other changes thereby rendered necessary had been made and where more than one Grantor is a party hereto the covenants herein contained shall extend to and bind such Grantors jointly and each of them severally.
- (k) Nothing herein contained shall be deemed or construed to authorise or permit the construction operation or use of a pipeline outside the terms and conditions of any permit or licence issued pursuant to the Pipelines Act 1967.
- (l) The Grantee will at all times hereafter keep indemnified the Grantor from and against all damage, injury or nuisance which may be caused or occasioned by the escape of liquid or gaseous hydrocarbons, natural and artificial gas and any products or by-products thereof and any other substance from the Grantee's pipeline or pipelines and appliances on to or over the servient tenement if such damage arises from any failure of the Grantee to construct maintain and operate such installations in a proper and safe manner and design having regard to present day knowledge.

DATED this 17th day of March One thousand nine hundred and seventy-seven

SIGNED by the said **FREDERICK WAITE**

in Victoria in the presence of:

Michael R. Gosman
39, Quantock Road,
Widford, Bridgwater,
Somerset
Solicitor Douglas Clark

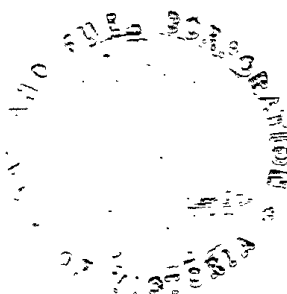
Fredrick Waite

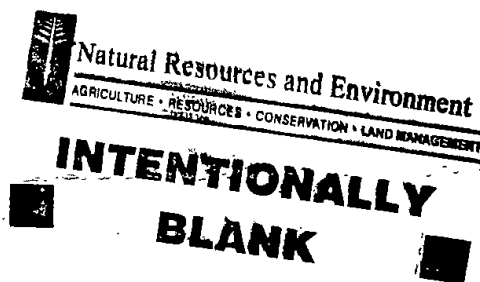
THE COMMON SEAL of GAS AND FUEL CORPORATION OF VICTORIA was hereunto affixed by the authority of the Board of Directors and attested by:

Director Jan to Eneyn

Director [Signature]

Secretary [Signature]





"B"

GAS & FUEL CORPORATION OF VICTORIA

Easement required for TRARALGON RE-INFORCEMENT PIPELINE

Owner FREDERICK WAITE

Address GLENGARRY

Part of A FORMER GOVERNMENT ROAD

Parish of TRARALGON

Section

County of BULN BULN

Area 147m²

Certificate

Vol 5882

Fol - 345

Scale 1:1000

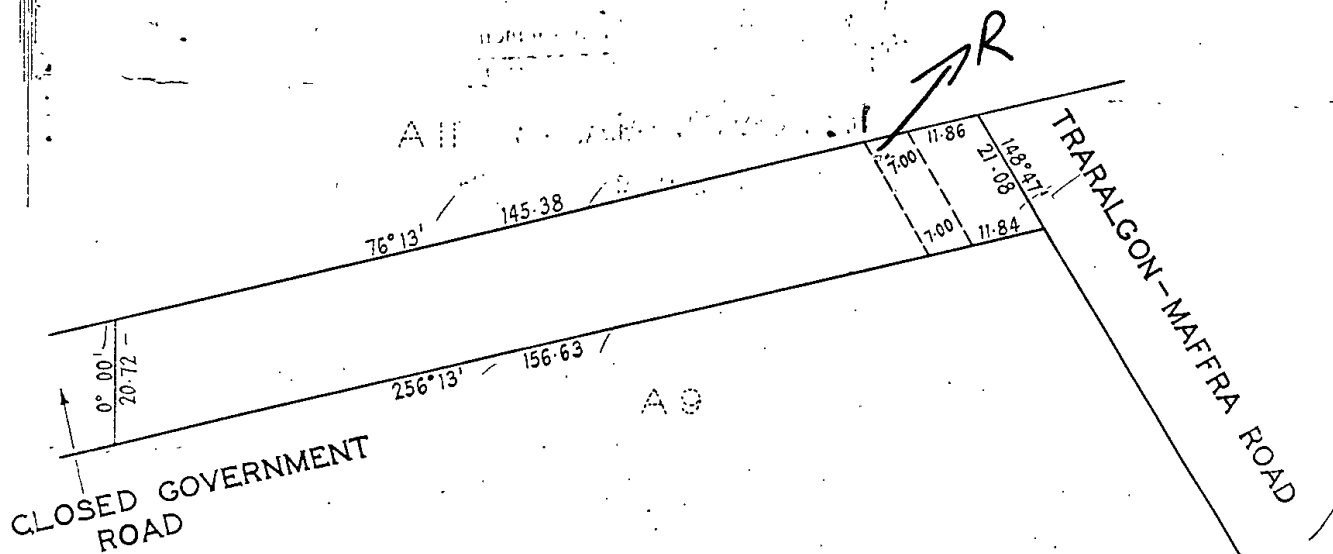


DIAGRAM ACCORDS WITH TITLE

9 11.5.77



DG567702-3-1

COLOUR CODE

Y=Yellow O=Orange BR=Brown
 G=Green R=Red BL=Blue P=Purple
 H=Hatched CH=Cross Hatched

Measurements are in METRES
 Draftsman GARLICK & STEWART
 Checked A.S.
 Chief Draftsman [Signature]
 Chief Engineer [Signature]
 Date 23.11.76

I certify that this plan made by me, agrees with title, is mathematically correct, and the easement being created has been reasonably located in accordance with title position.

[Signature]

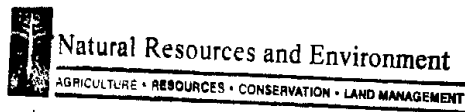
Licensed Surveyor

Date 23.11.76

SURVEY
 REFERENCE
 NUMBER

307203

2233



INTENTIONALLY

BLANK

ENCUMBRANCES REFERRED TO:

~~Nil~~

+ Creation of Easement

THE COVENANT

Transfer 1466412

AMENDED

22 APR 1977

With consent of
Solicitor to [Signature]

Amended by
Gas & Fuel

4/16/77

....., being registered as the proprietor of
Instrument of Mortgage Registered Number over the land described in the foregoing Creation of
Easement as the servient tenement **HEREBY CONSENTS** to the said Creation of Easement and to such easement taking priority to the
said Instrument of Mortgage and to an endorsement to that effect being placed on the said Mortgage.

DATED the

day of

One thousand nine hundred and



DG567702-4-7

TO THE REGISTRAR OF TITLES,
MELBOURNE.

PLEASE REGISTER the within Easement and on completion of registration
forward Certificate of Title to issue to lodging party and parent
titles Volume 5882 Folios 344 and 345 to Littleton, Hackford & Malkin,
Solicitors, Traralgon.

Littleton, Hackford & Malkin
Littleton, Hackford & Malkin.

A memorandum of the within instrument
has been entered in the Register Book



DATED 19

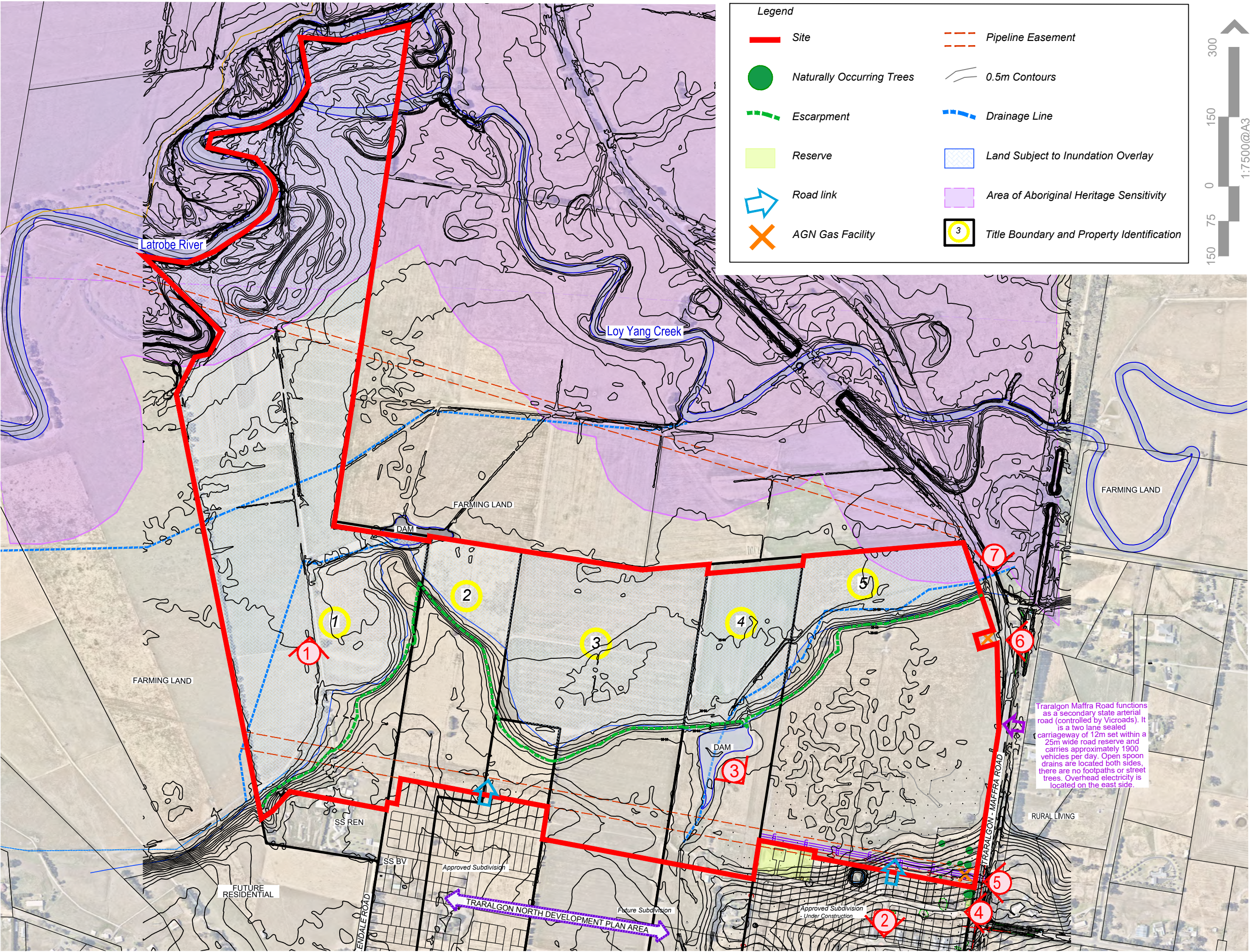
FREDERICK WAITE

WITH

GAS AND FUEL CORPORATION
OF VICTORIA

CREATION OF EASEMENT

GAS AND FUEL CORPORATION
OF VICTORIA
171 FLINDERS STREET
MELBOURNE, 3000



TO BE APPROVED Millar & Merrigan and the NBA Group authorise the use of this drawing only for the purpose described by the status stamp shown hereon. This drawing should be read in conjunction with all relevant contracts, specifications, reports and drawings. © Millar & Merrigan Pty. Ltd. and the NBA Group.

SITE & CONTEXT DESCRIPTION - SITE PLAN

Proposed Subdivision
2-55 Traralgon Maffra Road, Traralgon
Latrobe City Council
25950P1 Version 2
Sheet 1 of 3
Date: February 2022

Millar & Merrigan Pty Ltd ACN 005 541 668
Metro 2/126 Merrindale Drive, Croydon 3136
Regional 156 Commercial Road, Morwell 3840
Mail PO Box 247 Croydon, Victoria 3136
T (03) 8720 9500 **F** (03) 8720 9501
Ausdoc DX 13608 Croydon
admin@millarmerrigan.com.au
millarmerrigan.com.au

NBA Group Pty Ltd ABN 194 748 327 43
Morwell 156 Commercial Road, 3840
Sale 10 Dawson Street, 3850
Mail P O Box 1170, Sale 3850
M 0418 402 240 **T** (03) 5143 0340
F (03) 5143 1244
nick@nbagroup.com.au
nbagroup.com.au



➤ 1 Looking north over low lying parts of the site



➤ 3 Looking over grassed areas and the dam on site



➤ 5 Naturally occurring trees in the south-east corner of the site



➤ 6 Infrastructure station abutting site



➤ 2 Residential development to south of site (eastern end)



➤ 4 Looking west along the recently constructed road to the south of the site (eastern end)



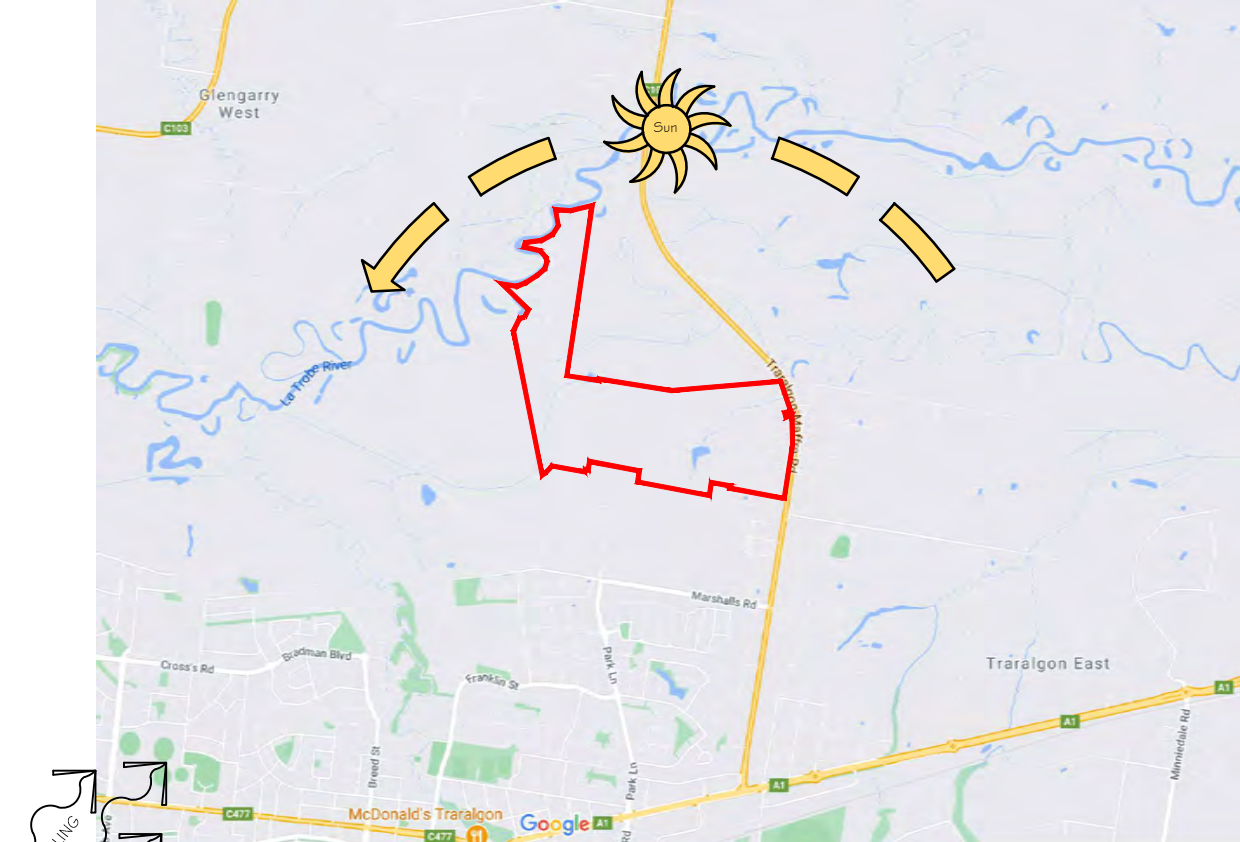
➤ 7 Looking down Traralgon Maffra Road with site on right

SITE & CONTEXT DESCRIPTION - PHOTOGRAPHS

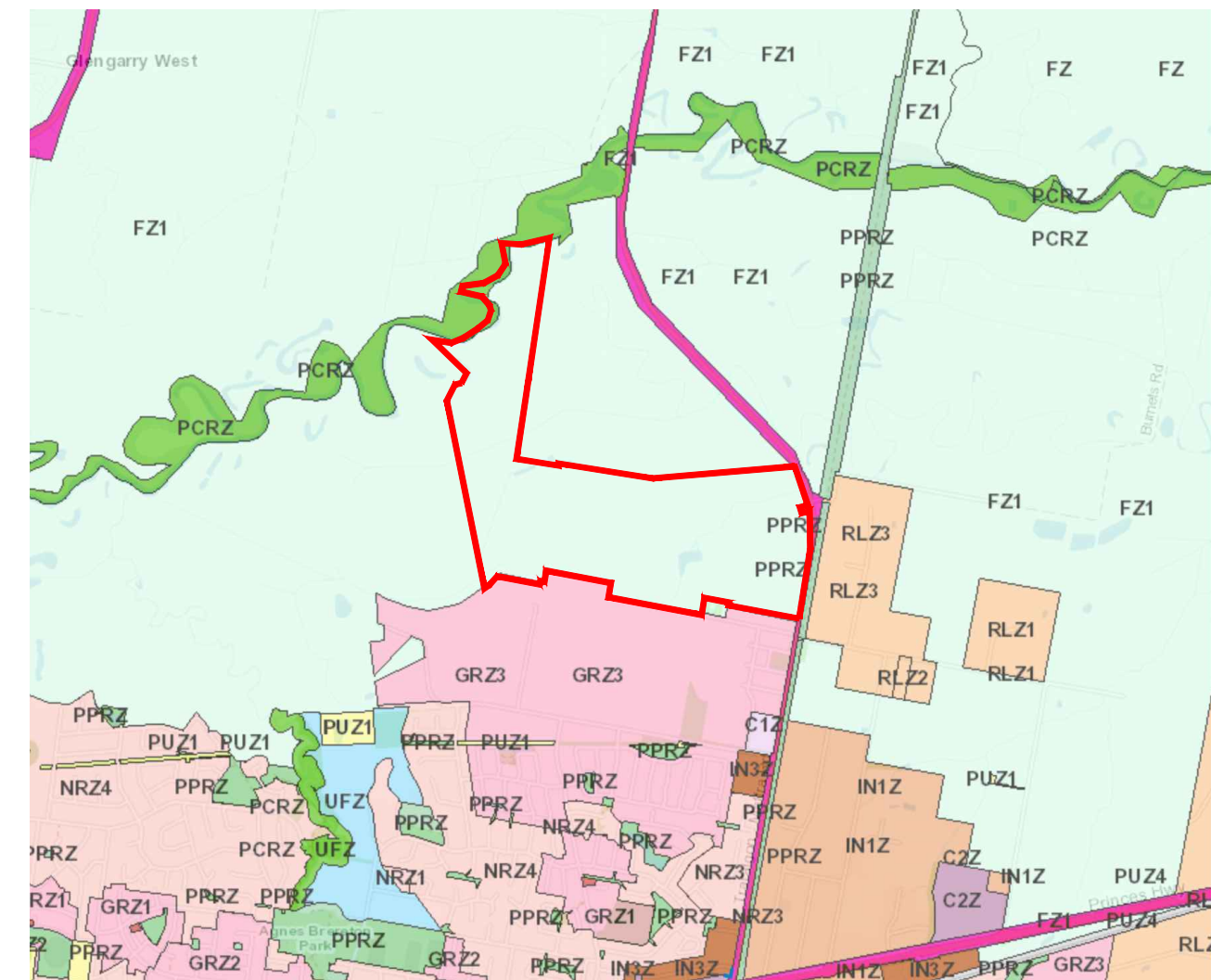
Proposed Subdivision
2-55 Traralgon Maffra Road, Traralgon
Latrobe City Council
25950P1 Version 2
Sheet 2 of 3
Date: February 2022

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Street Directory (not to scale)



Zoning Map (not to scale)

Notes

1. **Site:** The titles subject to this amendment comprise of the following allotments as show hereon:

- Property 1: 55 Glendale Road, Traralgon (CA 26F).
- Property 2: 50 Glendale Road, Traralgon (Lot 1 on PS329021).
- Property 3: 60 Marshall's Road, Traralgon (Lot 2 on PS323156).
- Property 4: 110 Marshall's Road, Traralgon (Lot 2 on PS329021).
- Property 5: Lot H on PS826075.

2. **Surrounding Area:**

The site interfaces with several land uses which include residential, rural living and farming land, as follows:

- Land to the east of Traralgon - Maffra Road is generally contained within the Rural Living Zone and comprises of developed allotments that vary in sizes.
- Land to the south comprises of developing residential areas, in accordance with the Traralgon North Development Plan.
- Land to the north and west comprise of broadacre farming land, with the Latrobe river and Loy Yang Creek key landscape features.

3. **Topography:** The southern part of the land is flat to gently sloping towards an escarpment which offers a significant level change. North of the escarpment are river flats.

4. **Views:** Views across the river flats and distant mountains are available to the north of the site.

5. **Infrastructure:** There are a number of drainage lines traversing the site, one of which presents as a large man made dam. A significant pipeline easement dissects the southern part of the land and an AGN gas facility is located adjacent to the site near Traralgon-Maffra Road.

6. **Flora & Fauna:** Given the long farming history there is little significant vegetation. There are some scattered Gippsland Red Gums located in the south-east corner. There is potential habitat for avifauna & growling grass frog in the water bodies on site and targeted surveys are recommended at subdivision stage.

7. **Cultural Heritage:** The north-western and north-east extremity of the site is identified as an area of 'Aboriginal Cultural Heritage Sensitivity'. The extent of land to be rezoned is outside of the mapped area and as such there is no mandatory Cultural Heritage Management Plan required.

8. **Planning:** The site has the following planning controls:

- Public Conservation & Resource Zone (PCRZ) - northern extremity of site, outside extent of land to be rezoned;
- Farming Zone - Schedule 1 (FZ1);
- Design and Development Overlay Schedule 1 (DDO1) - applicable to pipeline easements only;
- Floodway Overlay (FO) - northern extremity of site, outside extent of land to be rezoned;
- Land Subject to Inundation Overlay (LSIO) - part of land as shown coloured on sheet 1;
- Bushfire Prone Area;
- Traralgon-Maffra Road is contained within a Road Zone Category 1 (RDZ1).

Opportunities:

- To provide additional residential development within close proximity to the township of Traralgon;
- To provide a definitive and attractive edge to the urban/rural interface;
- To provide an integrated stormwater treatment that meets best practice guidelines;
- To incorporate the pipeline easement in a reserve;
- To limit sensitive land uses within proximity to pipeline infrastructure (ie. childcare);
- To meet market gaps in medium to premium housing and contributing to diversity of choice;
- To retain native vegetation if practicable;
- To enhance the communities resilience to bushfire;
- To link with existing roads to the south.

Constraints:

- The topography;
- Parts of land subject to flooding;
- Location of drainage lines;
- The bushfire threat posed by surrounding grassland;
- The location of the existing pipeline easement;
- Traralgon Maffra Road is within a RDZ1;
- The location of native vegetation.

SITE & CONTEXT DESCRIPTION - NOTES

Proposed Rezoning
2-55 Taralgon Maffra Road, Taralgon
Latrobe City Council
25950P1 Version 2
Sheet 3 of 3
Date: February 2022

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nick@nbagroup.com.au
nbagroup.com.au



IRONBARK

Environmental Arboriculture

Flora Survey
for
Traralgon – Maffra Road,
Traralgon VIC 3844

Prepared by

James Gibson

B.Sc EnvSc (Wildlife & Conservation Biology) *Deakin*
Dip (Arboriculture) *Melbourne Polytechnic*

Grant Harris

B.Sc EnvSc (Wildlife & Conservation Biology) *Deakin*
Dip Horticulture (Arboriculture) *NMIT*
Cert (Arboriculture & Forestry) *Merristwood*

Commissioned by

Millar Merrigan

21 December 2021

Revision A



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Title	Action	Staff	Date
Flora Survey– Traralgon-Maffra Road _V1	Prepared	JG	09/12/2020
Flora Survey– Traralgon-Maffra Road _V2	Reviewed	GH	14/12/2020
Flora Survey– Traralgon-Maffra Road _V3	Prepared	JG	14/12/2020
Flora Survey– Traralgon-Maffra Road _FINAL	Checked	IF	14/12/2020
Flora Survey– Traralgon-Maffra Road _Revision A	Prepared	GH	20/12/2021
Flora Survey– Traralgon-Maffra Road _FINAL	Checked	IF	21/12/2021

Summary

- Ten (10) mature Gippsland Red Gums (*Eucalyptus tereticornis* subsp. *mediana*) were found within the subject site. These trees all have trunk diameters equal to or larger than the ecological vegetation community (EVC) benchmark. Pursuant to the definitions of *Clause 52.17 Native Vegetation*, these are *large trees*.
- Groundcover and understorey vegetation is exotic and not consistent with *Gippsland Red Gum Grassy Woodland* ecological community.
- The owner of 2-55 Glendale Road refused access to his land for the purpose of a vegetation assessment. Based on visual observation from neighbouring land and aerial imagery, the groundcover on this property is also comprised of pastoral grasses.
- No rare or threatened plant species listed under the *Environment Protection & Biodiversity Conservation Act 1999* (EPBC), *Flora & Fauna Guarantee Act 1988* (FFG) and/or the Department of Environment, Land, Water & Planning, *Advisory List of Rare and Threatened Plants in Victoria* (DEPI 2014) were found during the flora survey.

Introduction

Millar Merrigan has commissioned Ironbark Environmental Arboriculture (IEA) to undertake a broad-scale flora survey and a desktop assessment of potentially occurring threatened flora.

This report contains the following information:

- A desktop assessment of potentially occurring threatened flora species.
- A broad-scale flora assessment to determine how closely vegetation present on the site aligns with EVC mapping.
- A review of the planning context and explanation of what permits are likely to be required in relation to vegetation removal.

Planning Context

The subject site includes 2-55 Glendale Road, 50 Glendale Road, 60 Marshalls Road, 110 Marshalls Road and Parcel C\PS821062. The site is within Latrobe City Council and is zoned as *Farming Zone – Schedule 1* (FZ1) and a small area of *General Residential Zone – Schedule 3* (GRZ3), near the edge of the survey limits.

There are no overlays affecting trees and vegetation removals. Each property within the subject site is greater than 4,000m², and therefore subject to assessment under *Clause 52.17 Native Vegetation*.

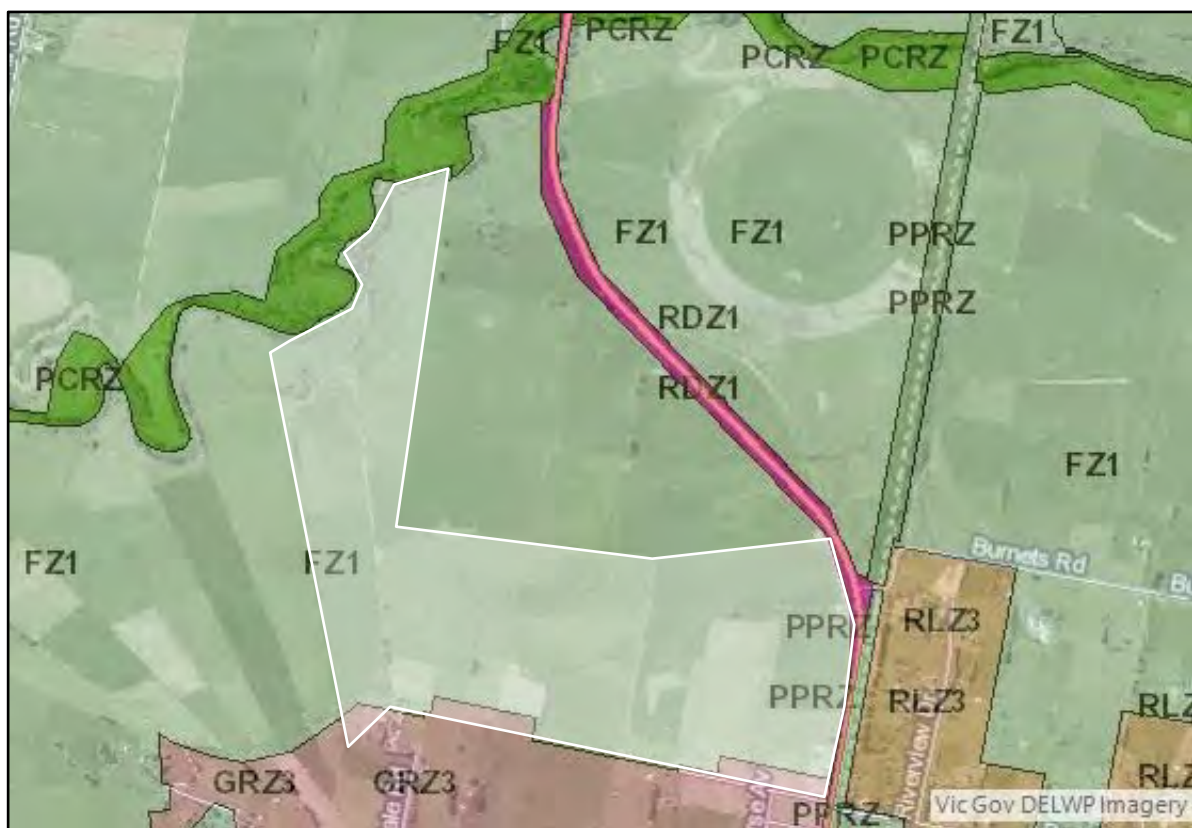


Figure 1. Showing the zoning of land on the approximate survey area (white polygon) and the surrounding region. Adapted from VicPlan, DELWP 2020.

Existing Conditions

In the *Farming Zone – Schedule 1* the land is comprised of paddocks, with trees planted in rows to act as wind-breaks. There are several small water bodies and dams across the site. In the South-eastern section of the site there are ten (10) naturally occurring Gippsland Red Gums.



Figure 2: Site Context, showing a group of three (3) Gippsland Red Gum (*Eucalyptus tereticornis* subsp. *mediana*) next to Traralgon – Maffra Road.



Figure 3: Site context, showing a scattered Gippsland Red Gum with exotic, pastoral grasses as understorey



Figure 4: Site Context, showing a paddock with Barley (*Hordeum* sp.) in the foreground and other exotic grasses facing an existing dam.



Figure 5: Site Context, showing a paddock with Perennial Rye-grass (*Lolium perenne*) and sparse Cat's Ear (*Hypochaeris radicata*) with yellow flowers visible.

Desktop Survey

Vegetation Mapping

DELWP mapping (2005 extent) shows the subject site as almost entirely *cleared* with only three (3) small patches of native vegetation remaining; one (1) patch of *Plains Grassy Woodland* (EVC 55) and two (2) patches of *Floodplain Riparian Woodland* (EVC 56) (Figure 12). Both of these EVCs have a bioregional conservation status of *Endangered* in the *Gippsland Plain*.

Gippsland Red Gum (*Eucalyptus tereticornis* subsp. *mediana*) and River Red Gum (*Eucalyptus camaldulensis*) are character species of *Plains Grassy Woodland* (EVC 55). Gippsland Red Gum, River Red Gum and Swamp Gum (*Eucalyptus ovata*) are character species of *Floodplain Riparian Woodland* (EVC 56).



Figure 6: EVC mapping of the approximate areas of surveying (white polygon) and the three (3) areas mapped as 2005 extent EVCs (yellow circles). Adapted from NatureKit (DELWP 2020).

Potentially Occurring Rare or Threatened Species – VBA search

Potentially occurring rare or threatened flora species were identified using the Victorian Biodiversity Atlas (VBA) search tool; a 5 km survey radius was buffered from the centre of the site. Records for eight (8) rare or threatened plant species were retrieved (Table 2).

Table 2: Potentially Occurring Rare or Threatened Species – VBA search

Species	Last Sighted	FFG Act Status	EBPC Status	Advisory List
Matted Flax-lily (<i>Dianella amoena</i>)	2017	Listed	Endangered	Endangered DEPI 2014
Strzelecki Gum (<i>Eucalyptus strzeleckii</i>)	2019	Listed	Vulnerable	Vulnerable DEPI 2014
Bog Gum (<i>Eucalyptus kitsoniana</i>)	1996	NA	NA	Rare DEPI 2014
Yarra Gum (<i>Eucalyptus yarraensis</i>)	2012	NA	NA	Rare DEPI 2014
Spotted Gum (<i>Corymbia maculata</i>) #	2002	NA	NA	Vulnerable DEPI 2014
Hypsela (<i>Hypsela tridens</i>)	2003	NA	NA	Poorly known DEPI 2014
Giant Honey-myrtle (<i>Melaleuca armillaris</i> subsp. <i>armillaris</i>) #	2011	NA	NA	Rare DEPI 2014
Grey Billy-buttons (<i>Craspedia canens</i>)	2018	Listed	NA	Endangered DEPI 2014

Likely to be planted as it does not naturally occur in this region.

EPBC Act Protected Matters Report – Protected Matters Search Tool

Potentially occurring matters of national environmental significance were identified using the Protected Matters Search Tool; a 5 km survey radius was buffered from the centre of the site.

Records for one (1) threatened ecological community and twenty-eight (28) threatened species were retrieved from this search (Appendix 3). Threatened plant species occurrences were also identified in the VBA search (Table 2).

One (1) threatened ecological community of national significance was identified as *likely to occur within the area* in the area; this is *Gippsland Red Gum Grassy Woodland and Associated Native Grassland*.

Flora Survey Methods

On 12 November 2020, James Gibson of IEA surveyed vegetation and trees on the subject site. The flora taxonomy (classification) used in this report follows the *Australian Plant Name Index* (Australian National Botanic Gardens 2007).

Vegetation was assessed using a combination of targeted surveying and random meandering transects (*Cropper 2003*).

Flora Survey Limitations

Vegetation surveys observe or sample flora during a particular season. Plant species may not be detected during a survey if they are dormant at the time of assessment. Species identification is based upon the diagnostic features available at the time of assessment. Where diagnostic features are not present, are inconclusive or both, a question mark will be used in front of the species name to indicate uncertainty.

Due to access limitations at 55 Glendale Road, observations were made from neighbouring properties to assess flora composition.

Flora Survey Results

The subject site is almost entirely cleared of native vegetation, with pastoral grasslands of Barley (*Hordeum* sp.), Perennial Rye – grass (*Lolium perenne*), Cocksfoot (*Dactylis glomerata*), Paspalum (*Paspalum dilatatum*), Sweet Vernal Grass (*Anthoxanthum odoratum*), Toowoomba Canary-grass (*Phalaris aquatica*) and Panic Veldt Grass (*Ehrharta erecta*) covering the majority of land.

A group of Gippsland Red Gum (*Eucalyptus tereticornis* subsp. *mediana*) was present in the South-eastern section of subject site overlapping part of the 2005 extent *Plains Grassy Woodland* mapping (Figure 6).

These trees have an exotic grass and herb understorey; the plant species composition and structure does not match the description of what is considered to be *Gippsland Red Gum Grassy Woodland and Associated Native Grassland* (Department of the Environment, Water, Heritage and the Arts 2010).

The remainder of the site is cleared of native vegetation, including one (1) small area mapped as 2005 extent *Floodplain Riparian Woodland* (Figure 6). This is a group of exotic Cypressess (*Cupressus* sp.), which have recently been felled.

Flora composition at 55 Glendale Road appeared consistent with nearby pastoral paddocks. The Western side of this property is near the La Trobe River; there are likely to be strips of native vegetation along the riverbank. Access to this section of the site was not granted and this is an assumption based on previous experience of assessing agricultural landscapes.



Figure 7: Showing the site areas surveyed (green hatching) and areas inaccessible for surveying (orange hatching). Naturally occurring trees in the South - East corner (green points) and planted trees (yellow points) are shown. Adapted from Nearmap images, dated 10/11/2020.

Plant Species Recorded

Life Form	Stratum	Scientific Name	Common Name	Origin
Tree	Canopy	<i>Eucalyptus tereticornis</i> subsp. <i>mediana</i>	Gippsland Red Gum	Indigenous
Tree	Canopy	<i>Eucalyptus viminalis</i>	Manna Gum	Native*
Tree	Canopy	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native*
Tree	Canopy	<i>Eucalyptus leucoxylon</i>	Yellow Gum	Native*
Tree	Canopy	<i>Eucalyptus tricarpa</i>	Red Ironbark	Native*
Tree	Canopy	<i>Cupressus sp.</i>	Cypress	Exotic
Tree	Canopy	<i>Schinus molle</i>	Peppercorn	Exotic
Shrub	Understorey	<i>Rubus fruticosus</i>	Blackberry	Exotic
Herb	Groundcover	<i>Echium plantagineum</i>	Paterson's Curse	Exotic
Herb	Groundcover	<i>Cirsium vulgare</i>	Spear Thistle	Exotic
Herb	Groundcover	<i>Malva sp.</i>	Mallow	Exotic
Herb	Groundcover	<i>Rumex crispus</i>	Curled Dock	Exotic
Herb	Groundcover	<i>Lysimachia arvensis</i>	Scarlet Pimpernel	Exotic
Herb	Groundcover	<i>Trifolium repens</i>	White Clover	Exotic
Herb	Groundcover	<i>Arctotheca calendula</i>	Capeweed	Exotic
Herb	Groundcover	<i>Cirsium vulgare</i>	Spear Thistle	Exotic
Herb	Groundcover	<i>Cerastium glomeratum</i>	Mouse-ear Chickweed	Exotic
Herb	Groundcover	<i>Hypochaeris radicata</i>	Cat's Ear	Exotic
Herb	Groundcover	<i>Plantago lanceolata</i>	Ribwort Plantain	Exotic
Herb	Groundcover	<i>Sonchus oleraceus</i>	Common Sowthistle	Exotic
Herb	Groundcover	<i>Galium aparine</i>	Cleavers	Exotic
Graminoid	Groundcover	<i>Juncus sp.</i>	Rush	Native*
Graminoid	Groundcover	<i>Cyperus eragrostis</i>	Drain Flat-sedge	Exotic
Graminoid	Groundcover	<i>Holcus lanatus</i>	Yorkshire Fog	Exotic
Graminoid	Groundcover	<i>Agrostis stolonifera</i>	Creeping Bent Grass	Exotic
Graminoid	Groundcover	<i>Ehrharta erecta</i>	Panic Veldt Grass	Exotic
Graminoid	Groundcover	<i>Romulea rosea</i>	Onion Grass	Exotic
Graminoid	Groundcover	<i>Dactylis glomerata</i>	Cocksfoot	Exotic
Graminoid	Groundcover	<i>Phalaris aquatica</i>	Toowoomba Canary Grass	Exotic
Graminoid	Groundcover	<i>Hordeum sp.</i>	Barley	Exotic
Graminoid	Groundcover	<i>Lolium perenne</i>	Perennial Rye-grass	Exotic
Graminoid	Groundcover	<i>Anthoxanthum odoratum</i>	Sweet Vernal Grass	Exotic

* = Native to Victoria but not naturally occurring on site.

Flora Survey Summary

- No potentially occurring threatened or rare species were found within the survey areas accessible.
- Ten (10) Gippsland Red Gum (*Eucalyptus tereticornis* subsp. *mediana*) were present in the South – Eastern corner of surveying. These are naturally occurring native canopy trees.
- Survey areas were almost entirely pastoral paddocks for farming, with Barley (*Hordeum* sp.), Perennial Rye – grass (*Lolium perenne*), Cocksfoot (*Dactylis glomerata*), Paspalum (*Paspalum dilatatum*), Sweet Vernal Grass (*Anthoxanthum odoratum*), Toowoomba Canary-grass (*Phalaris aquatica*) and Panic Veldt Grass (*Ehrharta erecta*) covering the majority of surveyed areas.

Vegetation Impact Assessment

- Mature Gippsland Red Gums were the only observed native vegetation which may be impacted by changes to land usage.
- No areas of *Gippsland Red Gum Grassy Woodland and Associated Native Grassland* were present in surveyed areas.

Discussion

Gippsland Red Gum Grassy Woodland and Associated Native Grassland is a nationally threatened ecological community, listed as *critically endangered* under the EPBC Act (*Environment Protection and Biodiversity Conservation Act 1999*). It has undergone a very severe decline in its extent, and its integrity and faces continued threats, with less than 5% of the original distribution remaining (Department of the Environment, Water, Heritage and the Arts 2010).

The Australian Government flowchart of identifying *Gippsland Red Gum Grassy Woodland* indicates that this site does not have the ecological community present, as the site is NOT ‘a *native remnant dominated by native species*’. The small area with Gippsland Red Gum (*Eucalyptus tereticornis* subsp. *mediana*) in the South – East is NOT ‘*dominated by native grasses and grass-like plants*’ below or near these trees.

Recommendations

- Naturally occurring Gippsland Red Gum (*Eucalyptus tereticornis* subsp. *mediana*) are recommended to be retained and incorporated into any design.
- The maximum tolerable encroachment into TPZs (Tree Protection Zones) of these trees, without further investigation, should be limited to 10%.
- Future planning permit applications will need to demonstrate appropriate treatment of native vegetation as per state and local planning policies, in particular avoid, minimise and offset requirements'
- Naturally occurring Gippsland Red Gum (*Eucalyptus tereticornis* subsp. *mediana*) are recommended to be retained and protected under a formal agreement, and incorporated into any design such as bushland reserve/conservation parkland/nature strip. However, any vegetation shown in the residential area will still be deemed lost and offsets will need to be retained. The maximum tolerable encroachment into TPZs (Tree Protection Zones) of these trees, without further investigation, should be limited to 10%, TPZs need to be constructed around the trees during any construction or site works.

Appendix 1: Flora Survey Photographs



Barley (*Hordeum sp.*) one of the main groundcovers.



Perennial Rye-grass (*Lolium perenne*), one of the main groundcovers.



Showing exotic grassland around one of the remaining Gippsland Red Gums.



Showing Spear Thistle (*Cirsium vulgare*), a noxious weed, scattered throughout the site.



Mallow (*Malva* sp.) and exotic grasses



Showing one of two recently felled
Cypress' (*Cupressus* sp.)

Large Tree

- A large tree is a native canopy tree with a Diameter at Breast Height (DBH) greater than or equal to the large tree benchmark for the relevant bioregional EVC. A large tree can be either a large scattered tree or a large tree within a patch.

Lost

- Native vegetation which will be removed or destroyed as part of the project.

This includes *consequential loss*, which is, whereas the result of a planning decision, additional native vegetation can be removed without a permit.

It also includes *assumed loss*, which is where the TPZ encroachment into a canopy tree is greater than 10% and an arborist has not demonstrated the tree will remain viable.

Origin

- *Indigenous* – species is characteristic of pre-1750 ecological vegetation class of the local area
- *Native* – native to the state of Victoria, naturally occurring since the recording of flora commenced
- *Australian* – native to Australia and naturally occurring since the recording of flora commenced
- *Exotic* – species is not endemic to any part of Australia

Patch

- An area of vegetation where at least 25% of the total perennial understorey plant cover is native.
- Any area with three (3) or more native canopy trees where the dripline of each tree touches the dripline of at least one other tree, forming a continuous canopy.

Scattered Tree

- A native canopy tree that does not form part of a patch.

Appendix 3: Matters of National Environmental Significance

Details

Matters of National Environmental Significance

Wetlands of International Importance (Ramsar)

[Resource Information]

Name

Proximity

[Gippsland lakes](#)

40 - 50km upstream

Listed Threatened Ecological Communities

[Resource Information]

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Name

Status

Type of Presence

[Gippsland Red Gum \(*Eucalyptus tereticornis* subsp. *mediana*\) Grassy Woodland and Associated Native Grassland](#)

Critically Endangered

Community likely to occur within area

Appendix 4: Expertise to Prepare the Report

I have over twenty (20) years of experience in arboricultural and ecological industries, including over sixteen (16) years of consultancy. My expertise and experience lie in the fields of arboriculture, planning and wildlife biology.

I have training and experience in the collection of biological samples and data for scientific research and have co-authored papers published in peer-reviewed scientific journals.

My qualifications and experience ensure I have the expertise to make informed, independent assessments of issues about the management of vegetation and associated fauna.

Yours Sincerely,



Grant Harris

Principal Consultant & Director



References

Department of Environment, Water, Heritage and the Arts 2010, *Gippsland Red Gum Grassy Woodland and Associated Native Grassland EPBC Act policy statement*, < <https://www.environment.gov.au/system/files/resources/1251b430-f8b8-47c9-bf1d-c5c787771589/files/gippsland-red-gum.pdf>>, accessed on 11/11/2020.

Victoria Planning Provisions, *Native Vegetation*, < https://planning-schemes.delwp.vic.gov.au/schemes/vpps/52_17.pdf>, accessed on 05/10/2020.





IRONBARK

Environmental Arboriculture

Fauna Desktop Survey

Traralgon – Maffra Road,
Traralgon VIC 3844

Prepared by

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Commissioned by

Millar Merrigan

21 December 2021

Revision B



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Title	Action	Staff	Date
Desktop Fauna Assessment – Traralgon-Maffra Road _V1	Prepared	JG	03/02/2021
Desktop Fauna Assessment – Traralgon-Maffra Road _V2	Reviewed	GH	03/02/2021
Desktop Fauna Assessment – Traralgon-Maffra Road _FINAL	Checked	IF	04/02/2021
Desktop Fauna Assessment – Traralgon-Maffra Road _Revision A	Prepared	AD	17/12/2021
Desktop Fauna Assessment – Traralgon-Maffra Road _Revision A	Checked	IF	21/12/2021
Desktop Fauna Assessment - Traralgn-Maffra Road _Revision B	Proofed	IF	31/01/2021

Summary

- There are ten (10) mature Gippsland Red Gum (*Eucalyptus tereticornis* subsp. *mediana*) which may be habitat for threatened raptors (birds of prey). These trees are recommended for retention and protection during construction.
- There are a dam and connecting drainage line which may be habitat for threatened waterbirds and the Growling Grass Frog (*Litoria raniformis*). Targeted fauna surveying is recommended.

Introduction

Millar Merrigan has commissioned Ironbark Environmental Arboriculture (IEA) to provide a desktop fauna assessment across several addresses at Glendale Road and Traralgon – Maffra Road, Traralgon.

- A flora survey was undertaken by IEA (09/12/2020) which identified ten (10) naturally occurring Gippsland Red Gums in the South-eastern corner of the site. Targeted fauna surveying was not undertaken, but an incidental observation of a Whistling Kite (*Haliastur sphenurus*) perching in one of the Gippsland Red Gums was made. Whistling Kite is not listed under the *Flora and Fauna Guarantee Act 1988* (FFG) of the EPBC.
- The ten (10) Gippsland Red Gums are potential nesting habitat for threatened raptors such as the Black Falcon (*Falco subniger*) and Grey Goshawk (*Accipiter novaehollandiae*).
- During the flora survey Australian Shelduck (*Tadorna tadornoides*) and Black Swan (*Cygnus atratus*) were observed using a dam as habitat. Neither of these species is listed under the FFG or EPBC.
- Dams on the site are potential habitat for threatened waterbirds, such as Eastern Great Egret (*Ardea alba modesta*) and the Growling Grass Frog (*Litoria raniformis*).

Site Context and Study Area

The subject site is across multiple addresses (2-55 Glendale Road, 50 Glendale Road, 60 Marshalls Road, 110 Marshalls Road and Parcel C\PS821062). The site is within Latrobe City Council and is zoned as *Farming Zone – Schedule 1* (FZ1) and a small area of General Residential Zone – Schedule 3 (GRZ3) near the edge of survey limits.

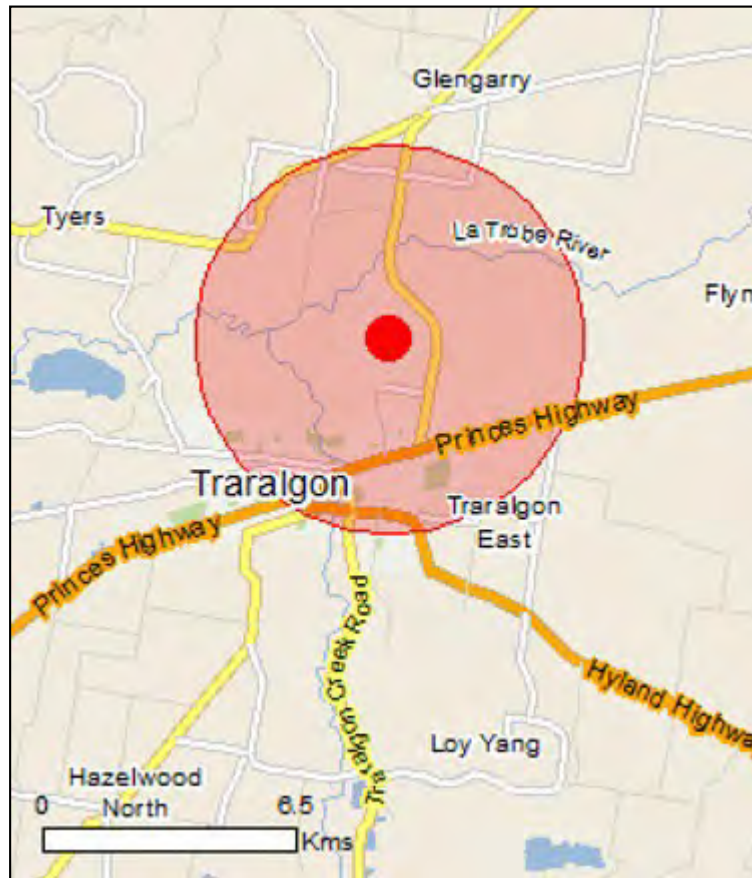


Figure 1. Showing study area (red circle). Adapted from EPBC Protected Matters Report.

Desktop Survey

Potentially Occurring Rare or Threatened Fauna Species – VBA search

Potentially occurring rare or threatened fauna species were identified using the Victorian Biodiversity Atlas (VBA) search tool; a 5 km study area was placed on the centre of the site. Records for seventeen (17) rare or threatened fauna species were retrieved (Table 1).

Table 1: Potentially Occurring Rare or Threatened Species – VBA search

Species	Last Sighted	FFG Act Status	EBPC Status	Advisory List
Great Egret (<i>Ardea alba</i>)	2017	Listed	NA	Vulnerable DEPI 2013
Regent Honeyeater (<i>Anthochaera phrygia</i>)	1970	Listed	Critically Endangered	Critically Endangered DEPI 2013
Black Falcon (<i>Falco subniger</i>)	1999	Listed	NA	Vulnerable DEPI 2013
White-bellied Sea-eagle (<i>Haliaeetus leucogaster</i>)	2020	Listed	NA	Vulnerable DEPI 2013
Grey Goshawk (<i>Accipiter novaehollandiae</i>)	2004	Listed	NA	Vulnerable DEPI 2013
Eastern Great Egret (<i>Ardea alba modesta</i>)	2019	Listed	NA	Vulnerable DEPI 2013
Musk Duck (<i>Biziura lobata</i>)	1977	NA	NA	Vulnerable DEPI 2013
Hardhead (<i>Aythya australis</i>)	2019	NA	NA	Vulnerable DEPI 2013
Baillon's Crake (<i>Porzana pusilla</i>)	1998	Listed	NA	Vulnerable DEPI 2013
Growling Grass Frog (<i>Litoria raniformis</i>)	1968	Listed	Vulnerable	Endangered DEPI 2013
Eastern Snake-necked Turtle (<i>Chelodina longicollis</i>)	1994	NA	NA	Data Deficient DEPI 2013
Australian Grayling (<i>Prototroctes maraena</i>)	1979	Listed	Vulnerable	Vulnerable DEPI 2013
Flinders Pygmy Perch (<i>Nannoperca</i> sp. 1)	1990	NA	NA	Vulnerable DEPI 2013
Macquarie Perch (<i>Macquaria australasica</i>)	1929	Listed	Endangered	Endangered DEPI 2013
Blue-billed Duck (<i>Oxyura australis</i>)	2018	Listed	NA	Endangered DEPI 2013
Barking Owl (<i>Ninox connivens</i>)	2009	Listed	NA	Endangered DEPI 2013
White-throated Needle-tail (<i>Hirundapus caudacutus</i>)	1998	Listed	Vulnerable	Vulnerable DEPI 2013

EPBC Act Protected Matters Report – Protected Matters Search Tool

Potentially occurring matters of national environmental significance were identified using the *Protected Matters* search tool; a 5 km study area was placed on the centre of the site. Nineteen (19) threatened fauna species were assessed as having the potential to occur within the survey radius (Appendix 2).

- Two (2) threatened fauna species are *known* to occur or have habitat within the 5 km survey radius. These are White-throated Needletail (*Hirundapus caudacutus*) and Dwarf Galaxias (*Galaxiella pusilla*).
- Nine (9) threatened fauna species are *likely* to occur or have habitat within the 5 km survey radius. These are Australasian Bittern (*Botaurus poiciloptilus*), Grey Falcon (*Falco hypoleucos*), Painted Honeyeater (*Grantiella picta*), Swift Parrot (*Lathamus discolor*), Eastern Curlew (*Numenius madagascariensis*), Australian Painted Snipe (*Rostratula australis*), Australian Grayling (*Prototroctes maraena*), Growling Grass Frog (*Litoria raniformis*) and Greater Glider (*Petauroides volans*).
- Six (6) threatened fauna species *may* occur or have habitat within the 5 km survey radius.
- One (1) threatened fauna species is *likely* to have foraging, feeding or related behaviour occur within the 5 km survey radius.
- One (1) threatened fauna species *may* have foraging, feeding or related behaviour occur within the 5 km survey radius.

Discussion

Gippsland Red Gums and Raptors

The flora survey (IEA 09/12/2020) found ten (10) Gippsland Red Gums. These are large, old trees and as such are suitable nesting sites for potentially occurring threatened raptors, including Grey Falcon (*Falco hypoleucos*), Black Falcon (*Falco subniger*) and Grey Goshawk (*Accipiter novaehollandiae*). The open grassland on the site is also suitable foraging habitat, and it is plausible these species are present.

Fish

Dwarf Galaxia, an EPBC listed species, has been recorded in the La Trobe River just outside of the 5km buffer used for assessment. There are multiple records with the last as recently as 2020. They are a non-migratory species, their entire life cycle spent in freshwater. They are known to occur in a variety of freshwater systems from slow-flowing to still, permanent and ephemeral including swamps, streams and the backwaters of creeks and rivers. Often, but not always, these waterways contain dense aquatic macrophytes and emergent vegetation. They are known to spawn late winter-spring. Eggs are laid on aquatic vegetation or hard surfaces such as rocks in the substrate. Eggs hatch 7-14 days later. They are still widely distributed across SE Australia but populations are patchy and fragmented. Known threats to the species

include drainage of wetlands, habitat damage from grazing around wetlands, climate change, competition and predation from feral fish. The fragmented nature of remaining populations makes them susceptible to local extinction.

Whilst they have not been recorded in the stretch of the creek near site, the precautionary principle should be applied, and any activities based on the presumption they are there. Controls must be in place to ensure that the movement of people, plant and construction activities does not create impacts on habitat, the waterway, or water quality. The avoidance of light in the waterway and minimisation of activity causing vibration is recommended.



Water Birds

There are dams and drainage lines on the site which are potential habitat for threatened waterbirds. Australian Shield Duck and Black Swan were observed during the flora survey, which indicates the habitat is suitable for waterbirds. It is plausible

the water bodies on the site are habitat for Great Egret (*Ardea alba*), Eastern Great Egret (*Ardea alba modesta*), Musk Duck (*Biziura lobata*), Hardhead (*Aythya australis*) and Blue-billed Duck (*Oxyura australis*).

Growling Grass Frogs

The Growling Grass Frog (GGF) range has substantially declined over the last three decades (Wassens et al. 2008a). GGF habitat is vegetation in, and around surrounding water bodies, including lakes, dams, swamps and slow-flowing sections of rivers and streams. Important habitat components include floating and submerged vegetation, emergent vegetation, such as *Typha* spp. and *Eleocharis* spp., rocks, and open areas with bare ground (Heard et al. 2008). GGF seeks shelter under debris, rocks, and logs near water bodies, in soil cracks and yabby burrows (Wassens 2005).

The connectivity and arrangement of water bodies within the landscape matrix are one of the most significant factors influencing the presence of GGF (Robertson et al. 2002; Heard et al. 2004; Hamer & Organ 2008). The site borders the La Trobe River; therefore, it is plausible GGFs are present on the site.

Recommendations

- Retain and protect the ten (10) Gippsland Red Gums. Consider incorporating these trees into a bushland reserve/conservation parkland via a formal agreement and incorporated into any design.
- The maximum tolerable encroachment into TPZs of these trees, without further investigation, should be limited to 10%, TPZs need to be constructed around the trees during any construction or site works.
- Undertake a targeted avifauna survey of the water bodies on the subject site (prior to approval of subdivision on property 4).
- Undertake a targeted GGF survey of water bodies on the subject site (prior to approval of subdivision on property 4).
- Ensure the Construction Management Plan and/or Environmental Management Plan, which will be commissioned for the construction phase provides specifications for controlling sediment and discharge into the La Trobe River.

Appendix 1: Site photographs



Dam present within the survey area, possible habitat for threatened waterbirds and Growling Grass Frog.



Waterbody/drainage line.



Showing one of ten (10) mature Gippsland Red Gums (*Eucalyptus tereticornis* subsp. *mediana*) in the South-East corner of the site. Possible habitat for threatened raptors.



Showing exotic, pastoral grassland covering the majority of the site.

Appendix 2: Expertise to Prepare the Report

I have over twenty (20) years of experience in arboricultural and ecological industries, including over sixteen (16) years of consultancy. My expertise and experience lie in the fields of arboriculture, planning and wildlife biology.

I have training and experience in the collection of biological samples and data for scientific research and have co-authored papers published in peer-reviewed scientific journals.

My qualifications and experience ensure I have the expertise to make informed, independent assessments of issues about the management of vegetation and associated fauna.

Yours Sincerely

A handwritten signature in blue ink that reads "G. Harris". The signature is written in a cursive style and is underlined.

Grant Harris

Principal Consultant & Director

Ironbark Environmental Arboriculture

References

Department of Environment, Water, Heritage and the Arts 2010, Gippsland Red Gum Grassy Woodland and Associated Native Grassland EPBC Act policy statement, <<https://www.environment.gov.au/system/files/resources/1251b430-f8b8-47c9-bf1d-c5c787771589/files/gippsland-red-gum.pdf>>, accessed on 11/11/2020.

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TRAFFIC IMPACT ASSESSMENT

PROPOSED REZONING

TRARALGON-MAFFRA ROAD, TRARALGON NORTH

16 DECEMBER 2021

TRARALGON-MAFFRA ROAD, TRARALGON NORTH

CLIENT: Millar Merrigan

OBT JOB NUMBER: 20953



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STUDY TEAM

Deborah Donald

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1 INTRODUCTION

O'Brien Traffic has been engaged by Millar Merrigan to undertake a traffic impact assessment of a proposed rezoning from Farming Zone Schedule 1 to Residential on Traralgon-Maffra Road, Traralgon North.

In the course of preparing this report:

- The updated concept layout plan prepared by Millar Merrigan has been reviewed (Plan 25950Sk1, Version 5, dated November 2021 – **Appendix A**);
- The Traralgon North Development Plan, dated November 2015 has been reviewed;
- The addendum to the Traralgon North Development Plan, approved 19/2/2020 has been reviewed;
- The Infrastructure Design Manual (Version 5.30) has been reviewed;
- The subject site and surrounding area have been inspected; and
- The traffic implications of the proposal have been assessed.

2 EXISTING CONDITIONS

2.1 LOCATION AND LAND USE

The subject site is located on the western side of Traralgon-Maffra Road, north of Baldwin Road. The site is zoned Farming Zone – Schedule 1 (FZ1), under the Latrobe City Planning Scheme. It is irregular in shape in shape with a frontage of approximately 800 metres to Traralgon-Maffra Road and comprises an area of approximately 55 hectares. The site is generally undeveloped.

A locality plan showing the approximate location of the subject site (approximate boundaries only) and the surrounding area is provided in **Figure 1**, and a recent aerial photo of the same area is provided in **Figure 2**.

An extract of the concept layout plan of the proposal prepared by NBA Group and Millar Merrigan (Plan No. 25950SK1, Version 5 dated November 2021) is shown in **Figure 3** and the full concept layout plan is provided in **Appendix A**.

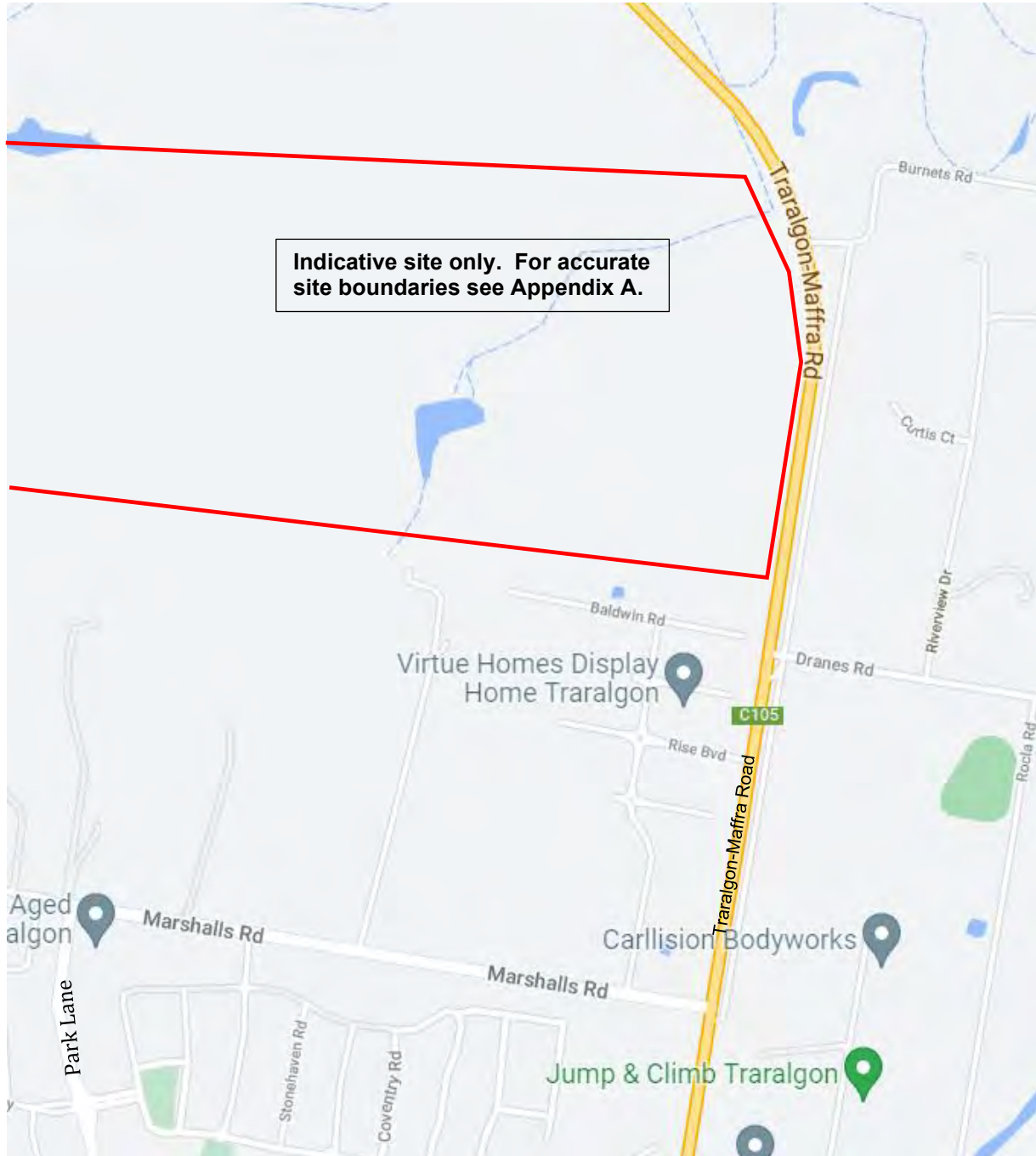


FIGURE 1: LOCALITY PLAN



FIGURE 2: AERIAL PHOTO OF SUBJECT SITE AND SURROUNDING AREA -PHOTO DATED 27/09/21

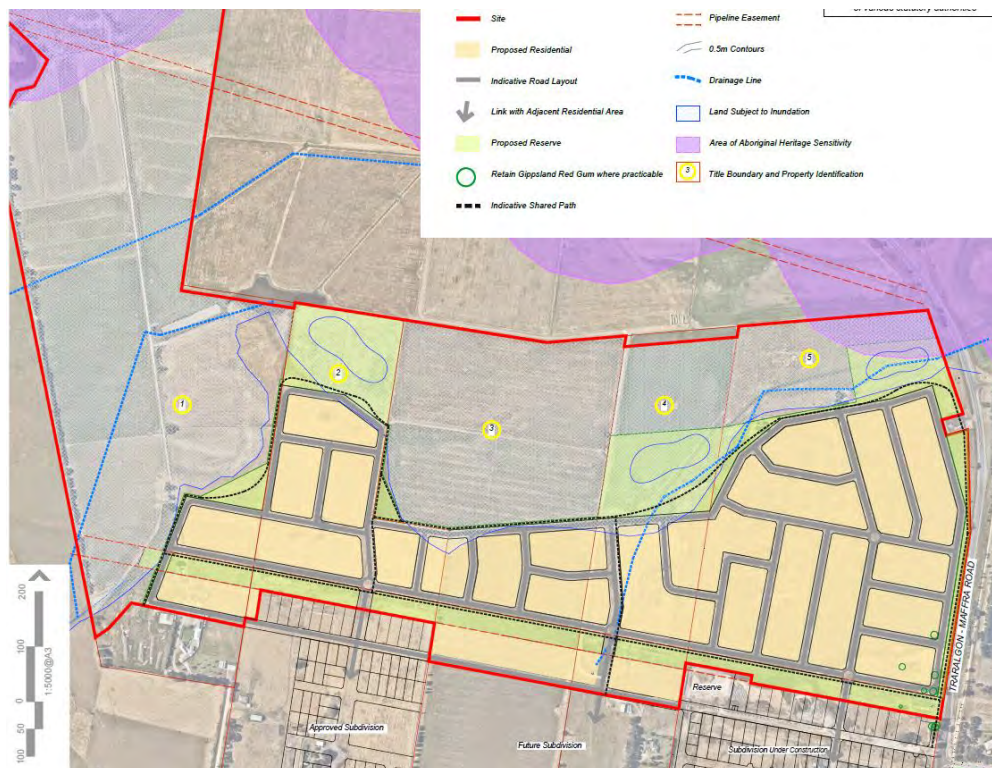


FIGURE 3: EXTRACT OF CONCEPT LAYOUT PLAN

2.2 SURROUNDING LAND USE

The subject site is located in an area that is generally farming to the north, east and west. There is some rural living on the eastern side of Traralgon-Maffra Road, directly opposite the site frontage, and further residential development is planned in this area. The land to the south is currently being redeveloped into a residential area as part of the Traralgon North Development Plan.

2.3 ROAD NETWORK

Traralgon-Maffra Road is an arterial road (Road Zone Category 1) under the control and management of Department of Transport. It runs in a north-south orientation. In the vicinity of the subject site, Traralgon-Maffra Road has a road reserve of approximately 20 metres and a pavement width of approximately 12 metres providing one traffic lane (3.8 metres wide) and a sealed shoulder (between 2 and 2.5 metres wide) in each direction.

The posted speed limit on Traralgon-Maffra Road changes along the site frontage. A posted speed limit of 80 km/h applies from the southern boundary of the site for a distance of approximately 250 metres. North of this point, the posted speed limit increases to 100 km/h.

Views of Traralgon-Maffra Road in the vicinity of the subject site are shown in **Figure 4** and **Figure 5**.



FIGURE 4: TRARALGON-MAFFRA ROAD FACING NORTH (SUBJECT SITE ON LEFT)



FIGURE 5: TRARALGON-MAFFRA ROAD FACING SOUTH (SUBJECT SITE ON RIGHT)

2.4 EXISTING TRAFFIC VOLUMES

Department of Transport open data indicates that Traralgon-Maffra Road in the vicinity of the subject site carries traffic volumes of 5,100 vehicles per day with a split of 2,600 northbound and 2,500 southbound.

Data collected by Council over a 13 day period from the 7th to the 21st of August 2015 on Marshalls Road, approximately 200 metres west of Traralgon-Maffra Road, recorded a weekday AADT of 973 vehicles per day, with approximately half recorded in each direction. The AM peak (fewer than 90 vehicles in the peak hour) was generally between 8am and 9am, and the PM peak (in the order of 100 vehicles in the peak hour) was generally between 5pm and 6pm. Given that a limited amount of development has occurred in the area since 2015 it is expected that the 2015 data will still be valid.

2.5 CASUALTY CRASH HISTORY

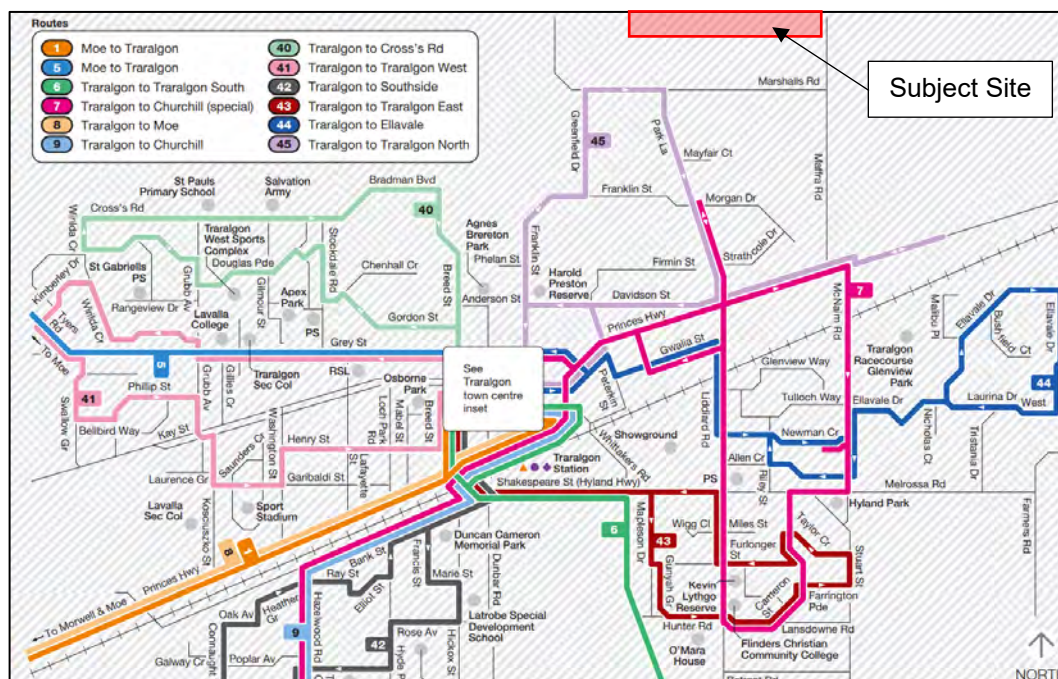
A review of the casualty crash history in the last five years of available data (March 2014 – March 2019) indicated that there was one casualty crash on Traralgon-Maffra Road along the site frontage that resulted in an ‘Other’ injury. According to the information available, the crash was described as “DCA code 142 - Leaving parking”.

2.6 PUBLIC TRANSPORT

Traralgon Train Station is located approximately 4 km south-west of the subject site.

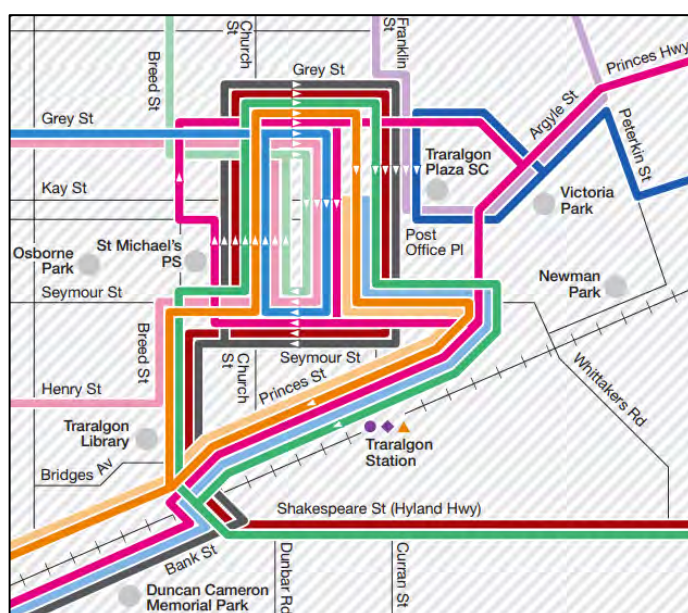
Bus Route 45 (Traralgon to Traralgon North) runs north along Park Lane and turns left at the intersection of Marshalls Road to the south-west of the subject site. The nearest bus stop is located approximately 500 metres walk from the subject site’s nearest connection to Marshalls Road.

The public transport services within Traralgon are shown in **Figure 6** and **Figure 7**.



SOURCE: PUBLIC TRANSPORT VICTORIA (PTV) WEBSITE

FIGURE 6: PUBLIC TRANSPORT SERVICES - GREATER TRARALGON



SOURCE: PUBLIC TRANSPORT VICTORIA (PTV) WEBSITE

FIGURE 7: PUBLIC TRANSPORT SERVICES – TOWN CENTRE

3 THE PROPOSAL

It is proposed to rezone the subject site from Farming Zone – Schedule 1 (FZ1) to a residential zone to support residential subdivision. The proposed subdivision would include approximately 450 lots with an anticipated average lot size of approximately 700 m². The proposed rezoning concept plan is provided in **Figure 3** and **Appendix A**.

While previous development proposals for this site included a new intersection to Traralgon-Maffra Road (at the eastern boundary of the site), this proposed intersection has been removed following discussions with Council and DoT.

4.2 MARSHALLS ROAD UPGRADE

Marshalls Road is to be upgraded west of Maffra-Traralgon Road, and including right and left turn lanes at Lighthorse Road, as shown in **Figure 9**. A roundabout has recently been constructed at the intersection of Marshalls Road and Park Lane.

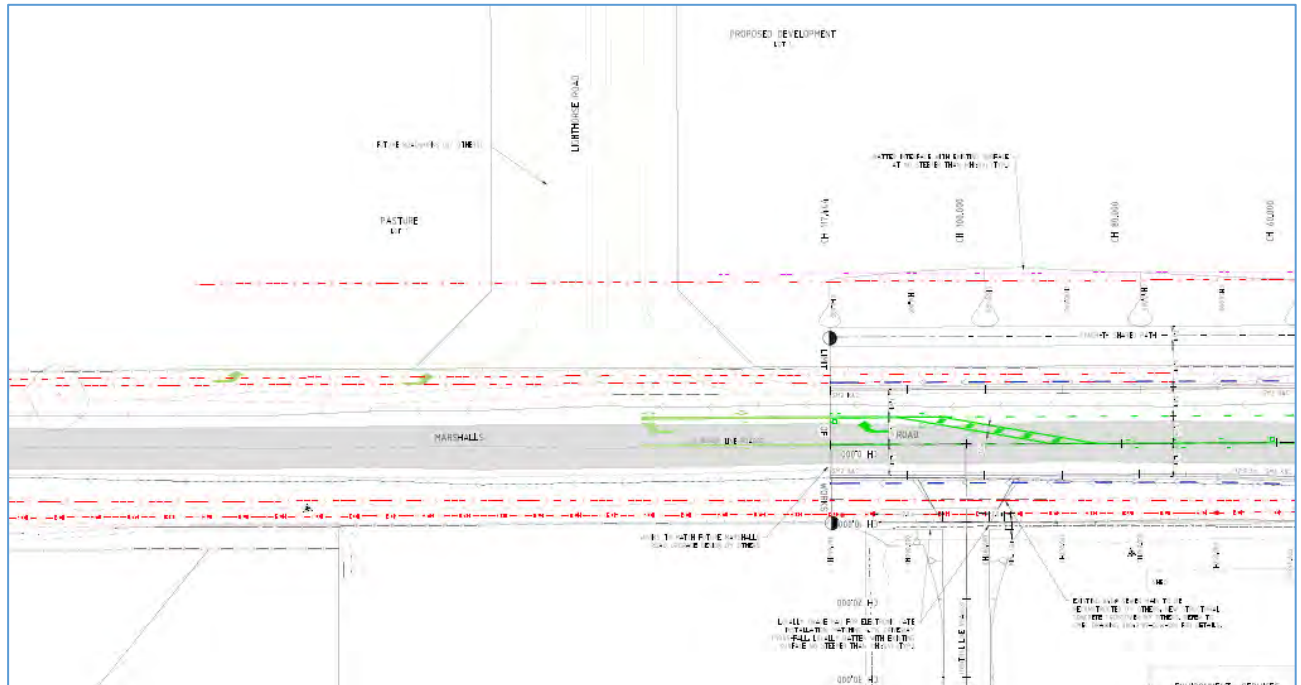


FIGURE 9: MARSHALLS ROAD INTERSECTION WITH LIGHTHORSE ROAD

4.3 OTHER ROADWORKS

A range of other roadworks in the area surrounding the subject site, including roundabouts and intersection upgrades, are included in the Addendum to the Traralgon North Development Plan.

5 TRAFFIC GENERATION, DISTRIBUTION AND IMPACT

5.1 TRAFFIC GENERATION

The development will ultimately include approximately 450 residential lots.

It is anticipated that the subdivision will generate up to 10 daily vehicle trips per lot, with 10% of these trips occurring in each of the AM and PM peak hours. At full occupancy, this equates to a total of 4,500 trips per day and up to 450 trips in each of the peak hours. This includes trips into and out of the site.

Given that there will ultimately be three north-south connection roads between the subject site and Marshalls Road, equally spaced along the southern boundary of the site, it is anticipated that at full build-out each of the three north-south connector road would carry one third of the total trips generated by the site (i.e. 1,500 trips per day – with approximately 150 trips per peak hour -on each of the three roads including trips into and out of the site).

5.2 TRAFFIC DISTRIBUTION – SUBJECT SITE

In the following assessment it has been conservatively assumed that only two of the three proposed north-south connector roads between the subject site and Marshalls Road would be constructed prior to the full development of the subject site (note - one subdivision to the south is currently under construction and a second has been approved so this is a reasonable assumption). Further, it is assumed that half of the traffic generated by the development will use each of the two access routes assumed to be available. It has also been assumed that 50% of traffic using the eastern access road (Lighthouse Road), will use Rise Boulevard to travel to and from Traralgon-Maffra Road.

Ultimately, when three routes are available between the subject site and Marshalls Road, the volume on any one connector road will be lower than indicated below.

To determine peak hour traffic volumes, the typical residential splits between entry and exit movements have been adopted, which are:

- AM peak hour: 20% IN and 80% OUT; and
- PM peak hour: 60% IN and 40% OUT.

Based on the location of the subject site in relation to the Traralgon town centre and the surrounding towns in general, the following distribution assumptions have been made:

- All trips using the western access road and 50% of trips using the eastern access road will be to and from Marshalls Road (the other 50% of trips using the eastern access road will use Rise Boulevard);
- 50% of the trips generated by the site will use the eastern connector road to Marshalls Road and 50% will use the western connector road (this conservatively assumes that the centre connector road is not constructed at the time of full build-out of the subject site);
- 5% of trips will be to/from the north (i.e. towards Glengarry);
- 30% of trips will use Park Lane south of Marshalls Road;
- 65% of trips will use Traralgon-Maffra Road to travel to and from the south.

Based on the above, the anticipated AM and PM peak hour traffic generation to/from the proposed subdivision is shown in **Figure 10**, and the distribution of this traffic is shown in **Figure 11**.

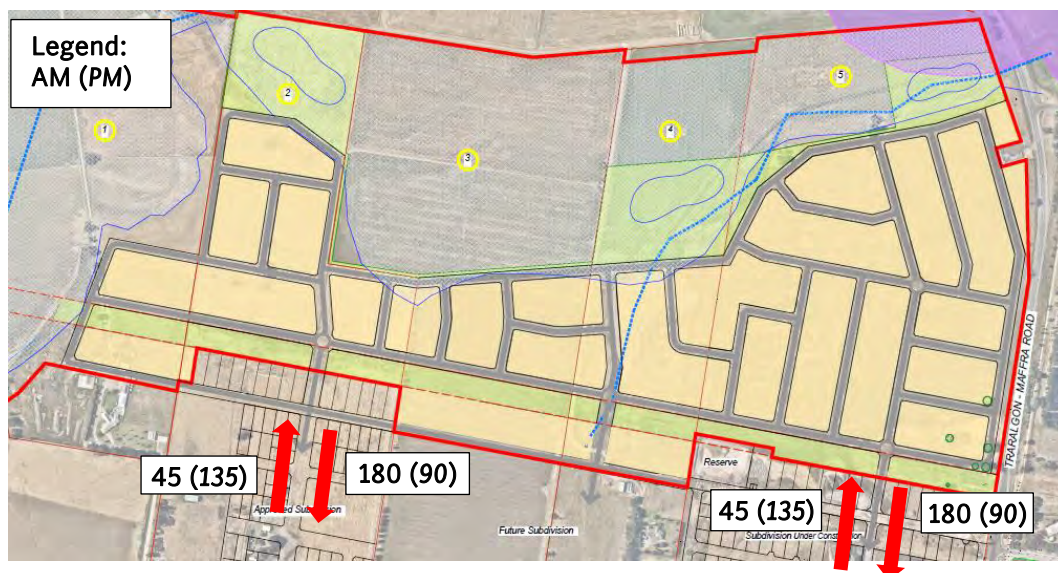


FIGURE 10: ANTICIPATED TRAFFIC VOLUMES (AM AND PM PEAK HOURS)

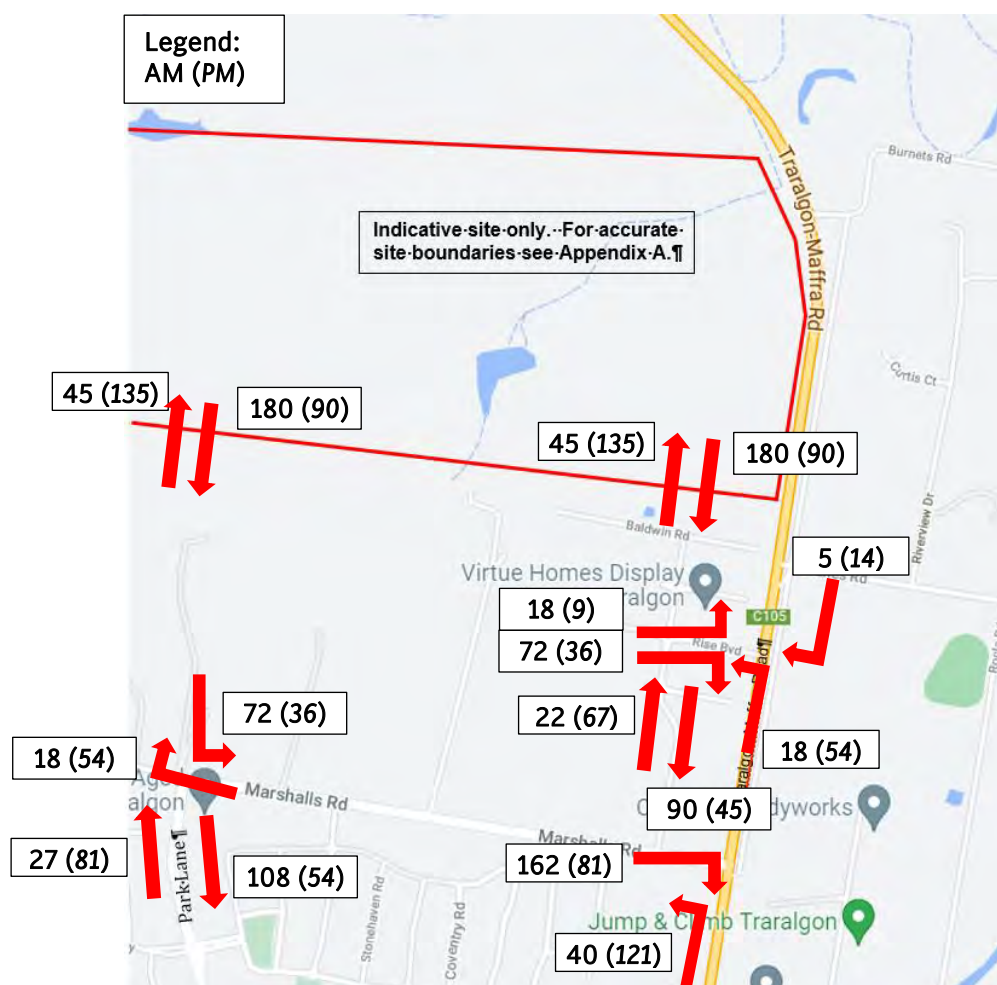


FIGURE 11: DISTRIBUTION OF TRAFFIC (AM AND PM PEAK HOURS)

5.3 TRAFFIC DISTRIBUTION – OTHER SITES

Information in relation to the development of land between the subject site and Marshalls Road is provided in **Figure 12**.

Figure 12 shows that a total of 1,235 lots are proposed to be developed on the land north of Marshalls Road and south of the subject site.

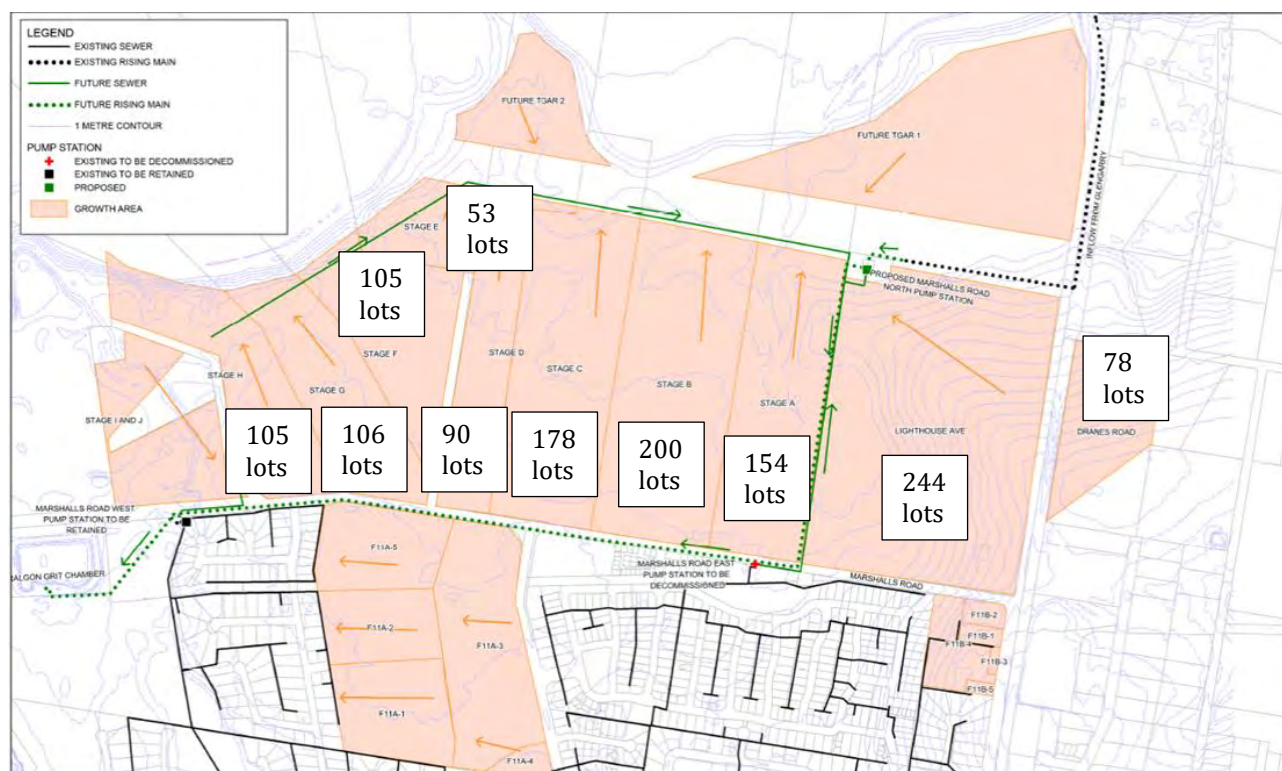


FIGURE 12: ESTIMATED LOTS

These lots will generate in the order of 12,000 trips per day (in both directions), with 1,200 trips generated each peak hour. It is likely that all of these trips will move southwards to Marshalls Road.

Together with the 4,500 trips generated by the subject site (assuming conservatively that all of this traffic uses Marshalls Road), this totals 16,500 trips per day on Marshalls Road, with 1,650 each peak hour. Half of this traffic (i.e. 8,250 trips) will be in each direction along Marshalls Road across the day. In reality, a proportion of this traffic will use Park Lane, and will not need to use the intersection of Marshalls Road and Traralgon-Maffra Road.

Assuming that the signalisation of Marshalls Road and Traralgon-Maffra Road was planned with knowledge of the development of land to the south of the subject site, it is the additional traffic generated by the subject site that needs to be assessed. The main movements will be right turn out of Marshalls Road into Traralgon-Maffra Road, and left turn from Traralgon-Maffra Road. Based on the peak hour volumes shown in **Figure 11**, it is clear that the signalised intersection of Marshalls Road and Traralgon-Maffra Road will be able to accommodate the additional traffic generated.

5.4 TRAFFIC IMPACT

On the basis of the above traffic assessment, the traffic movements anticipated to be generated by the proposal would be readily accommodated on the proposed road network without any significant adverse impacts.

6 INTERNAL ROAD NETWORK

6.1 FUNCTIONAL CLASSIFICATIONS

The masterplan for the proposed subdivision has not been finalised at this stage. However, having regard to the configuration of the internal road network, the surrounding roads, the location of the town centre in relation to the subject land and Table 2 of Section 12.3.2 (Road/Street Characteristics and Road Reserve Widths) of the Infrastructure Design Manual (IDM), the recommended road hierarchy is shown in Figure 13.

In accordance with the IDM, an Access Street carries an indicative traffic volume of 0 – 2,500 trips/day. A collector street carries an indicative traffic volume of 2,500 – 6,000 trips/day.

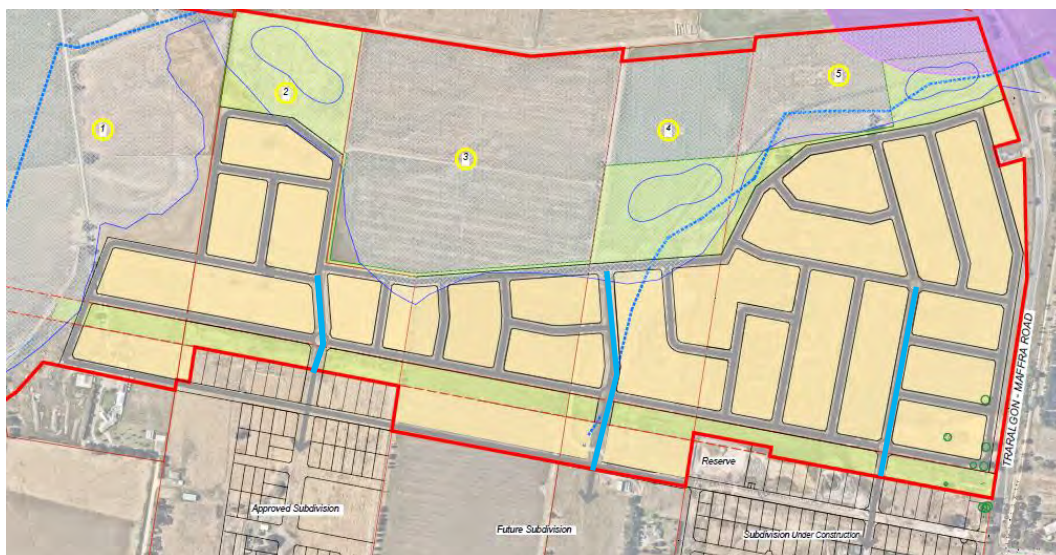


FIGURE 13: INTERNAL ROAD CLASSIFICATION (ALL STREETS ACCESS STREETS EXCEPT FOR THREE NORTH-SOUTH STREETS COLOURED LIGHT BLUE WHICH ARE COLLECTOR STREETS LEVEL 1)

6.2 STREET DESIGN

The road reserve widths and cross sections would be designed in accordance with the requirements of the IDM.

The typical access street is required to have a road reserve width of 16 metres, which would provide a 7.3-metre-wide carriageway with 1.5-metre-wide footpaths offset

50 mm from the property boundaries and minimum 3.5-metre-wide verges measured from back of kerb to property boundary on both sides.

The collector street – level 1 is required to have a road reserve width of 24 metres, which would provide an 11.7-metre-wide carriageway with 2.5-metre-wide shared paths offset 500 mm from the property boundaries and minimum 6-metre-wide verges measured from back of kerb to property boundary on both sides.

The required cross-section for an access street and a collector street – level 1 is shown in **Figure 14**.

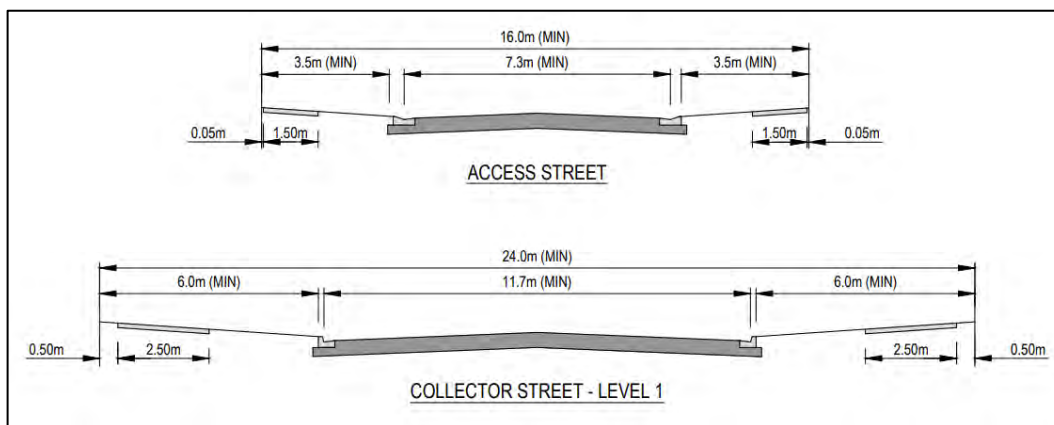


FIGURE 14: EXTRACT OF SD 605 OF IDM FOR ACCESS STREET AND COLLECTOR STREET – LEVEL 1

6.3 ROAD CONNECTIONS TO MARSHALLS ROAD

There are three road connections through the land to the south to Marshalls Road.

The eastern connection is Lighthorse Avenue, close to Traralgon-Maffra Road (**Figure 15**), and the western connection intersects with Marshalls Road opposite Park Lane (**Figure 16**). These two roads are already constructed or under construction.



FIGURE 15: LIGHTHORSE ROAD



FIGURE 16: WESTERN CONNECTION ROAD
(OPPOSITE PARK LANE)

6.4 PEDESTRIAN & CYCLIST PROVISION

The cross-sections would provide pedestrian footpaths as required in the IDM. No separate cyclist provision is required for an access street, and the shared paths will cater for cyclists on the collector streets. Indicative locations for the shared paths are shown as black dashed lines on the Concept Layout plan in **Appendix A**.

6.5 PUBLIC TRANSPORT

There is no requirement for any of the internal streets within the proposed subdivision to be 'bus capable'.

6.6 LOCAL AREA TRAFFIC MANAGEMENT

It is intended that the intersections within the subdivision will typically be T-intersections. This is appropriate from a road safety perspective. In accordance with Clause 56.06-7 of the Planning Scheme, a minimum 3m x 3m corner splay should be provided at intersections of streets within the subdivision.

Roundabouts will be located at any cross-intersections to mitigate any safety or operational issues. This is an appropriate safety treatment to reduce vehicle speeds and the angle of conflict at the intersection.

The street blocks are generally between 120 – 240 metres in length and between 60 – 120 metres in width, which is in accordance with the requirements of Clause 56.06-7 to facilitate pedestrian movement and control traffic speed.

The IDM states that slowing devices (i.e. speed humps) are optimally located at spacings of 100-150m. It is recommended that the location of any slowing devices is determined at the detailed design stage in consultation with Council.

6.7 EMERGENCY AND SERVICE VEHICLE ACCESS

Country Fire Authority (CFA) requirements for fire truck access are specified in the document *Requirements for Water Supplies and Access for Subdivisions in Residential 1 and 2 and Township Zones*. The requirements outlined in this guide would be met with the IDM road cross-sections. This also ensures appropriate access for emergency and service vehicles.

7 CONCLUSION

Based on the investigations made during the preparation of this report it is concluded that the land is suitable to be rezoned as proposed.

APPENDIX A

PROPOSED CONCEPT LAYOUT PLAN

NOTE: This plan is subject to the approval of various statutory authorities

- Legend
- Site

Proposed Residential

Indicative Road Layout

Link with Adjacent Residential Area

Proposed Reserve

Retain Gippsland Red Gum where practicable

Indicative Shared Path

Pipeline Easement

0.5m Contours

Drainage Line

Land Subject to Inundation

Area of Aboriginal Heritage Sensitivity

3

Title Boundary and Property Identification

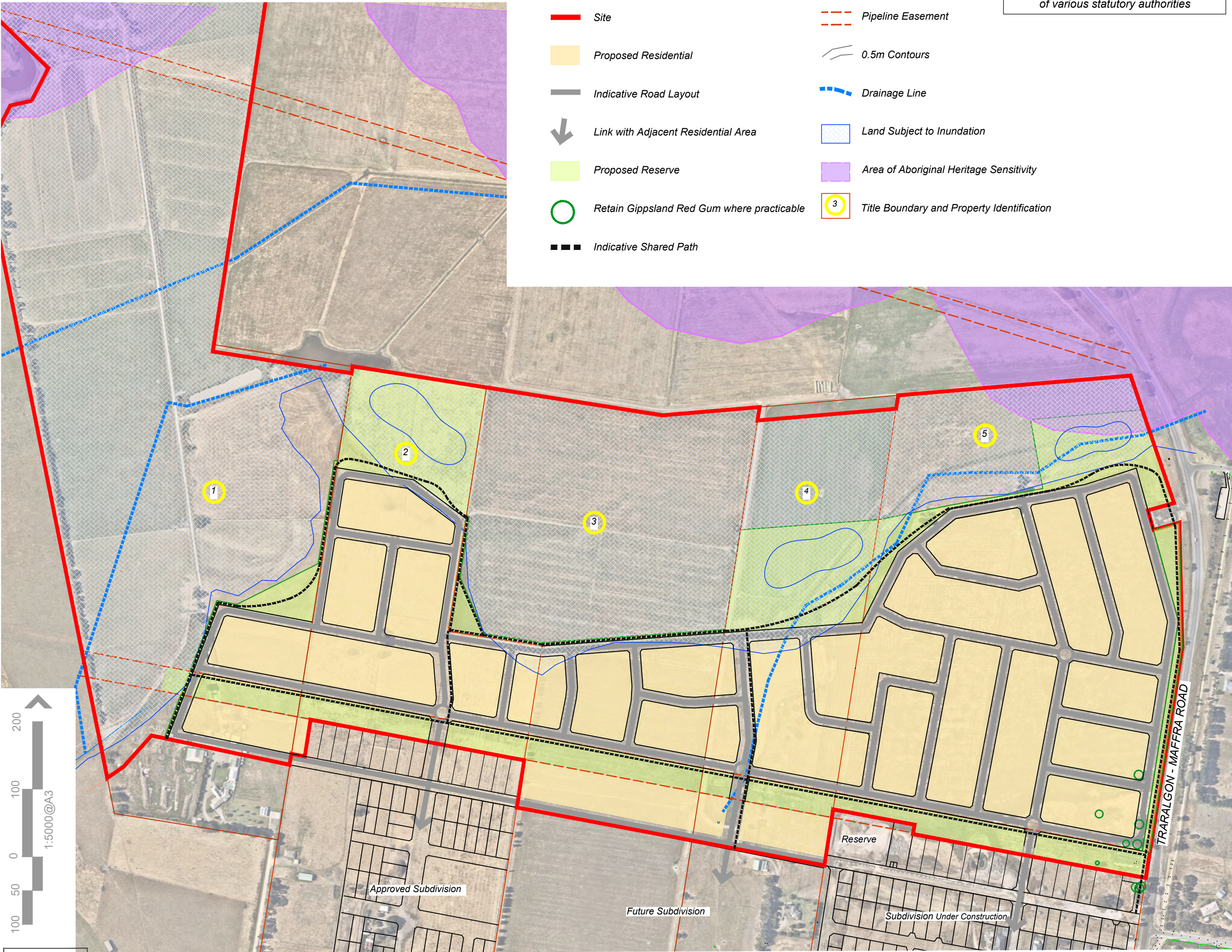
CONCEPT LAYOUT

Proposed Rezoning
Traralgon-Maffra Road, Traralgon
Latrobe City Council
25950Sk1
Version 5 (November 2021)

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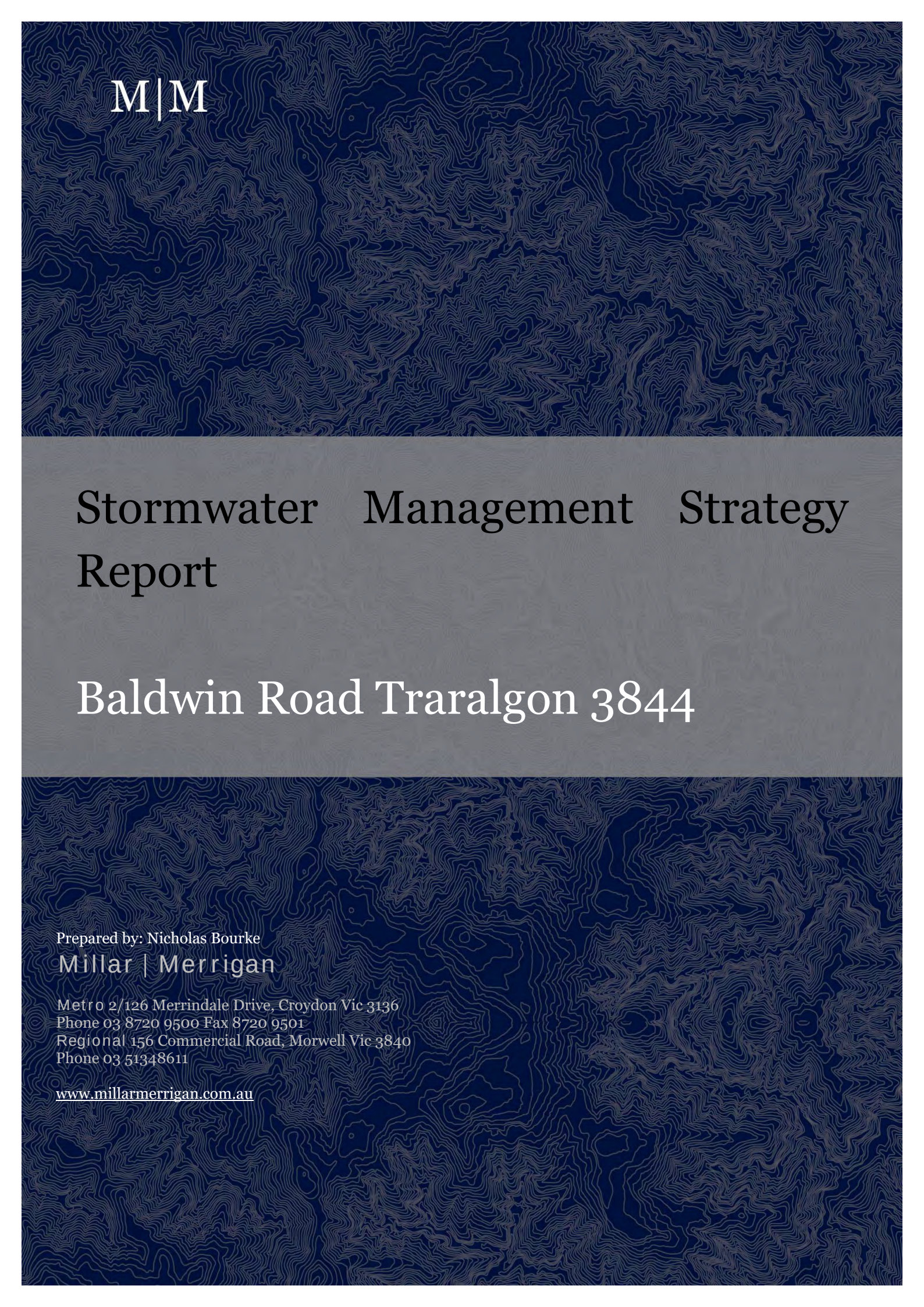
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FOR DISCUSSION

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The background of the entire page is a dark blue topographic map pattern with intricate white contour lines. The text is overlaid on this pattern.

M|M

Stormwater Management Strategy Report

Baldwin Road Traralgon 3844

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Baldwin Rd SWMS

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Baldwin Rd SWMS

1.0 Introduction

As part of the Baldwin Road Development Plan, Millar Merrigan (MM) have produced a stormwater management strategy, which assesses the impact of the Latrobe River Flood Plain, the internal drainage of the proposed development with corresponding water quality outcomes.

To achieve the above, MM have undertaken a hydraulic model (TUFLOW) of a section of the Latrobe River Flood Plain, to determine whether the proposed development adversely impacts flood levels. As well as producing a MUSIC model, to size the required water quality treatment infrastructure.

1.1 Site Description & Context

The subject area is located 2.5km north-east of the Traralgon Township and approximately 160km south-east of Melbourne. The site is situated within the Traralgon North Growth Area.

The proposed development is bounded by residential development to the south and the Latrobe River Flood Plain to the north.

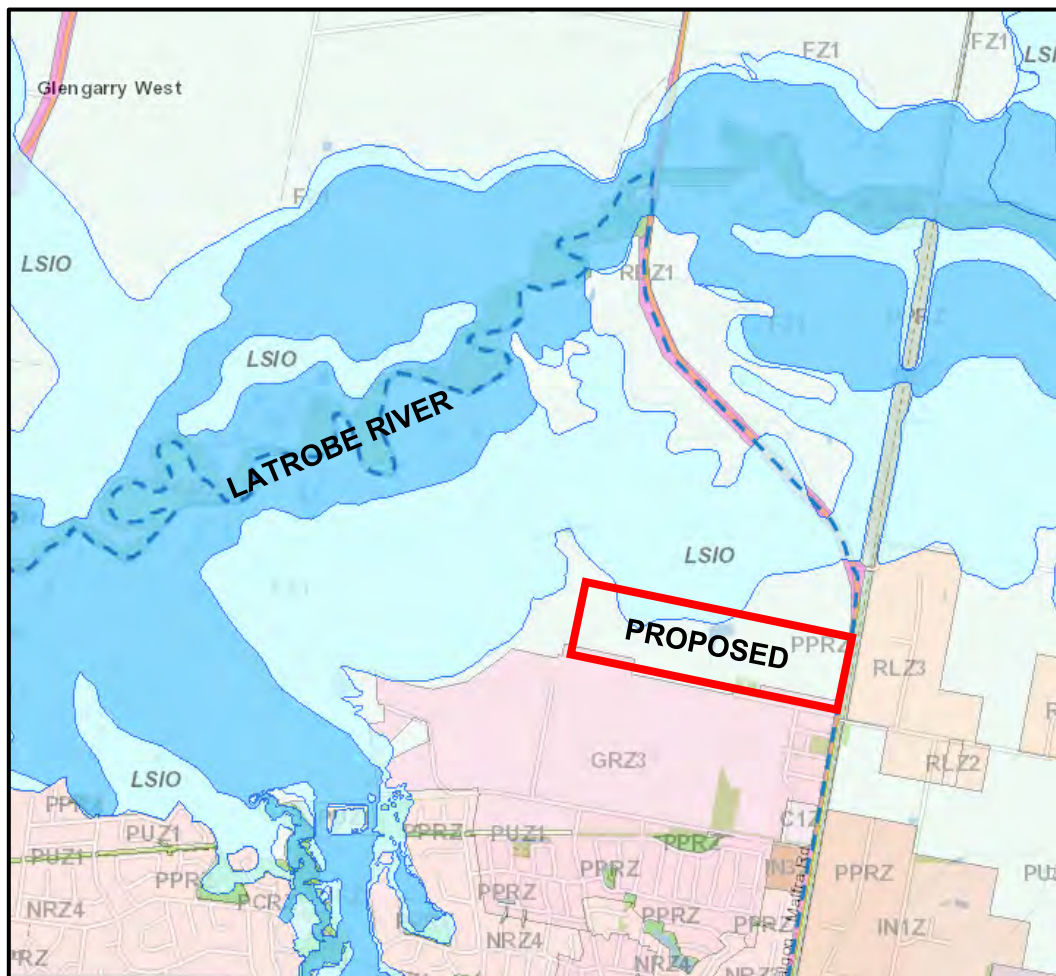


Figure 1: Planning Scheme Zoning Map (LSIO Shown)

Baldwin Rd SWMS

This application concerns the southern extent of the titles where the land abuts the existing residential area of Traralgon North. For the sake of clarity, the map overleaf shows the extent of land to be rezoned (outlined in Red).



Figure 2: Land to be Rezoned

Baldwin Rd SWMS

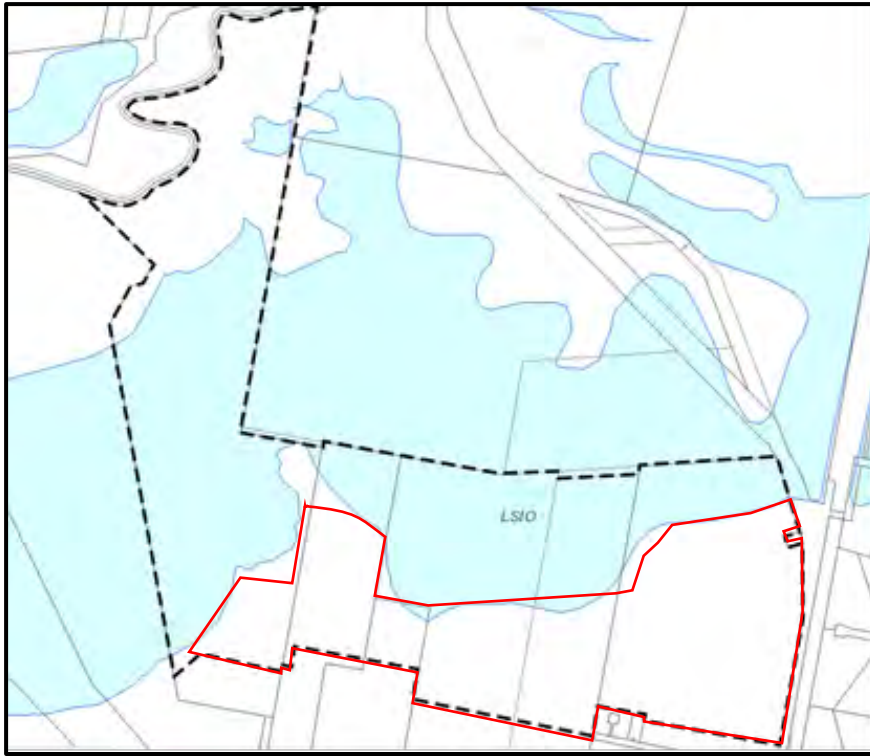


Figure 3: LSIO Boundary Relative to Proposed Development

The areas where the LSIO boundary extends within the proposed development can be viewed in Figure 3 above. It can be seen that the intrusion to the proposed development is relatively minimal. A discussion regarding to the accuracy and extent of the existing LSIO boundary is provided in Section 3 of this report.

The outcomes and recommendation of this report are not impacted by proposed amendment C131.

2.0 Drainage and Water Quality

2.1 Drainage

The proposed development comprises of three, predominately residential catchments, with pockets of reserve (Open Space) shown in Figure 4 below. Catchment areas are shown in Table 1 overleaf.

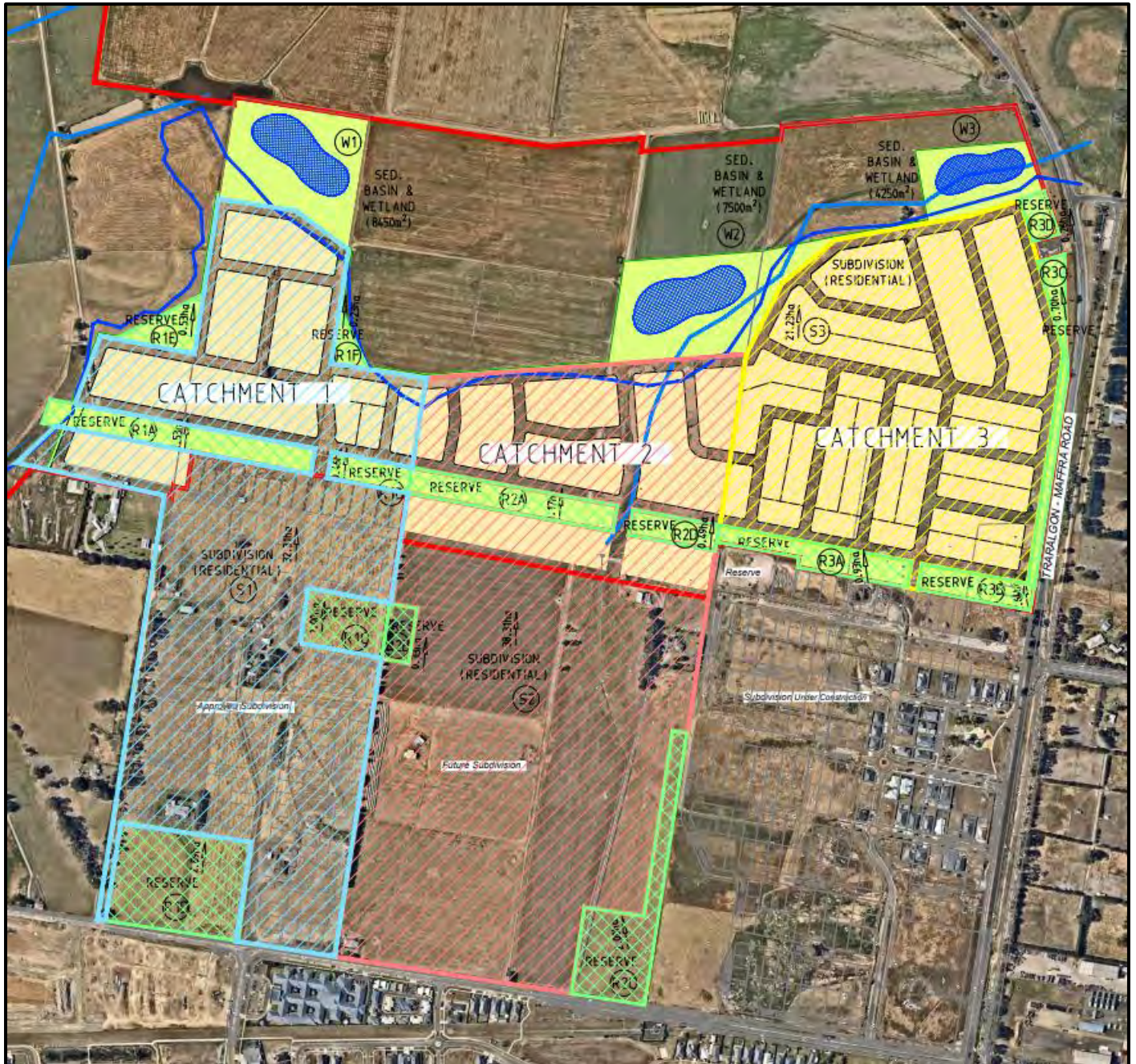


Figure 4: Drainage Catchments

Baldwin Rd SWMS

The drainage pipelines follow the natural surface and direct stormwater towards treatment basins in the North and ultimately the Latrobe River Flood Plain. Similarly, overland flows produced by the 1% AEP rainfall events make their way North towards the Flood Plain. This is in line with the existing conditions of the site although it is proposed to fill the development adjacent to Marshalls Road to the South.

Table 1: Catchment Areas

Area ID	Area (Ha)
Catchment 1	
Residential	32.31
Open Space	6.64
Catchment 1 Total	38.95
Catchment 2	
Residential 2	38.31
Open Space 2	3.99
Catchment 2 Total	42.30
Catchment 3	
Residential 3	21.23
Open Space 3	2.53
Catchment 3 Total	23.76

Baldwin Rd SWMS

2.2 Water Treatment

A MUSIC model was undertaken to size the treatment basins for the development to meet best practice pollutant reduction targets. A summary is included below. For a comprehensive look at the MUSIC model input parameters refer to Appendix A.



Figure 5: MUSIC Model

Baldwin Rd SWMS

Each catchment of the development will direct stormwater to a sediment basin and wetland. The size of the treatment basins are shown in Table 2 below:

Table 2: Treatment Basin Sizing

Catchment	Treatment Type	Treatment Area (m ²)
Catchment 1	Wetland	5,850
	Sediment Basin	2,600
Catchment 2	Wetland	8,600
	Sediment Basin	1,000
Catchment 3	Wetland	5,000
	Sediment Basin	600

The pollutant reduction outcomes, which were achieved through use of the above treatment basins, are summarised in Table 3 below:

Table 3: Treatment Train Effectiveness

	Sources	Residual Load	% Reduction	Target %
Flow (ML/yr)	460	427	7.1	
Total Suspended Solids(kg/yr)	84,200	7,610	91.0	80
Total Phosphorus (kg/yr)	138	37.6	72.8	45
Total Nitrogen (kg/yr)	1,020	544	47.1	45
Gross Pollutants (kg/yr)	17,400	0	100	70

It can be seen that the proposed development exceeds industry best practice targets.

3.0 Flood Modelling

3.1 Existing Topography

Existing topography was modelled using LIDAR grid data.

The terrain of the study area is shown in Figure 6 below:

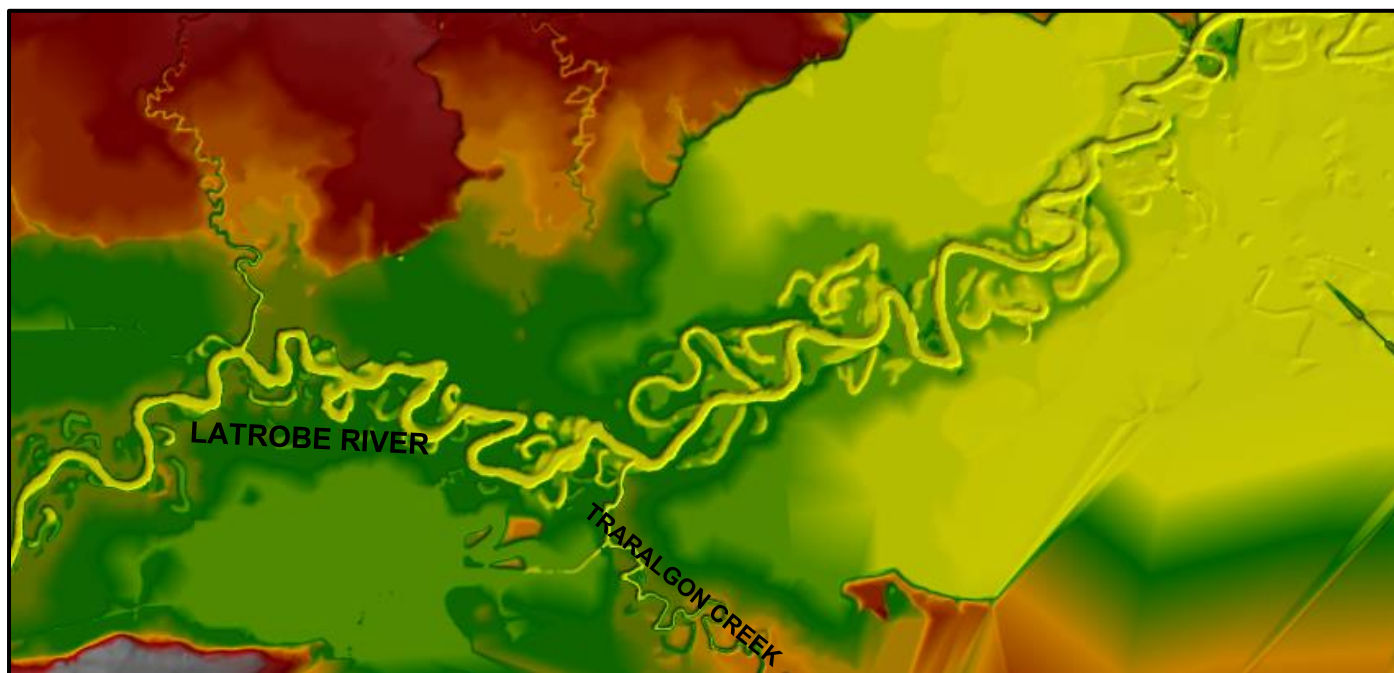


Figure 6: Existing Terrain

3.2 Hydrology

The hydrology of the study area was extracted from the Latrobe River Flood Study (LJ5792:RM2418), which was undertaken by Cardno in March 2015. This includes “Annex A hydrology Report” (LJ5792:RM2376), which contains the hydrographs, which were a basis of this hydraulic modelling.

To undertake the modelling, an inflow hydrograph was produced for both the Latrobe River and Traralgon Creek. This was completed by applying the shape of the hydrographs from the largest historical storm events recorded and adapting them to the peak flows determined in the Latrobe River Flood Study. Table 4 summarises the peak flows used to form the hydrographs.

Table 4: Peak Flows

Location	Historical Peak Flow	1% AEP Peak Flow
Latrobe River @ Thoms Bridge	825 m ³ /s (1978)	1788 m ³ /s
Traralgon Creek @ Prices Highway	230 m ³ /s (1993)	330 m ³ /s

Baldwin Rd SWMS

The hydrographs can be viewed in Figure 7 below.

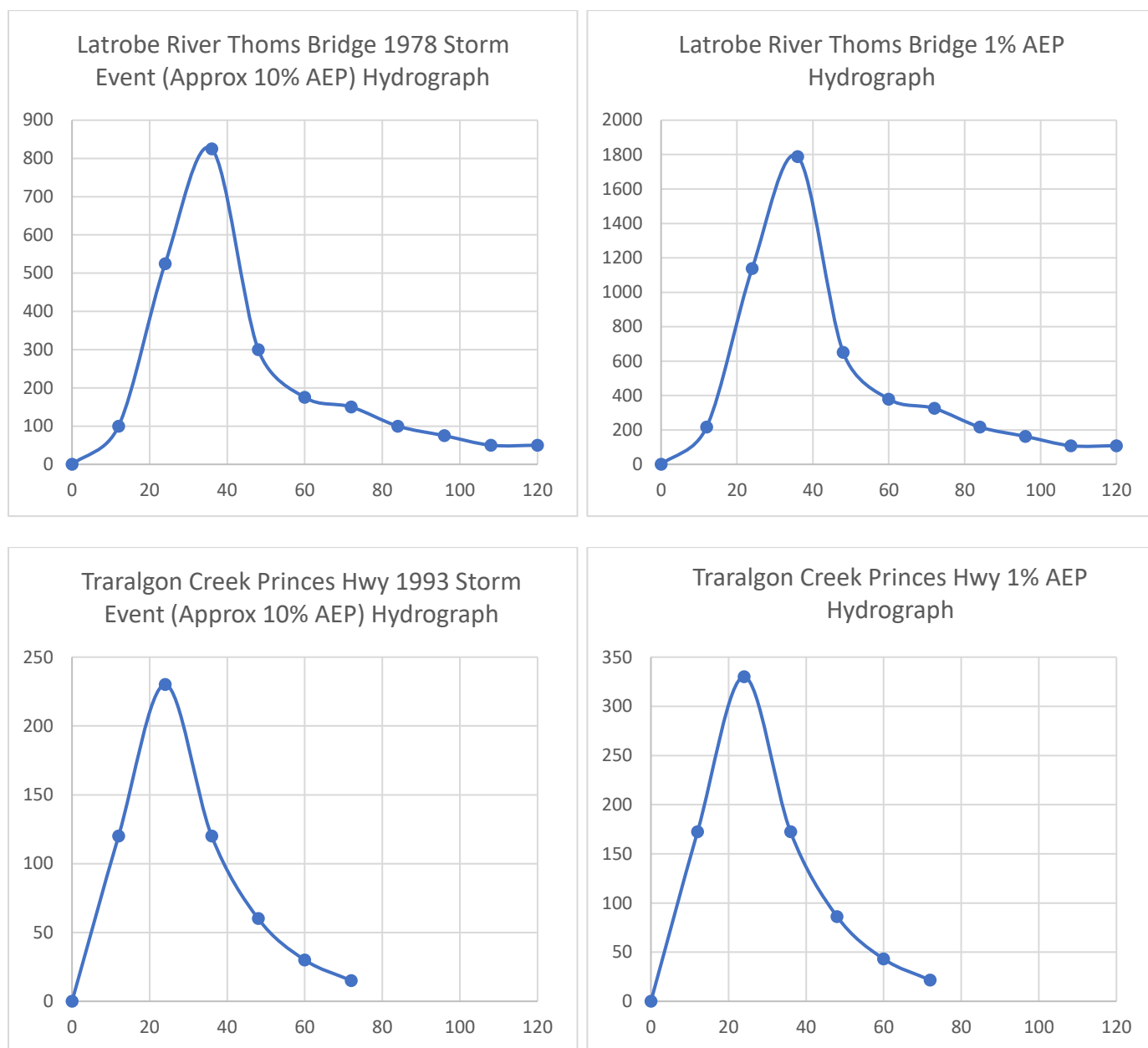


Figure 7: Inflow Hydrographs

A “rain on grid” inflow of 30mm/hour was also applied to each cell of the TUFLOW model as a conservative approach. This correlates with the 1% AEP for a 2 hour duration storm event for the local catchment. This was adapted from BOM IFD data.

Given that the upper limit peak flow for the Latrobe River was used to produce the hydrograph, the model contains two layers of conservatism.

Baldwin Rd SWMS

3.3 TufLOW Model Setup

A TUFLOW model was set up within the computing software 12D.

A summary of the key modelling input data is provided in Table 5 below:

Table 5: TUFLOW Model Key Input Data

Parameter	Value	Unit
Cell Size	10	m
Manning's (n)	.035	
Storm Duration	72	Hours
Rainfall	30	mm/h
Mapping Depth Cutoff	.02	m

The hydrographs, which were previously discussed, were inserted into the model via 1d drainage nodes connected to the 2D surface tin.

10m cells were used in the TUFLOW model. This level of definition is adequate given the relatively large study area (1440 Hectares) creating 144,320 cells in total. The TUFLOW boundary extents spanned 4.5km in length and 3.2km width.

The topography of the study area is relatively undeveloped grasslands with basic farming activities. Therefore, a uniform Manning's value of .035 was deemed suitable.

Baldwin Rd SWMS

3.4 Existing Conditions Model

TUFLOW was run using the existing terrain and the input data previously discussed. Figure 8 below shows the results of the existing conditions model.

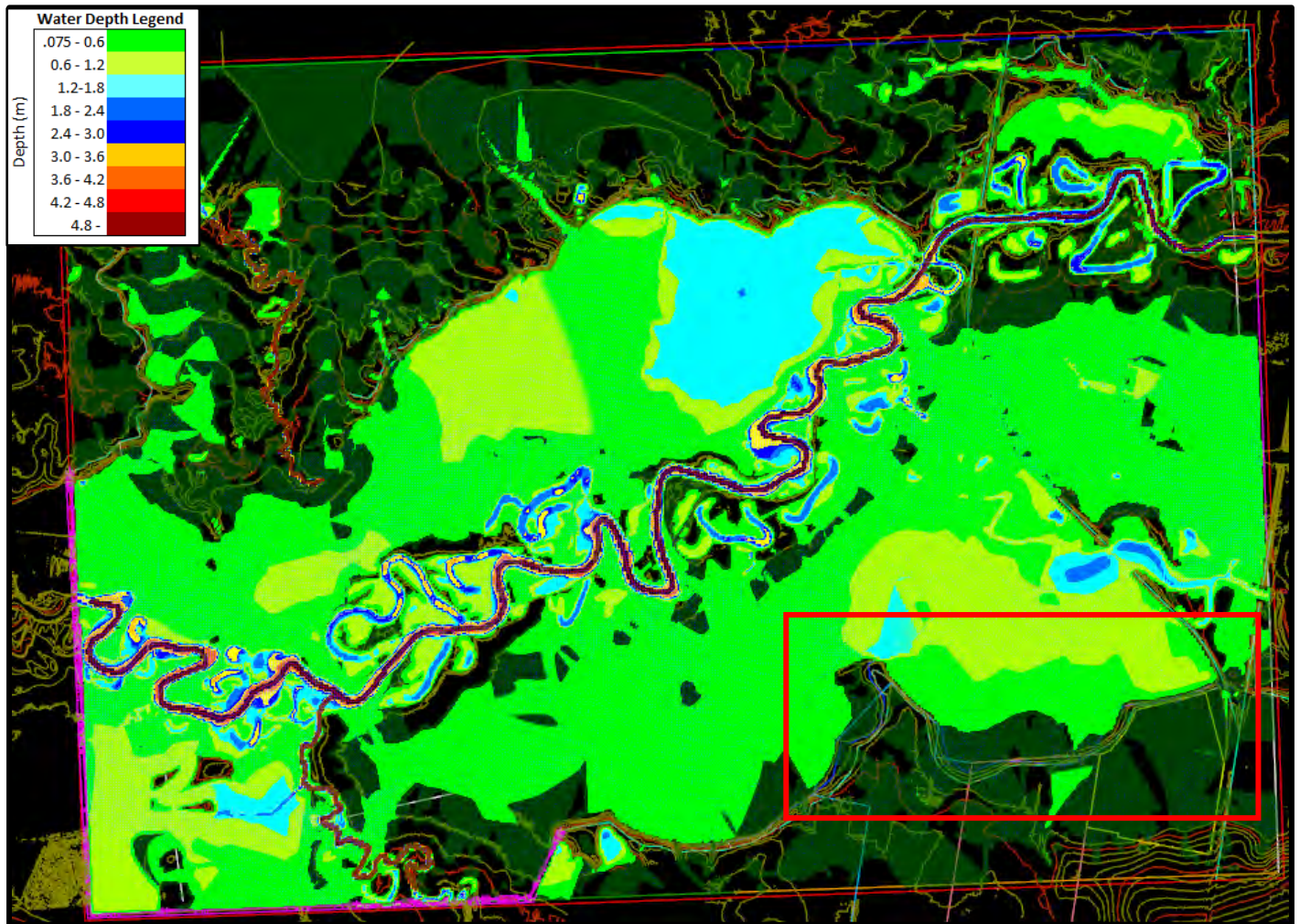


Figure 8: Existing TUFLOW Model Depth Results

Figure 9 overleaf contains a larger image of the area of interest, where the edge of the proposed development meets the Latrobe River Flood Plain.

Baldwin Rd SWMS

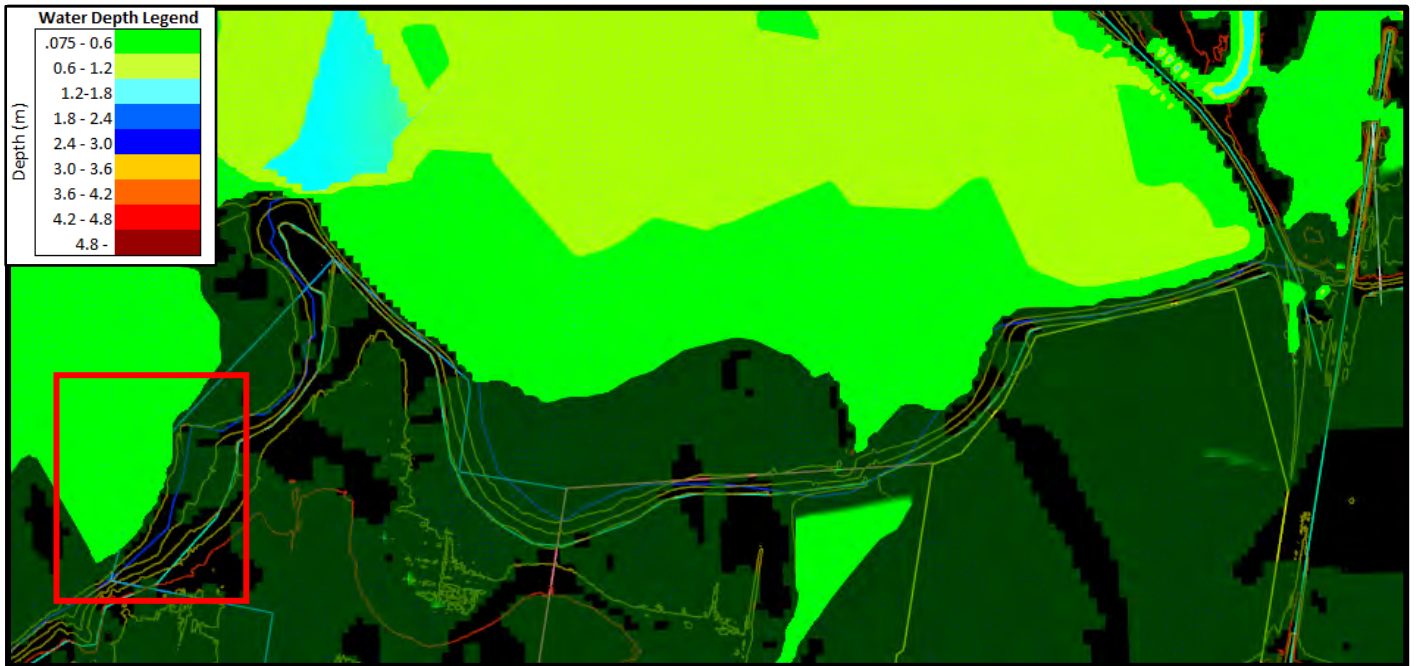


Figure 9: Existing TUFLOW Model Depth Results Enlargement

It can be seen from the above that the existing conditions flood model approximates the current LSIO boundary, however, some differences are apparent. In several locations the TUFLOW model shows the extent of the flood waters some distance from the LSIO Boundary despite the conservative nature of the model run. It is likely that the LSIO Boundary was drawn by tracing a contour in this location, rather than exactly matching the flood water extent.

It should be noted that despite the footprint of the proposed development extending beyond the LSIO in a number of location, in only the highlighted area above does it protrude into the actual flood extent. And it does so marginally.

Baldwin Rd SWMS

3.5 Developed Conditions Model

TUFLOW was run using the developed terrain and the input data previously discussed. LIDAR data was again used as a base for the existing topography with the proposed road and development being spliced in to create a 12D super-tin. Figure 10 below shows the results of the developed conditions model.

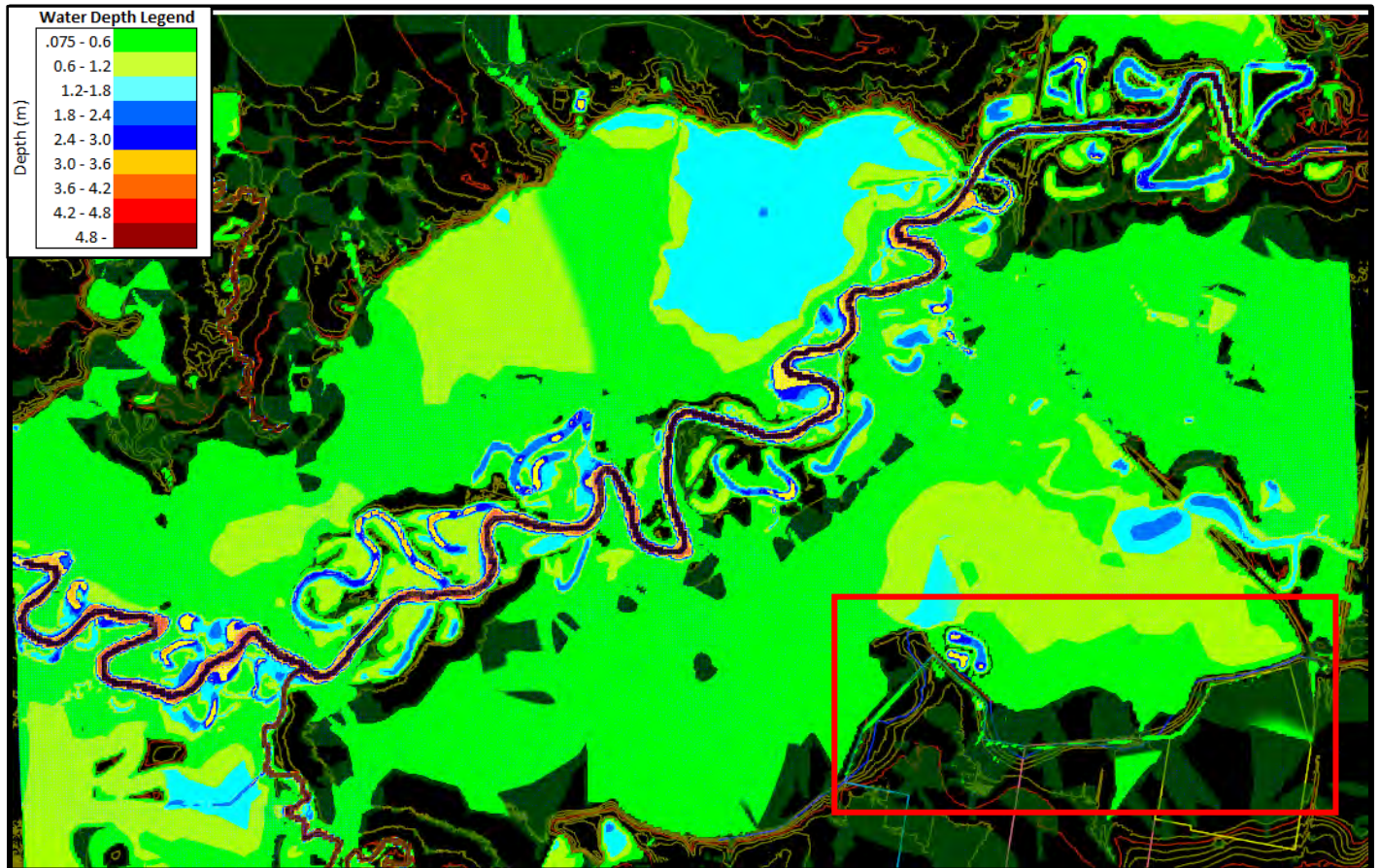


Figure 10: Developed TUFLOW Model Depth Results

Figure 9 overleaf contains a larger image of the area of interest, where the edge of the proposed development meets the Latrobe River Flood Plain.

Baldwin Rd SWMS

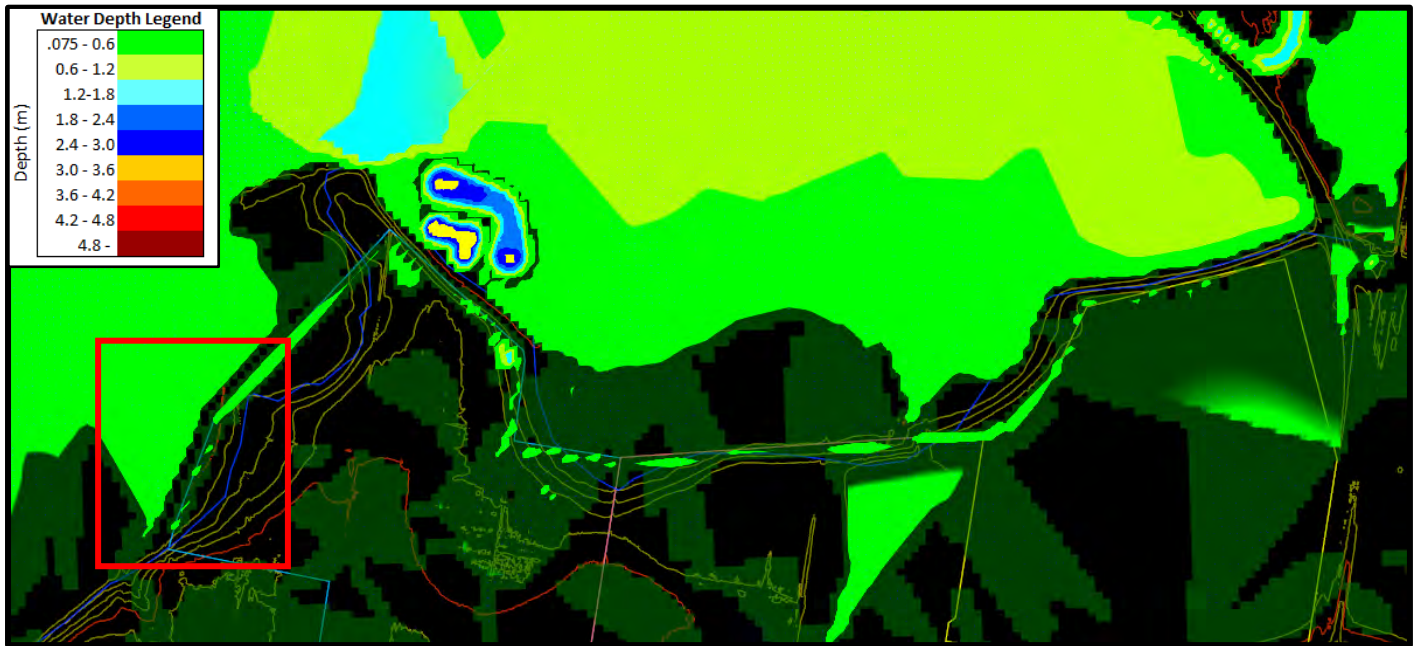


Figure 11: Developed TUFLOW Model Depth Results Enlargement

It can be seen from the above that the proposed development has no impact on the flood extent or flood water levels. This is as expected, given the vast area of the Latrobe River Flood Plain and the quantum of flows relative to the area the proposed development protrudes into the flood extent. Again, it is only the section highlighted in Figure 11, which extends into the flood waters.

4.0 Conclusion & Discussion

A stormwater management strategy was undertaken to conceptually design the drainage, to size the subsequent treatment infrastructure required and to assess the impact of the development on the Latrobe River Flood Plain.

The development comprises of three residential catchments, which will all convey water to the North where the stormwater will be treated and eventually find its way into the Latrobe River Flood Plain.

A sediment basin and wetland will treat flows for all three catchments to exceed industry best practice pollutant reduction targets.

A TUFLOW model was undertaken to assess the impact of the proposed development on the Latrobe River Flood Plain.

Standard TUFLOW input parameters were used to produce a relatively accurate depiction of the existing conditions flood extents, conservatively using two separate inflow hydrographs with 30mm/hour rainfall. A high level analysis such as this would not typically include the rain on grid, however, it was the intention of the modelling to demonstrate the viability of the proposed development under the “worst case scenario”. Similarly, the hydrographs themselves were created using a conservative approach far exceeding any flows recorded.

The developed model was undertaken by modifying the terrain only and it can be concluded that the proposed development sits elevated above 1% AEP flood levels and does not negatively impact on the flood levels themselves.

Discussions were held with West Gippsland Catchment Management Authority and Latrobe City Council in relation to the proposed rezoning. It was agreed that a reduction in the protrusion into the flood plain on the western side was preferred, which is now reflected in the proposed re-zoning extent. It was similarly agreed that along the northern boundary of the re-zoning that a straight road would be accepted despite a slight encroachment into the flood plain.

The outcomes and recommendation of this report are not impacted by proposed amendment C131.

All properties that are adjacent to the flood plain will be provided with a minimum floor level well above the 1% AEP rainfall event.

The proposed development will not reduce the storage of the flood plain and as demonstrated by the “worst case scenario” modelling approach the flood levels will not be negatively impacted. The slight encroachment into the flood plain is negligible, given the vast area and extensive volume of water in the large storm events. There will be a benefit to the flood plain via the proposed wetland and treatment systems, which offer some additional storage and pollutant reduction.

Appendix A – MUSIC Input & Results

Computations

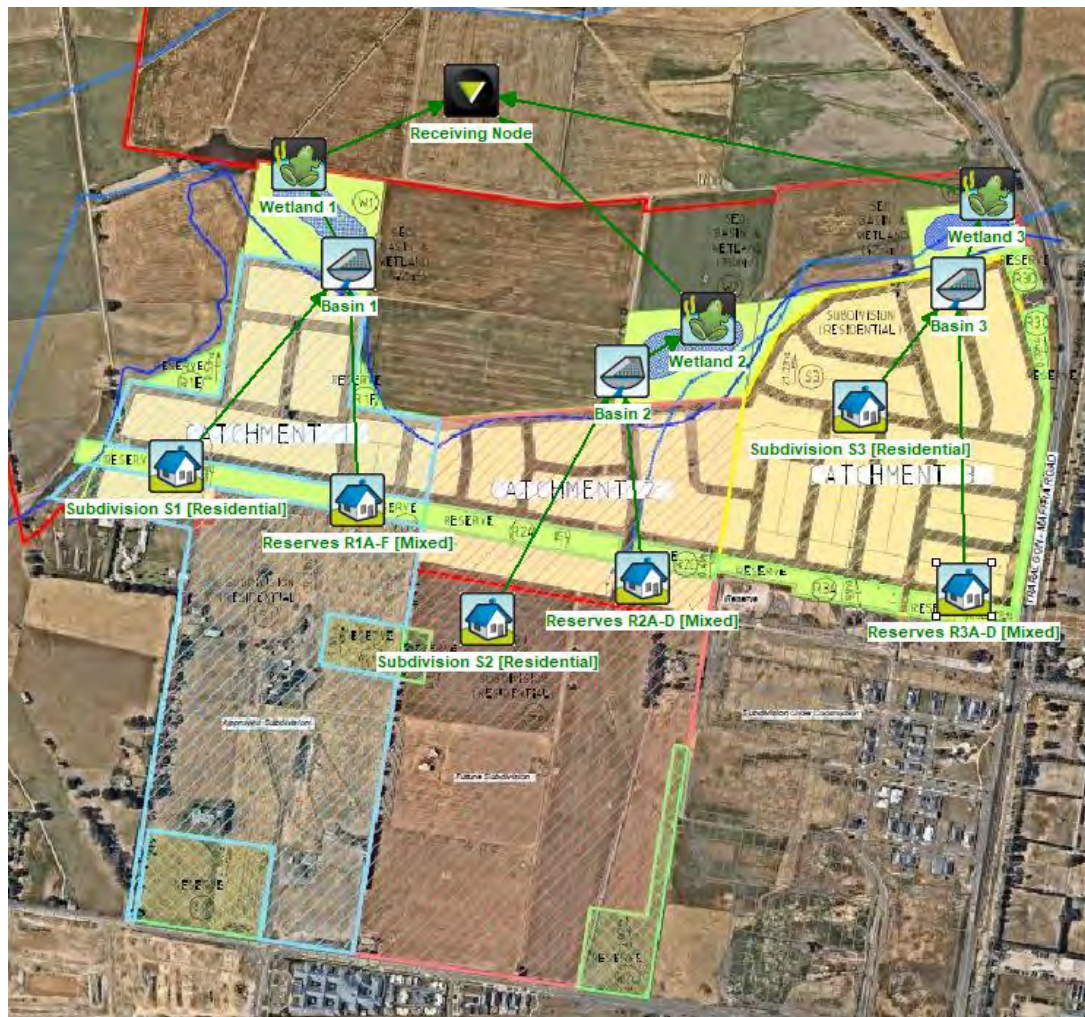
Millar & Merrigan Pty Ltd ACN 005 541 668

Client:		Date:	Feb-2021
Project:	Traralgon Rezoning	Page No:	1 of 6
Subject:	WSUD - INPUTS & SCHEMATIC MODEL	Reference No:	25950
Designer:	FM	Checker:	BB

Summary of Input parameters:

Effective Impervious % for Subdivision	83%	(as per IDM, where runoff co-efficient is 0.75 for Lots>450-600m ²)
Effective Impervious % for Open Space	27%	(as per IDM, where runoff co-efficient is 0.35 for open space)
Catchment Details	Refer to Catchment Plan (WSUD)	
Rainfall zone:	Traralgon, 19 years data adopted	

Schematic Model:

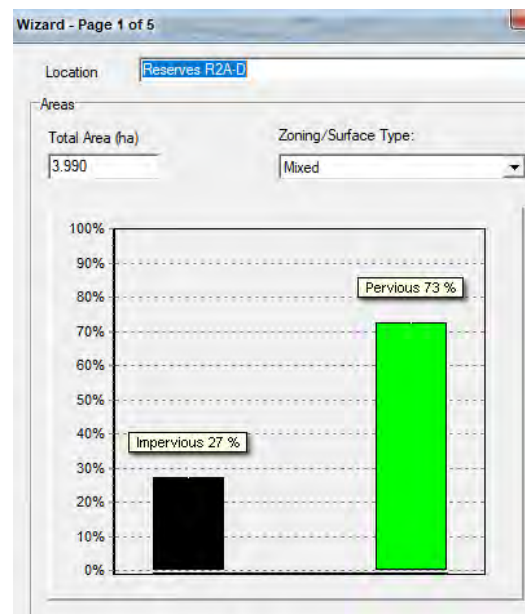
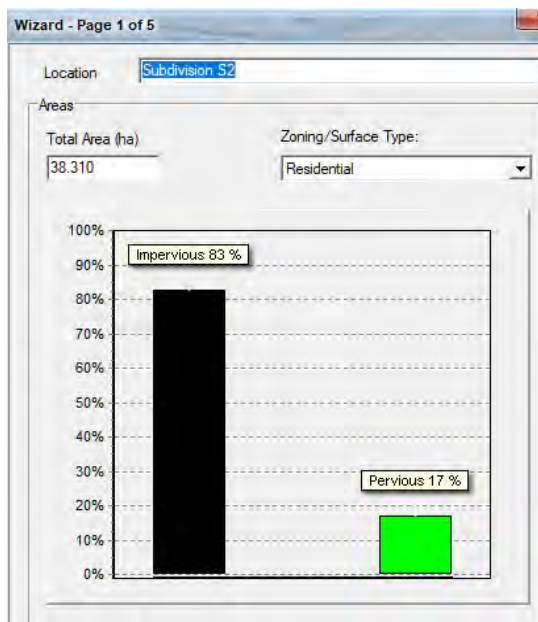
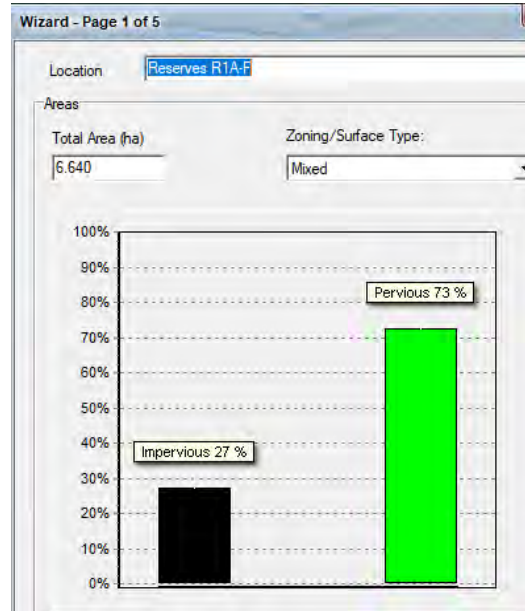
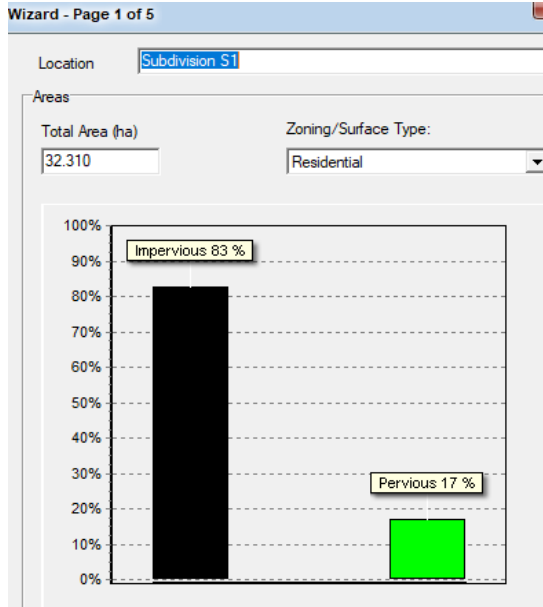


Computations

Millar & Merrigan Pty Ltd ACN 005 541 668

Client:		Date:	Feb-2021
Project:	Traralgon Rezoning	Page No:	2 of 6
Subject:	WSUD - SOURCE NODES	Reference No:	25950
Author:	FM		

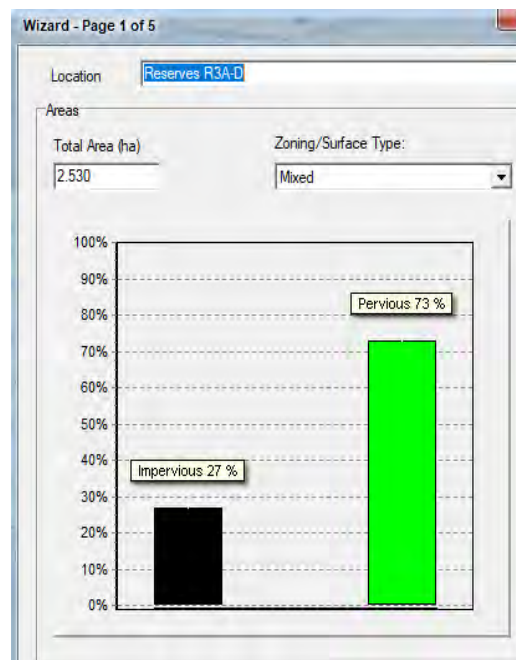
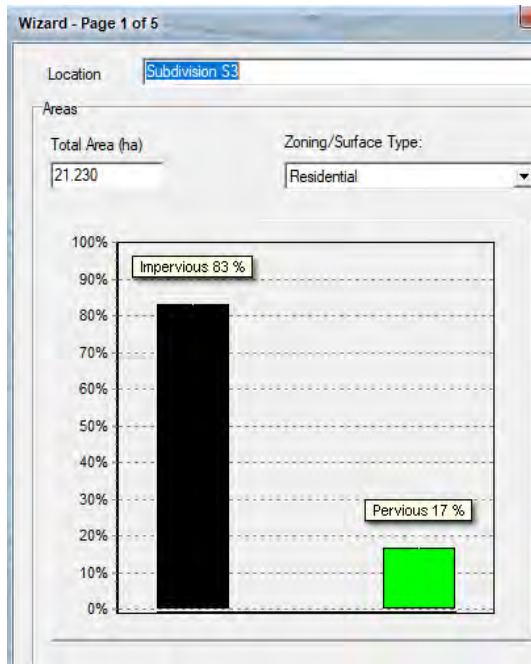
Source Nodes



Computations

Millar & Merrigan Pty Ltd ACN 005 541 668

Client:	Date: Feb-2021
Project: Traralgon Rezoning	Page No: 3 of 6
Subject: WSUD - SOURCE & TREATMENT NODES	Reference No: 25950
Author: FM	



Treatment Nodes

Properties of Basin 1

Location: Basin 1

Inlet Properties

Low Flow By-pass (cubic metres per sec): 0.00000

High Flow By-pass (cubic metres per sec): 100.0000

Storage Properties

Surface Area (square metres): 2600.0

Extended Detention Depth (metres): 0.50

Permanent Pool Volume (cubic metres): 3150.0

Initial Volume (cubic metres): 3150.00

Exfiltration Rate (mm/hr): 0.00

Evaporative Loss as % of PET: 75.00

Estimate Parameters

Outlet Properties

Equivalent Pipe Diameter (mm): 55

Overflow Weir Width (metres): 2.0

Notional Detention Time (hrs): 72.5

☐ Use Custom Outflow and Storage Relationship

Define Custom Outflow and Storage: Not Defined

Re-use... Fluxes... Notes... More

Properties of Wetland 1

Location: Wetland 1

Inlet Properties

Low Flow By-pass (cubic metres per sec): 0.00000

High Flow By-pass (cubic metres per sec): 100.0000

Inlet Pond Volume (cubic metres): 3150.0

Estimate Inlet Volume

Storage Properties

Surface Area (square metres): 5850.0

Extended Detention Depth (metres): 0.50

Permanent Pool Volume (cubic metres): 2925.0

Initial Volume (cubic metres): 3150.00

Vegetation Cover (% of surface area): 50.0

Exfiltration Rate (mm/hr): 0.00

Evaporative Loss as % of PET: 125.00

Outlet Properties

Equivalent Pipe Diameter (mm): 82

Overflow Weir Width (metres): 3.0

Notional Detention Time (hrs): 73.3

☐ Use Custom Outflow and Storage Relationship

Define Custom Outflow and Storage: Not Defined

Re-use... Fluxes... Notes... More

Computations

Millar & Merrigan Pty Ltd ACN 005 541 668

Client:	Date: Feb-2021
Project: Traralgon Rezoning	Page No: 4 of 6
Subject: WSUD - TREATMENT NODES	Reference No: 25950
Author: FM	

Treatment Nodes

Properties of Basin 2

Location: **Basin 2**

Inlet Properties

Low Flow By-pass (cubic metres per sec): 0.00000

High Flow By-pass (cubic metres per sec): 100.0000

Storage Properties

Surface Area (square metres): 1000.0

Extended Detention Depth (metres): 0.50

Permanent Pool Volume (cubic metres): 1200.0

Initial Volume (cubic metres): 1200.00

Exfiltration Rate (mm/hr): 0.00

Evaporative Loss as % of PET: 75.00

Outlet Properties

Equivalent Pipe Diameter (mm): 34

Overflow Weir Width (metres): 2.0

Notional Detention Time (hrs): 72.9

☐ Use Custom Outflow and Storage Relationship

Estimate Parameters

Properties of Wetland 2

Location: **Wetland 2**

Inlet Properties

Low Flow By-pass (cubic metres per sec): 0.00000

High Flow By-pass (cubic metres per sec): 100.0000

Inlet Pond Volume (cubic metres): 1200.0

Estimate Inlet Volume

Storage Properties

Surface Area (square metres): 8600.0

Extended Detention Depth (metres): 0.50

Permanent Pool Volume (cubic metres): 4300.0

Initial Volume (cubic metres): 1200.00

Vegetation Cover (% of surface area): 50.0

Exfiltration Rate (mm/hr): 0.00

Evaporative Loss as % of PET: 125.00

Outlet Properties

Equivalent Pipe Diameter (mm): 100

Overflow Weir Width (metres): 3.0

Notional Detention Time (hrs): 72.5

☐ Use Custom Outflow and Storage Relationship

Properties of Basin 3

Location: **Basin 3**

Inlet Properties

Low Flow By-pass (cubic metres per sec): 0.00000

High Flow By-pass (cubic metres per sec): 100.0000

Storage Properties

Surface Area (square metres): 600.0

Extended Detention Depth (metres): 0.50

Permanent Pool Volume (cubic metres): 720.0

Initial Volume (cubic metres): 720.00

Exfiltration Rate (mm/hr): 0.00

Evaporative Loss as % of PET: 75.00

Outlet Properties

Equivalent Pipe Diameter (mm): 26

Overflow Weir Width (metres): 2.0

Notional Detention Time (hrs): 74.8

☐ Use Custom Outflow and Storage Relationship

Estimate Parameters

Properties of Wetland 3

Location: **Wetland 3**

Inlet Properties

Low Flow By-pass (cubic metres per sec): 0.00000

High Flow By-pass (cubic metres per sec): 100.0000

Inlet Pond Volume (cubic metres): 720.0

Estimate Inlet Volume

Storage Properties

Surface Area (square metres): 5000.0

Extended Detention Depth (metres): 0.50

Permanent Pool Volume (cubic metres): 2500.0

Initial Volume (cubic metres): 720.00

Vegetation Cover (% of surface area): 50.0

Exfiltration Rate (mm/hr): 0.00

Evaporative Loss as % of PET: 125.00

Outlet Properties

Equivalent Pipe Diameter (mm): 76

Overflow Weir Width (metres): 3.0

Notional Detention Time (hrs): 73.0

☐ Use Custom Outflow and Storage Relationship

Computations

Millar & Merrigan Pty Ltd ACN 005 541 668

Client:		Date:	Feb-2021
Project:	Traralgon Rezoning	Page No:	5 of 6
Subject:	WSUD - INDIVIDUAL TREATMENT EFFECTIVENESS		Reference No: 25950
Author:	FM		

Individual Treatment Effectiveness

Treatment Train Effectiveness - Wetland 1			
	Sources	Residual Load	% Reduction
Flow (ML/yr)	165	155	6.6
Total Suspended Solids (kg/yr)	30200	2170	92.8
Total Phosphorus (kg/yr)	50.1	13.1	73.8
Total Nitrogen (kg/yr)	369	193	47.9
Gross Pollutants (kg/yr)	6980	0	100

Treatment Train Effectiveness - Wetland 2			
	Sources	Residual Load	% Reduction
Flow (ML/yr)	189	175	7.3
Total Suspended Solids (kg/yr)	34700	3520	89.9
Total Phosphorus (kg/yr)	56.6	15.8	72
Total Nitrogen (kg/yr)	417	226	45.7
Gross Pollutants (kg/yr)	7950	0	100

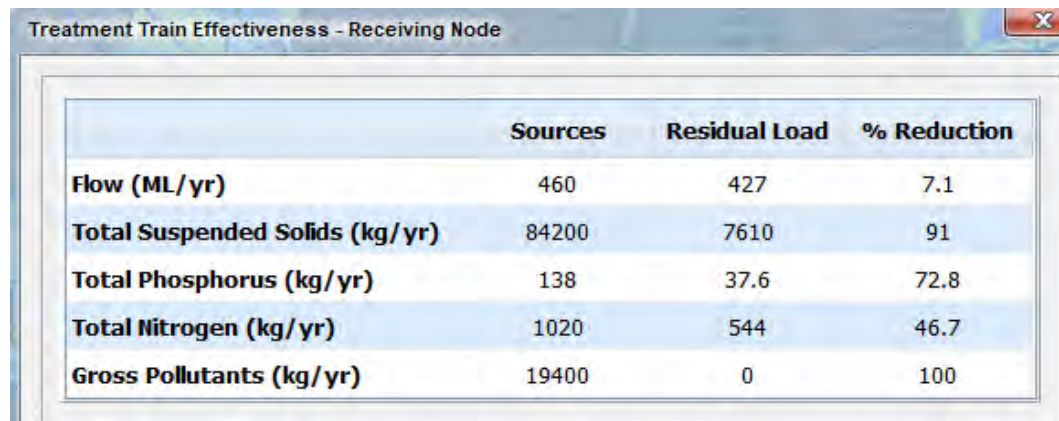
Treatment Train Effectiveness - Wetland 3			
	Sources	Residual Load	% Reduction
Flow (ML/yr)	105	97.4	7.6
Total Suspended Solids (kg/yr)	19300	1930	90
Total Phosphorus (kg/yr)	31.3	8.6	72.5
Total Nitrogen (kg/yr)	233	125	46.5
Gross Pollutants (kg/yr)	4430	0	100

Computations

Millar & Merrigan Pty Ltd ACN 005 541 668

Client:	Date:	Feb-2021
Project: Traralgon Rezoning	Page No:	6 of 6
Subject: WSUD - MUSIC OUTPUT & SUMMARY	Reference No:	25950
Author: FM		

Overall %Removal from MUSIC



	Sources	Residual Load	% Reduction
Flow (ML/yr)	460	427	7.1
Total Suspended Solids (kg/yr)	84200	7610	91
Total Phosphorus (kg/yr)	138	37.6	72.8
Total Nitrogen (kg/yr)	1020	544	46.7
Gross Pollutants (kg/yr)	19400	0	100

Summary:

* 100% of Best Practice Performance Objectives for Stormwater Quality, as contained in BPEMG

Stormwater Quality	BPEMG* requirement	(% reduction)	Achieved	Accounted
Total Suspended Solids (TSS)	80	91.0	114%	100%
Total Phosphorus	45	72.8	162%	100%
Total Nitrogen	45	46.7	104%	100%
Gross Pollutants (GP)	70	100.0	143%	100%



Infrastructure Servicing Report

Baldwin Road Development Plan Area

Prepared by:

Millar | Merrigan

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Regional 156 Commercial Road, Morwell Vic 3840

Phone 03 51348611

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Executive Summary

Millar Merrigan were engaged by NBA Group Pty Ltd to investigate servicing provisions required to support residential development. The following report investigates the existing conditions of the site and the current services within the vicinity of the site that could support residential development.

The site is currently zoned Farming Zone (FZ1) and covers an area of 133.78 hectares bounded by Traralgon-Maffra Road to the east, Baldwin Road to the south and the Latrobe River floodplain to the north and west.

The investigation involved a review of the planning scheme applicable to the site, the Traralgon North Development Plan, servicing information provided from the relevant authorities, the Traralgon Growth Areas Review, advice from Traffic Engineering consultants and other detailed information of servicing works and requirements resulting from nearby neighbouring developments.

The findings are detailed in the body of the report, with a summary as follows:

- Sewer – A new pump station, Marshalls Road North is currently being constructed. The predicted inflows discharged into the proposed Marshalls Road North Pump Station were estimated using a hydraulic model with a scenario created to incorporate future growth, including the subject site.
- Water – A new 300mm main extension has been provided along Traralgon Maffra Road and is currently being interconnected into the main within Park Lane to the south. There are no anticipated issues with water supply.
- Electricity – Based on advice from SP-AusNet's Network Planner – the 22kV lines bounding the site – can, at present, support future development based on 4kVA per lot. There are two 22kV feeders in the area – TGN 11 which runs along Park Lane and Marshalls Road and TGN 31 feeder which runs along Traralgon Maffra Road.
- Telecommunications – The responsible authority for telecommunications is NBN Co, who have provided that they have services down both Marshalls Road and Traralgon Maffra Road. It is assumed that the network has the capacity to be extended into the development area.
- Gas – APA Group are the relevant gas authority in the area. Natural gas is available within the area and can be extended to service any future development within the rezoned area. APA have significant assets to the north of the site which are affected by this application.

Three licenced Esso pipelines are contained within the activity area, contained within the Longford to Long Island Point Easement

- Roads – The Traffic Assessment concludes that there would be no traffic related grounds to prevent the proposed rezoning from proceeding. Road configurations would be in line with the Traralgon North Development Plan Area.

Through review of the surrounding regulatory provisions, drainage strategy and service infrastructure, it is concluded that the subject site can be developed in an economic and efficient manner.

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Baldwin Road Development Plan Area

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Version	Date	Description	Prepared By	Approved By
1	02/03/2021	Report	C Constantine	N Bourke
2	28/1/2022	Report & Amended Layout	T Gates	C Constantine

Baldwin Road Development Plan Area

1.0 Background & Context

The subject land is located on the northern outskirts of Traralgon. Traralgon is Latrobe Valley's largest town and it is strategically located on the Princes Freeway approximately 160 kilometres east of Melbourne.

The subject land is made up of five properties, all of which are currently zoned for farming. They are in separate ownership. The properties are located to the north of the Traralgon North Development Plan area, west of Traralgon- Maffra Road and south of the Latrobe River flood plain as depicted in Figure 1 below.

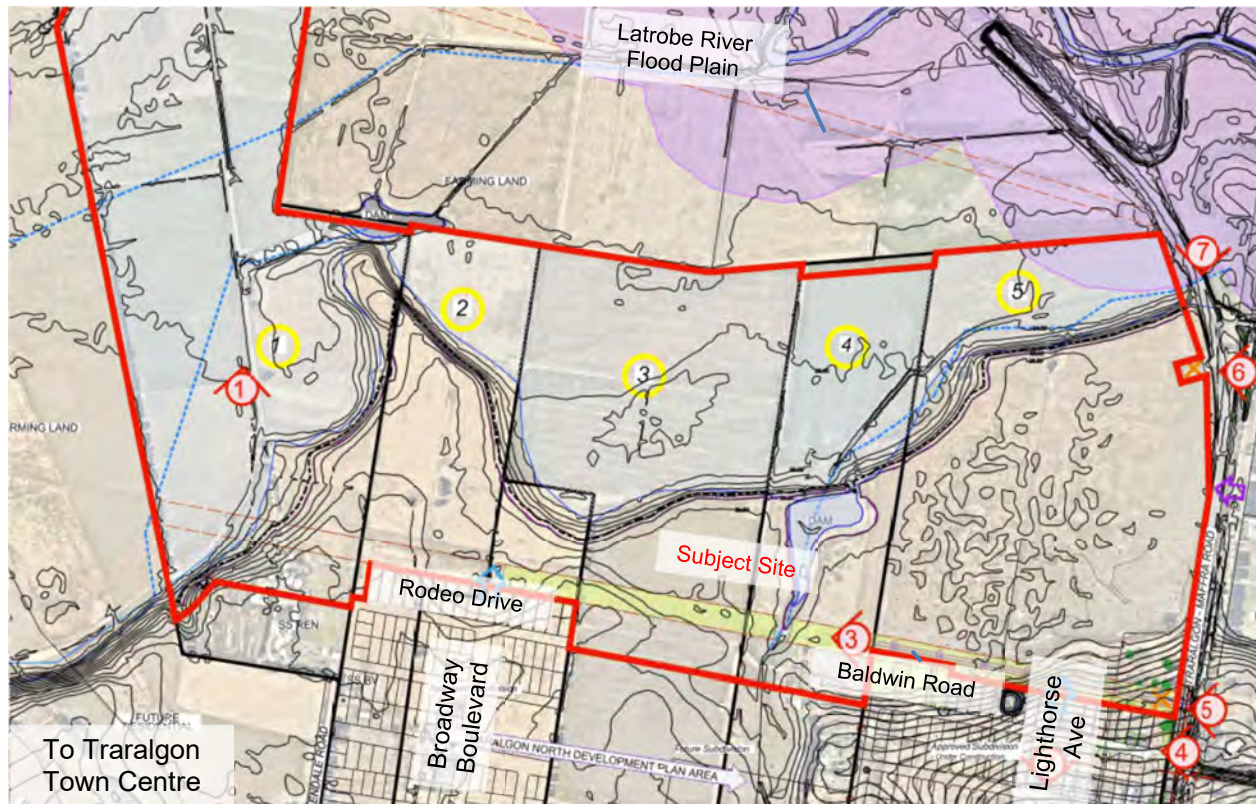


Figure 1 – Aerial of Site Context (North up the page)

A summary of the landholdings can be found overleaf in Table 1.

Baldwin Road Development Plan Area

Property 1:

Unit 2, 55 Glendale Road Traralgon
Crown Allotment 26F Parish of Traralgon
Vol 8617 Fol 660

Property 3:

60 Marshalls Road, Traralgon
Lot 2 PS 323156
Vol 10245 Fol 531

Property 5:

Traralgon Maffra Road, Traralgon
Lot C, PS821062
Vol 12251 Fol 794

Property 2:

50 Glendale Road, Traralgon
Lot 1 PS329021
Vol 10150 Fol 467

110 Marshalls Road, Traralgon
Lot 2, PS329021
Vol 10150 Fol 467

Property 4:

60 Marshalls Road, Traralgon
Lot 1 TP4167
Vol 4416 Fol 026

Table 1 – Summary of landholdings

2.0 Site Zoning & Provisions

The following outlines the current zoning and relevant state and local regulations.

Zoning

The site is zoned Farming Zone (FZ1), schedule 1.



Figure 2 - Site Zoning - GRZ

Baldwin Road Development Plan Area

There are two gas transfer mains within the subject site which are covered by the Design and Development Overlay (DDO01), schedule 1.

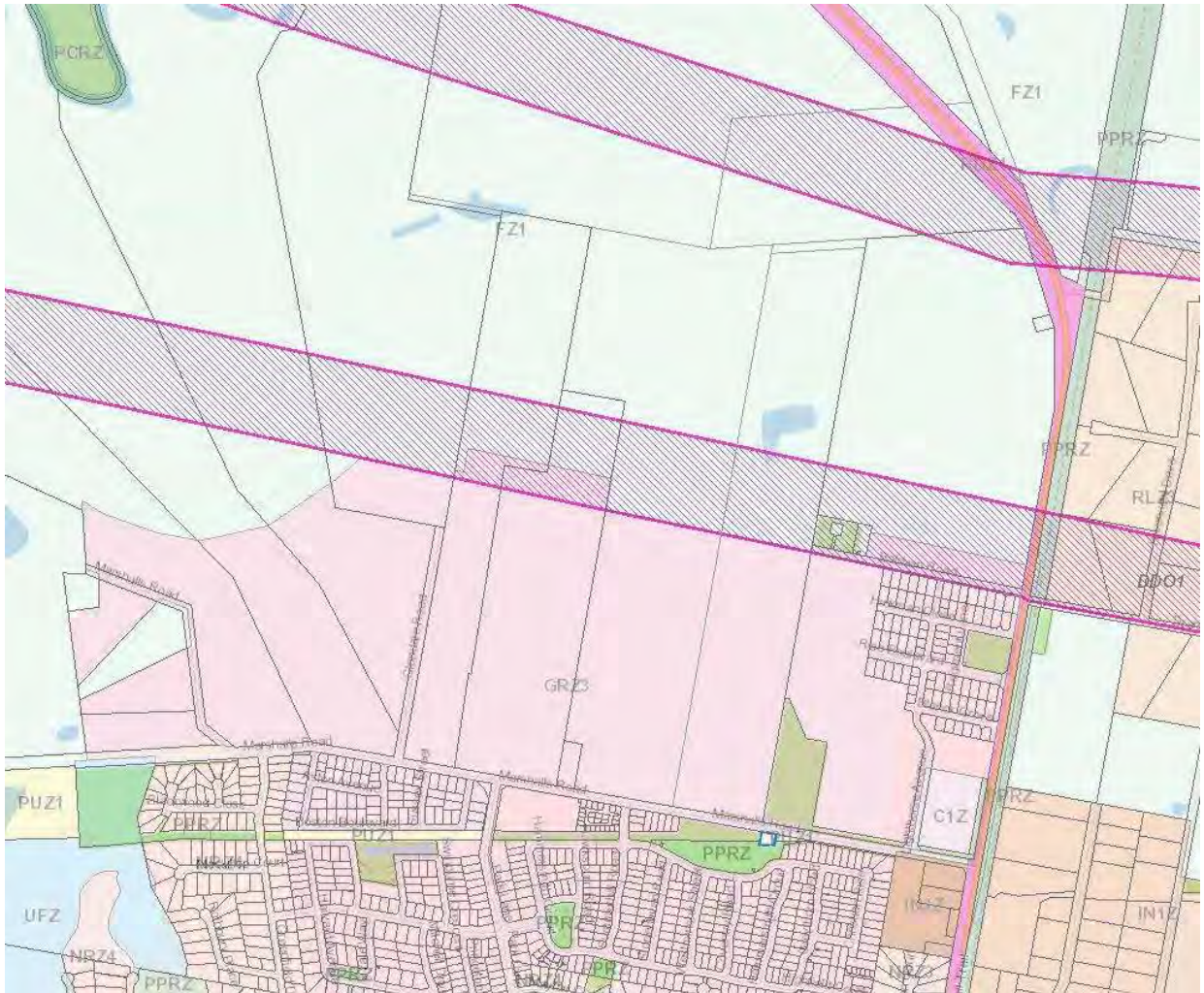


Figure 3 - Site Zoning – DDO

Proposal

It is planned to rezone the subject site to General Residential – Schedule 3, consistent with the surrounding residential areas to the south, and apply a Development Plan Overlay – Schedule 10 to the land. A comprehensive Development Plan will be required to be prepared and approved for the site prior to any residential development. For the purpose of consultation with authorities an indicative concept plan has been prepared and provides a preliminary development layout for the subject area.

Baldwin Road Development Plan Area

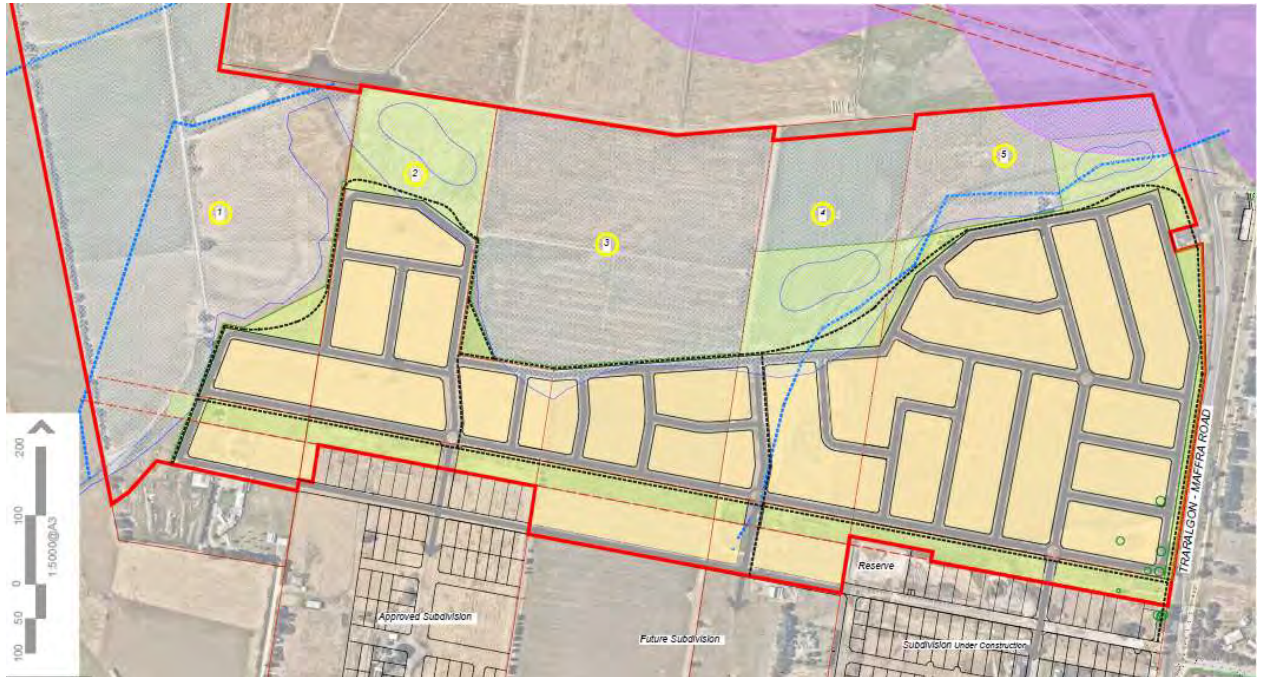


Figure 4 – Indicative concept plan

Staging

Each of the five properties can be developed independently subject to provision of sewer from the Baldwin Road catchment SPS which is currently under construction.

Each property contains one crossing of the Esso Pipeline reserve which have been designed to allow connection to trunk services from the Traralgon North Development Plan immediately to the south.

Traralgon Growth Areas Review (TGAR)

The Traralgon Growth Areas Review forms the strategic guidance for the development of this area, Growth Area Framework for Traralgon and surrounding areas including Glengarry and Tyers, as depicted overleaf.

3.0 Servicing & Infrastructure

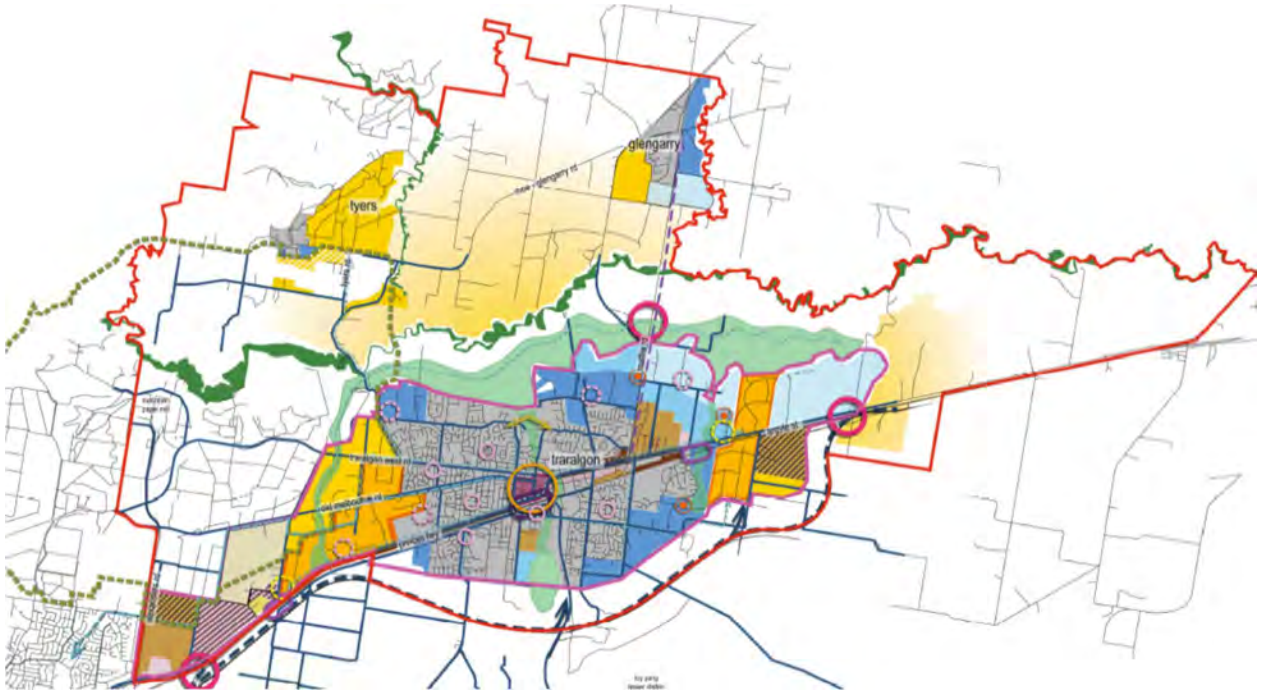


Figure 5 –Traralgon Growth Area

The TGAR provides guidance with regards to the staging of residential development within the area. The subject site is depicted below in Figure 5 as area 3a.



Figure 6 – TGAR Development Sequencing

The site abuts existing residential development to the south and has immediate access to services which allows for simple and logical extension of infrastructure to continue the residential growth.

Baldwin Road Development Plan Area

Sewer

A new pump station, Marshalls Road North (West end of Baldwin Road) is currently being constructed to receive flow from the existing Marshalls Road East Pump Station catchment and surrounding growth areas, including those north of Marshalls Road. The pump station is also intended to have provision for flows for Glengarry. The configuration is shown in Figure 6.

The predicted inflows discharged into the proposed Marshalls Road North Pump Station were estimated using a hydraulic model with a scenario created to incorporate future growth, including the areas identified in TGAR. Gippsland Water have indicated the pump station servicing capability is constrained to the finished ground levels of the subject sites which lots are proposed to be generally filled to ensure sufficient grade and cover along future sewer alignment to the pumping station.

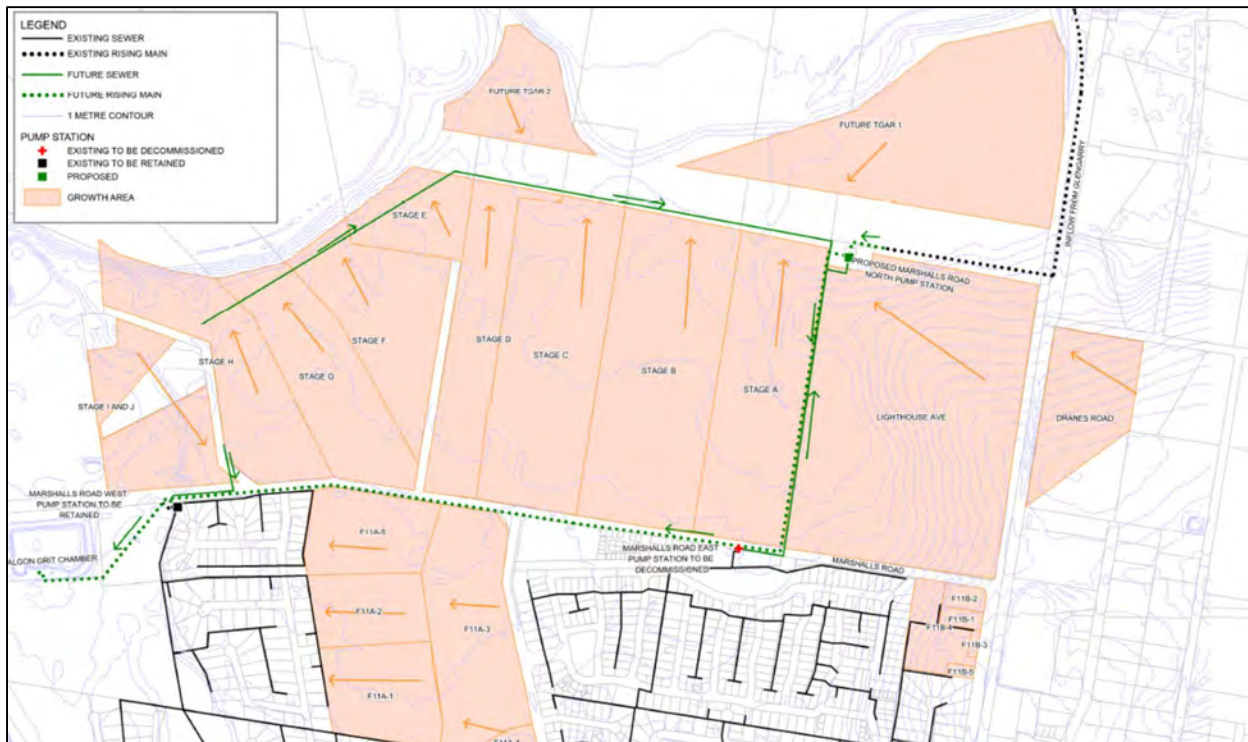


Figure 7 – Baldwin Road SPS Catchment Plan (Gippsland Water)

The assumed network arrangement was as follows:

- The Marshalls Road East pump station is decommissioned. A gravity sewer is constructed to the proposed Marshalls Road North Pump Station.
- A new rising main is constructed from the proposed Marshalls Road North Pump Station to the Traralgon Grit Chamber with a discharge level of 35.0 m AHD.
- The Marshalls Road West Pump Station is retained and injects into the new Marshalls Road North rising main. Stages I and J of future development discharge into Marshalls Road West Pump Station.
- The Glengarry Pump Station discharges into the wet well of the Marshalls Road North pump station. This provides flexibility for the design of Marshalls Road North Pump Station to receive

Baldwin Road Development Plan Area

these flows should the disadvantages associated with the alternative redirection be unacceptable.

- Glengarry discharges approximately 20 L/s in wet weather to allow for future upgrade of the rising main.
- North-western zoning area (Future TARG 2) to be generally filled and graded to provide sewer service for future lots.

A summary of growth areas incorporated into the model is shown in Table 2.

Subcatchment ID	Total area (ha)	Population
DRANES ROAD	6.0	78
F11B-1	0.4	5
F11B-2	0.5	6
F11B-3	0.1	2
F11B-4	2.1	27
F11B-5	0.2	2
FUTURE TGAR 1	20.0	260
FUTURE TGAR 2	5.0	65
LIGHTHOUSE AVE	30.7	244
STAGE A	13.5	154
STAGE B	17.9	200
STAGE C	15.9	178
STAGE D	7.9	90
STAGE E	4.1	53
STAGE F	8.8	105
STAGE G	9.1	106
STAGE H	9.6	105
Total	151.5	1680

Table 2 - Future Growth Areas Discharging into Marshalls Road North Included in Ultimate Model Scenario

Water

The responsible authority for water is Gippsland Water. A new 300mm main extension has been provided along Traralgon Maffra Road and is currently being interconnected into the main within Park Lane to the south. The reticulated water design requirements from Gippsland Water indicate the water extension from Park Lane via a 300mm main on Traralgon Maffra Road requiring a loop feed to supply the area. The elevation head noted by Gippsland Water is 112.8AHD and there are no anticipated issues with water supply for the zoned area.

Baldwin Road Development Plan Area

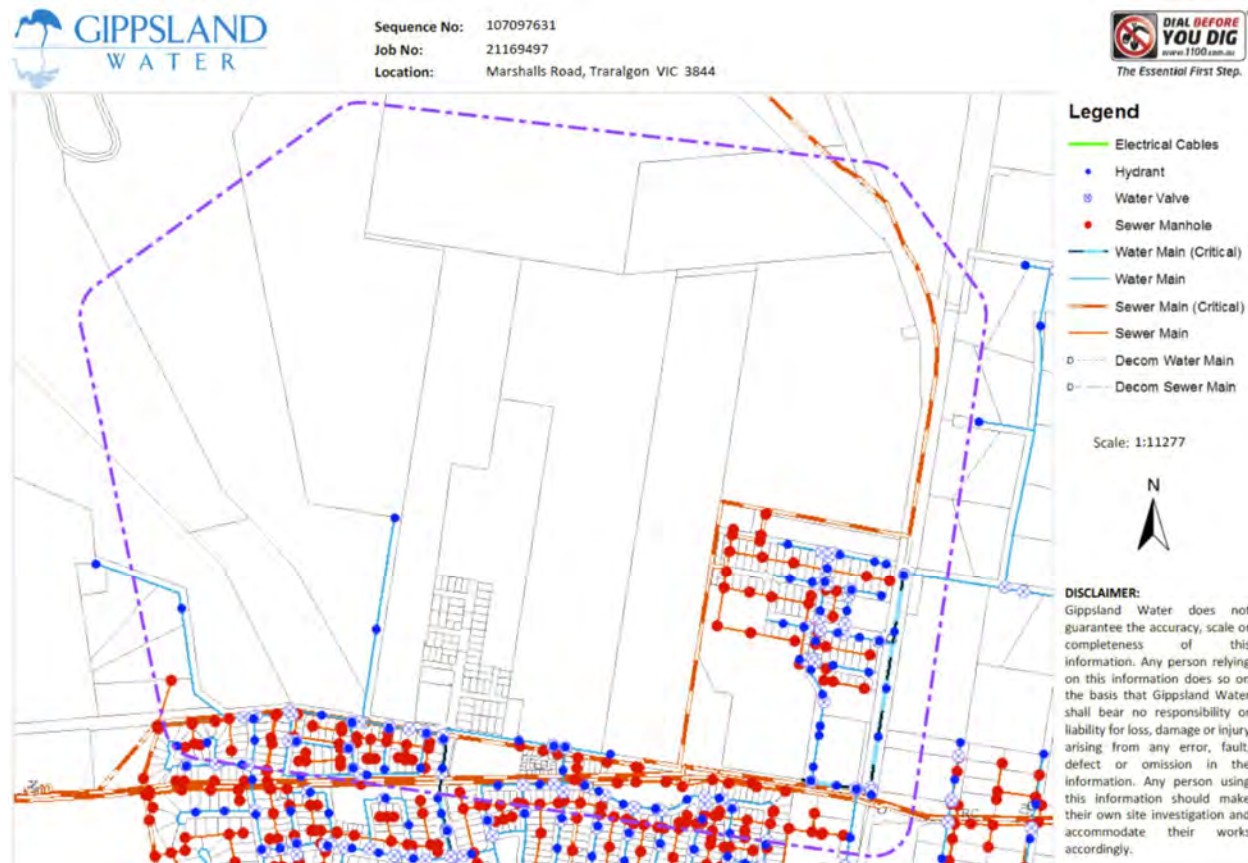


Figure 8 – Water Asset Map

Electricity

The relevant electricity supplier for the area is SP-AusNet. It is understood from consultation with SP Ausnet's Network Planner that the site can be serviced with reticulated electricity and there are no anticipated issues with regard to network capacity. Substations will be required within the development as an SP-AusNet maintained asset.

Based on advice from SP-AusNet's Network Planner – the 22kV lines bounding the site – can, at present, support future development based on 4kVA per lot. There are two 22kV feeders in the area – TGN 11 which runs along Park Lane and Marshalls Road and TGN 31 feeder which runs along Traralgon Maffra Road.

Gas

APA Group are the relevant gas authority in the area. Natural gas is available within the area and can be extended to service any future development within the rezoned area. APA have significant assets to the north of the site which are not affected by this application. APA & AGN have indicated in the north-eastern corner of the rezoning area the City Gate gas facility provides reduction of high-pressure mains for reticulated services for residential usage in the area. It has been indicated there could be a requirement for buffer distances due to noise with details to be determined at the development plan stage. The facility won't impact the rezoning and there is ample opportunity to respond to authority requirements at the development plan stage and the concept plan is indicative only.

Baldwin Road Development Plan Area

Three licenced Esso pipelines are contained within the activity area, contained within the Longford to Long Island Point Easement. These pipelines are:

- The operating DN 700 crude oil pipeline (LFD700);
- The suspended DN 70 pipeline, which is filled with inhibited water;
- The DN 250 liquefied petroleum gas (LPG) pipeline (LPG250)

An additional DN 350 Esso pipeline is planned for this easement, but as construction had not commenced at the time of this report it has not been explicitly addressed.

Pipeline Parameter	LPG250	LFD700	Suspended DN 700
Inlet	Longford Gas Plant	Longford Crude Stabilisation Plant	Longford Crude Stabilisation Plant
Outlet	LIP Fractionation Plant	LIP Tank Farm	Westbury Station
Contents	Liquid Petroleum Gas	Stabilised Crude Oil	Inhibited Water
Length	186 km	186 km	87 km
Licence Number	PL 27 ¹	PL 126 ²	PL 35
Design Pressure	8275 kPa	4500 kPa	-
Design Code	B31.4 – 1966	AS 2018 – 1977	B31.4 – 1966
Year of Construction	1969	1980	1969

Note:

1. The LPG250 operates under Victorian pipeline licence PL 34 from Bayview Valve Station to LIP.
2. The LFD700 operates under Victorian pipeline licence PL 35 from Westbury to LIP.

Table 3 – Pipeline Operational Parameters

An AS2885 Safety Management Study (SMS) review will need to be conducted for threats associated with the proposed residential subdivision and associated infrastructure works. The objectives of an AS2885.1 SMS review are to:

- Systematically identify threats to the pipeline that may result in loss of integrity;
- Review the external interference protection and other design/procedural protection measures and assess their effectiveness;
- Determine whether the effectiveness of the protective measures renders the threat fully mitigated;
- Evaluate the frequency and severity of hazardous events, leading to a risk ranking in accordance with the AS2885.1 risk matrix; and if required,
- To propose additional physical or procedural controls.

Telecommunications

The responsible authority for telecommunications is NBN Co, who have provided that they have services down both Marshalls Road and Traralgon Maffra Road. It is assumed that the network has the capacity to be extended into the development area.

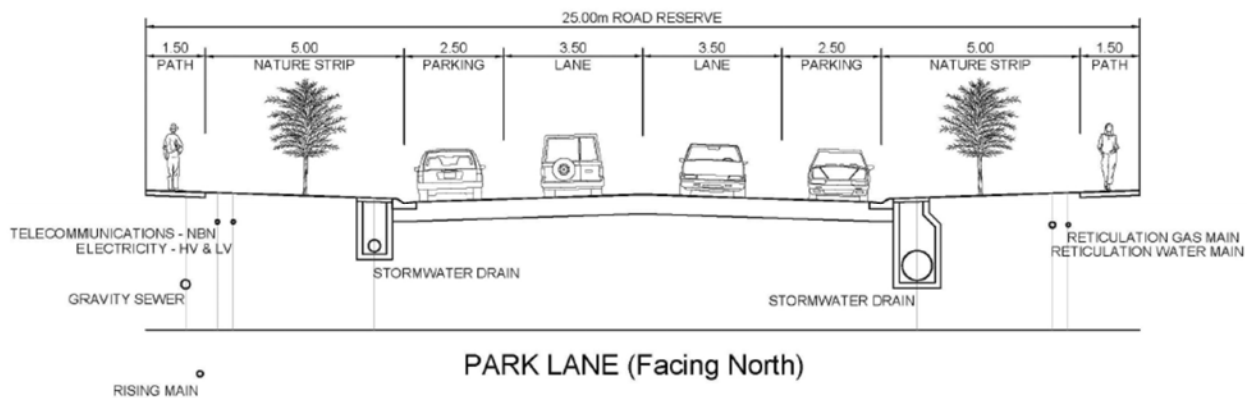
Baldwin Road Development Plan Area



Figure 9 – Telecommunications Asset Map (NBN) (2019)

Traffic, Transport and Roads

As previously mentioned, the site directly adjoins the Traralgon North Development Plan Area which discusses the preferred development pattern and street connectivity. The structure plan also nominates indicative cross sections for the proposed road reservations as depicted below.



Baldwin Road Development Plan Area

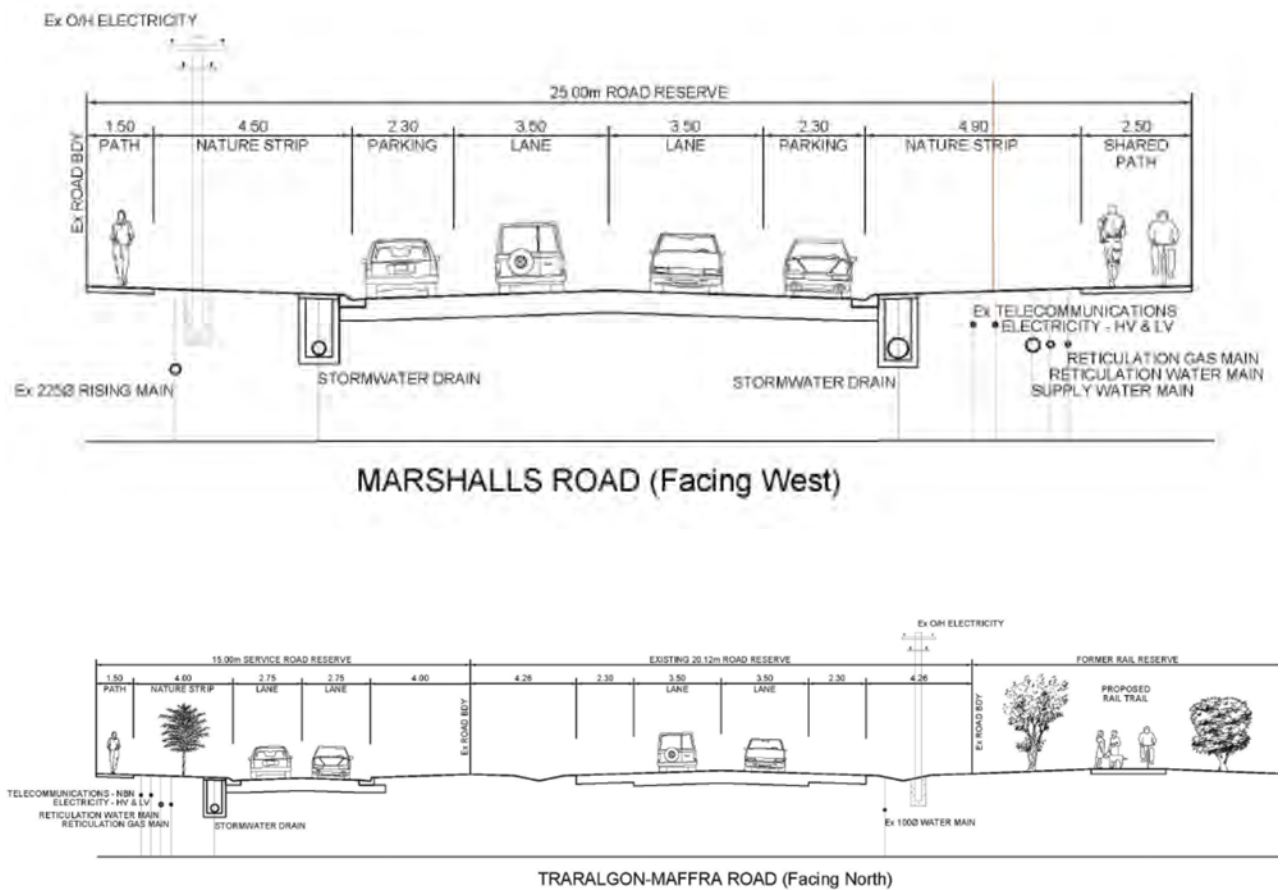


Figure 10 –Road Reservation Cross Section from the Traralgon North Development Plan

It is logical that the same cross sections be adopted for the Baldwin Road Development Plan Area.

A Traffic Impact Assessment has been prepared by O'Brien Traffic and notes the following in relation to the existing road network:

Traralgon-Maffra Road is an arterial road (Road Zone Category 1) under the control and management of Department of Transport. It runs in a north-south orientation. In the vicinity of the subject site, Traralgon-Maffra Road has a road reserve of approximately 20 metres and a pavement width of approximately 12 metres providing one traffic lane (3.8 metres wide) and a sealed shoulder (between 2 and 2.5 metres wide) in each direction.

The posted speed limit on Traralgon-Maffra Road changes along the site frontage. A posted speed limit of 80 km/h applies from the southern boundary of the site for a distance of approximately 250 metres. North of this point, the posted speed limit increases to 100 km/h.

Department of Transport open data indicates that Traralgon-Maffra Road in the vicinity of the subject site carries traffic volumes of 5,100 vehicles per day with a split of 2,600 northbound and 2,500 southbound.

Baldwin Road Development Plan Area



Figure 11 – 16m Proposed access onto Traralgon-Maffra Road

Baldwin Road is a local road to the south of the subject site that has been constructed from Traralgon Maffra Road up to property 4 and is to continue along to property 1 as per the approved TNDP.

It is likely that land within the TNDP area (and therefore Baldwin Road) will be developed prior to development of the subject site, and therefore road connections to Baldwin Road will be available to service the future development of the subject site.

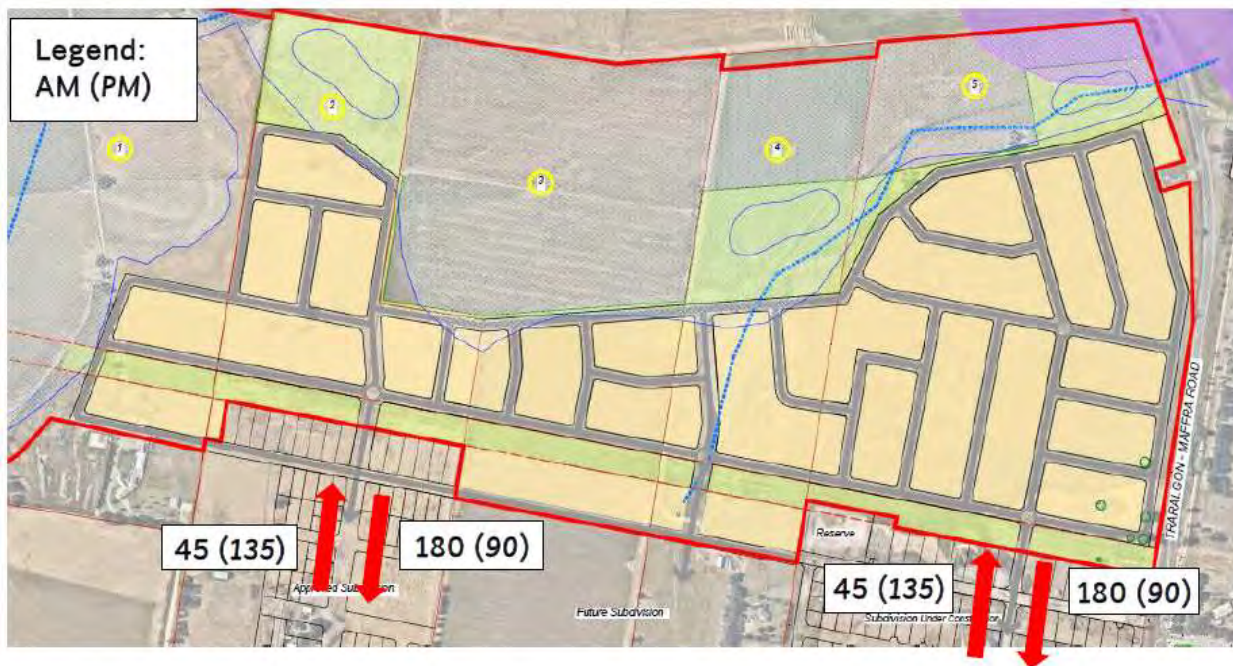


Figure 12 - Anticipated Traffic Volumes (TIA Extract)

Baldwin Road Development Plan Area

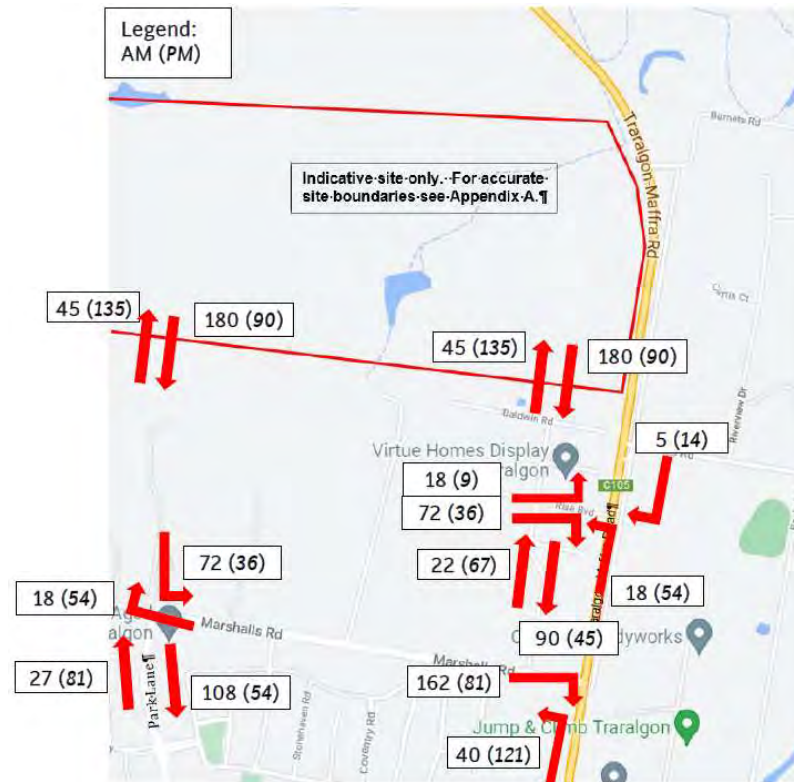


Figure 13 – Distribution of Traffic (AM and PM Peak Hours)

The Traffic Impact Assessment Report from O'Brien Traffic & extract figure above note below the following:

- The traffic generated by this proposed subdivision would increase traffic volume onto the approved and future subdivisions to the south as indicated in Figure 12.
- On the basis of the above traffic assessment, the traffic movements anticipated to be generated by the proposal would be readily accommodated by the intersection of the proposed roads with the approved and future subdivisions to the south without any significant adverse impacts.

In relation to the proposed internal road network, the Traffic Assessment notes that future development should be designed in accordance with the requirements of the IDM. Detailed design will need to be provided at the subdivision stage of development.

Department of Transport has indicated that access is not preferred onto Traralgon-Maffra Road and therefore the proposed rezoning area seeks to continue the southerly road connections for access to northern area along the key east-west linkage road.

The Traffic Assessment concludes that there would be no traffic related grounds to prevent the proposed rezoning from proceeding, and:

- Any proposed residential subdivision on the subject land would be in accordance with the IDM;
- The traffic generated by the proposal would have little impact on the surrounding road network.

4.0 Conclusion & Recommendations

The proposed development is adequately equipped with nearby services and infrastructure to support residential development. The site is well situated near to the Traralgon township and provides a logical extension to the Traralgon North Development Plan area as identified by TGAR.

A new pump station, Marshalls Road North is currently being constructed. The predicted inflows discharged into the proposed Marshalls Road North Pump Station were estimated using a hydraulic model with a scenario created to incorporate future growth, including the subject site.

APA Group are the relevant gas authority in the area. Natural gas is available within the area and can be extended to service any future development within the rezoned area. APA have significant assets to the north of the site which are not effected by this application.

Three licenced Esso pipelines are contained within the activity area, contained within the Longford to Long Island Point Easement. These pipelines are:

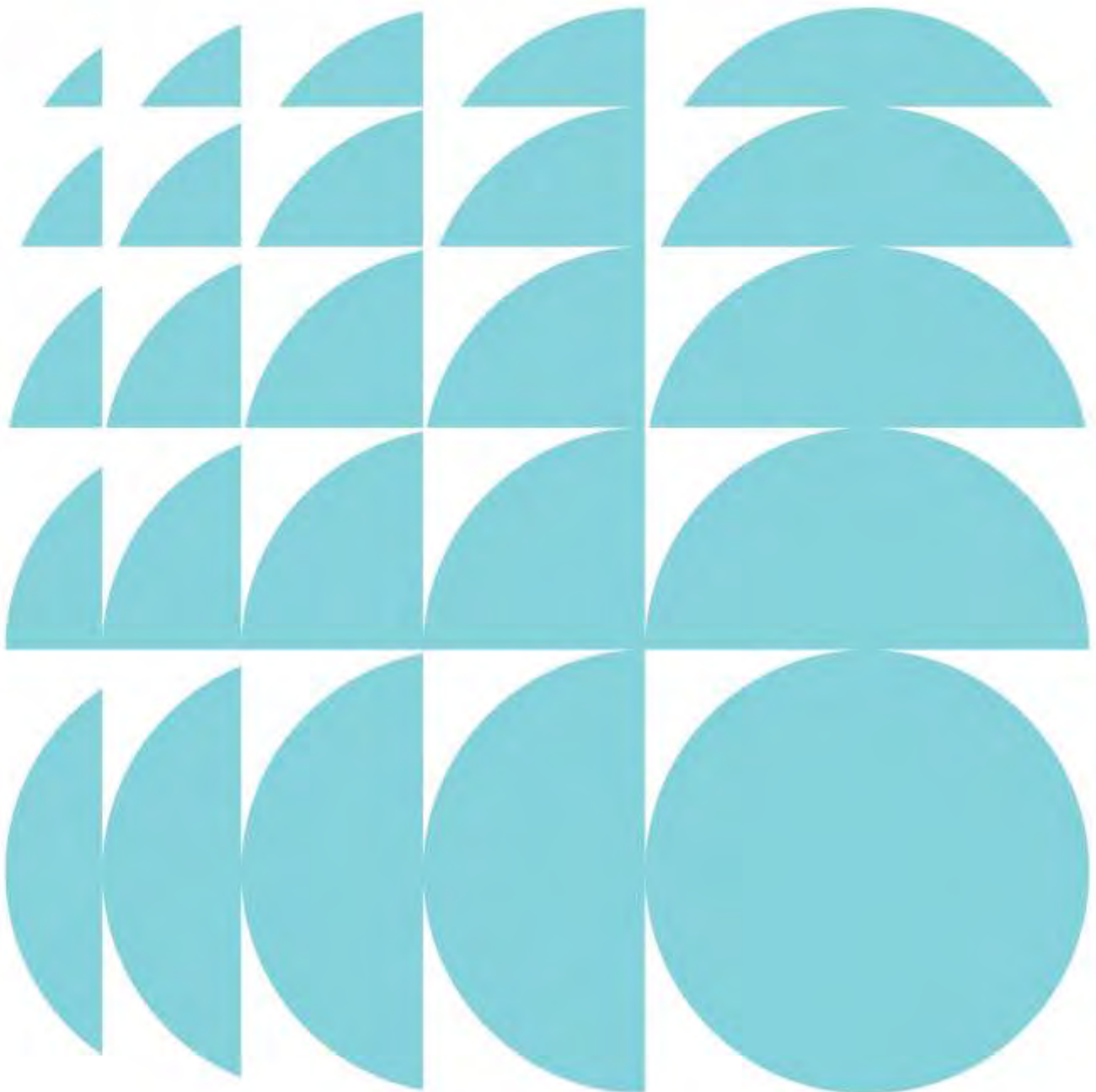
- The operating DN 700 crude oil pipeline (LFD700);
- The suspended DN 70 pipeline, which is filled with inhibited water;
- The DN 250 liquefied petroleum gas (LPG) pipeline (LPG250)

An AS2885 Safety Management Study (SMS) review will need to be conducted for threats associated with the proposed residential subdivision and associated infrastructure works.

All other services are readily available to be extended to service the proposed residential development. Application for service will be required to be made to each service authority to confirm capacity and availability, however, due to the significant investment in the Traralgon North Development Plan Area it is not anticipated that there will be any servicing issues or delays.

Prepared for Millar Merrigan

June 2021 | 3200380



Authorship

Report stage	Author	Date	Review	Date
Draft report	Rajiv Mahendran	24-02-2021	Nick Brisbane	26-02-2021
Final report	Rajiv Mahendran	05-03-2021	Nick Brisbane	05-03-2021
Final report v2	Rajiv Mahendran	23-06-2021	Nick Brisbane	29-06-2021

Disclaimer

Every effort has been made to ensure the accuracy of the material and the integrity of the analysis presented in this report. However, Ethos Urban Pty Ltd accepts no liability for any actions taken on the basis of report contents.

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Executive Summary

Millar Merrigan are acting on behalf of landowners who are seeking to rezone land in Traralgon North from the farming zone to a residential zone. In order to inform the rezoning of the land, Millar Merrigan have engaged Ethos Urban to prepare a residential land supply and demand assessment for Traralgon.

Context

Latrobe City, located 150km east of Melbourne, is one of Victoria's four Major Regional Cities. Four main townships are located in the municipality: Churchill, Moe, Morwell and Traralgon. Over the last 20 years Traralgon has been the focal point for development activity in the region.

Traralgon Growth Areas Review (2017) indicates that the Subject Site is the logical next residential growth front, and the framework principles dictate development should occur progressively from west to east. A key principle for consideration is working with Gippsland Water to ensure the efficient delivery of infrastructure. In this context, the Subject Site can leverage infrastructure already invested in the currently active growth areas located immediately to the south of the site.

Residential Land Supply

Based on an audit of aerial imagery and a review of Council-endorsed development plans, Traralgon township has approximately 7,840 future residential lots; however, a supply of only 2,140 lots is identified as being either existing vacant lots or zoned for development with Council-endorsed development plans.

Residential Demand

Over the period April 2019 to January 2021, development in Traralgon averaged 180 dwellings per year. Residential market indicators, such as property sales and dwelling approvals, indicate substantial development has occurred over the last 12 to 24 months.

Vacant land sales have averaged 195 transaction per year over the last three years, while 166 dwellings have been approved in the first half of Financial Year 2020-21. The residential market is undergoing a period of substantial activity and this pattern is expected to continue in the short to medium-term.

Based on *Victoria in Future 2019* population projections, demand for additional dwellings in Traralgon over the next 15 years is estimated at approximately 170 dwellings a year.

Based on these analyses and the potential for COVID-19 to further stimulate population growth in regional areas, three scenarios for future demand have been prepared, namely Low (170 dwellings per year), Medium (190 dwellings per year), and High (210 dwellings per year).

Adequacy of Current Land Supply

Based on the supply analysis and the forecast demand scenarios, Traralgon has between 10.1 and 12.5 years of existing vacant zoned residential land supply, including existing vacant lots and lots within the area defined in TGAR as First Phase residential (this excludes the South East Traralgon PSP).

If the Subject Site is rezoned to support in the order 450 lots, the supply of residential zoned land – either available to the market or with the potential to be provided to the market in the near-term – would increase to 12.2 years to 15.1 years (again excluding the South East Traralgon PSP area).

In this context, it is important to note the State Planning Policy Framework at Section 11.01-1S where the plan is “to accommodate projected population growth over at least a 15-year period”.

Excluding the South East Traralgon PSP area, the Subject Site is the next logical location for residential land development and is identified as such in TGAR. In particular, the site's landowners have expressed the will to develop the site and with the ability to leverage existing infrastructure across Marshalls Road.

Development of Subject Site would not increase total supply in Traralgon, it only brings forward supply already identified for residential development to address a short-fall in the short to medium-term. It is the intention of planning policy to provide a residential land supply of at least 15 years, so the South East Traralgon PSP will always be competing with other residential growth fronts in Traralgon, noting that the South East Traralgon PSP accounts for a supply of between 7 to 9 years.

Introduction

Background

Millar Merrigan are acting on behalf of landowners who are seeking to rezone land in Traralgon North from the farming zone to a residential zone. In order to inform the rezoning of the land, Millar Merrigan have engaged Ethos Urban to prepare a residential land supply and demand assessment for Traralgon.

The Subject Site is identified in the Traralgon Growth Area Review 2017 (TGAR) as 'future residential' land; however, the site is considered to be in the 'second stage' of future residential, with the 'first stage' intended for more immediate development. Much of the land earmarked as being in the 'first stage' has been developed, is sold out, or is constrained for various reasons. The proposal does not add to the overall long-term residential land supply in Traralgon or Latrobe City, rather seeks to address potential shortfalls in land available to the market in the short to medium-term.

While Latrobe City Council are generally supportive of the early development of the Subject Site, as part of the rezoning submission Council require a high-level land supply and demand analysis to justify the need to bring forward the rezoning.

Objective

To provide a residential supply and demand analysis based on development trends, population growth, and supply audit to evaluate the adequacy of current land supply in Traralgon to support future growth.

This Report

This report contains the following chapters:

- Chapter 1:** Context Analysis
- Chapter 2:** Residential Land Supply Analysis
- Chapter 3:** Residential Demand Analysis
- Chapter 4:** Conclusion: Adequacy of Current Land Supply in Traralgon.

1 Context Analysis

This Chapter provides an overview of the Subject Site, its regional location, and key strategic planning documents relevant to the planning of future residential land in Traralgon including the Traralgon Growth Areas Review (2017), the South East Traralgon Precinct Structure Plan (PSP) and Live Work Latrobe (2016).

1.1 Regional Location

Latrobe City is located approximately 150km east of Melbourne and is one of Victoria's four Major Regional Cities, with a population of approximately 75,560 residents. Significant coal deposits have underpinned the municipality's employment and population growth over many generations.

A structural economic shift is occurring in the region, associated with the shutdown of several coal power stations and the broad shift away from coal power towards renewables. The local economy has also been affected by the decline in manufacturing and, as a result, limited population and employment growth has occurred over the last five years throughout the municipality. However, Traralgon is considered the population and economic growth centre for Latrobe City (refer Section 3.6).

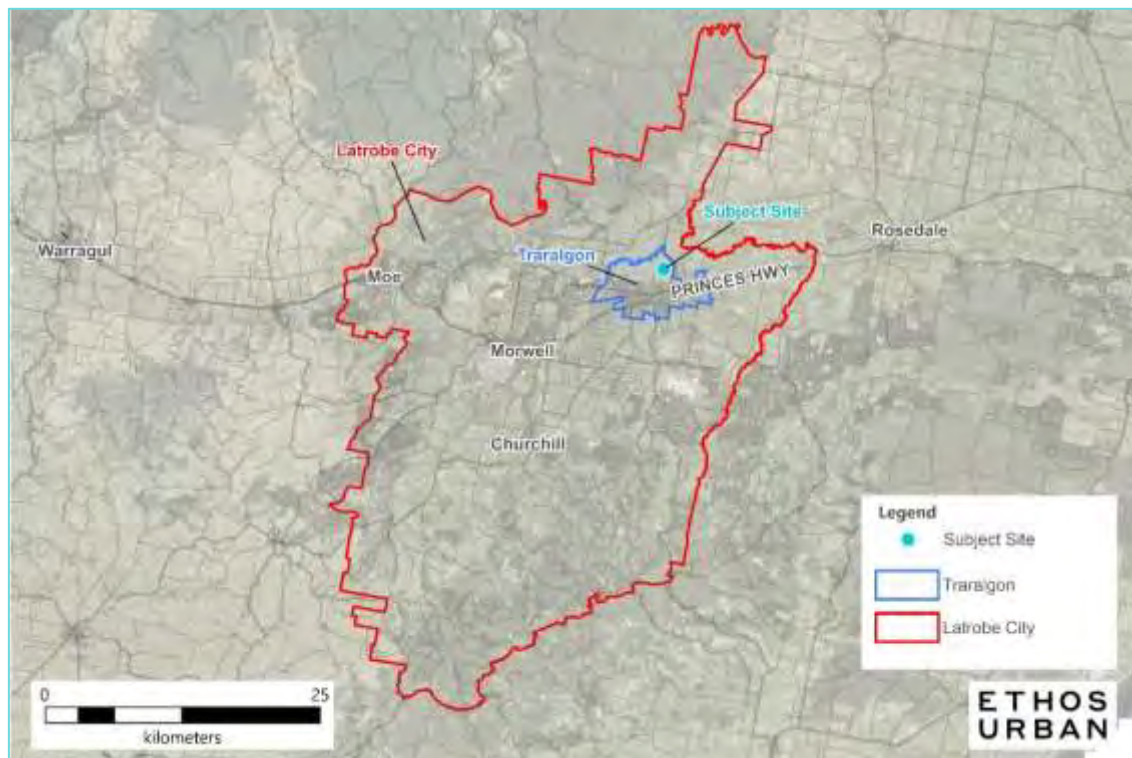
Four main townships are located in the municipality, namely Traralgon (28,210 persons), Moe (14,220 persons), Morwell (13,120 persons) and Churchill (4,680 persons); these central towns (except for Churchill) are located along the Princes Highway/Freeway and are supported by several small and district townships.

Over the past 20 years, Traralgon SA2 has been the focal point for development activity in the region. Population growth in Traralgon SA2 between 2011 and 2019 totalled +1,900 persons (or 0.8% pa) accounting for more than the total population growth of approximately +1,770 persons across the entire Latrobe City, with population in some townships declining over the period. Traralgon also accounted for \$451 million in non-residential approvals, representing 58% non-residential building approvals in the municipality. Traralgon services both a local and regional catchment that extends well beyond Latrobe City boundaries.

It is evident that Traralgon is the focal point for residential and economic growth, and the land supply pressures felt in Traralgon are not the same as the balance of Latrobe City. In this context, it is important to understand and assess the local demand and supply context in Traralgon. Land supply constraints in Traralgon have the potential to affect overall growth in the municipality.

Figure 1.1 shows the location of the Subject Site and its regional context.

Figure 1.1: Subject Site and Regional Context



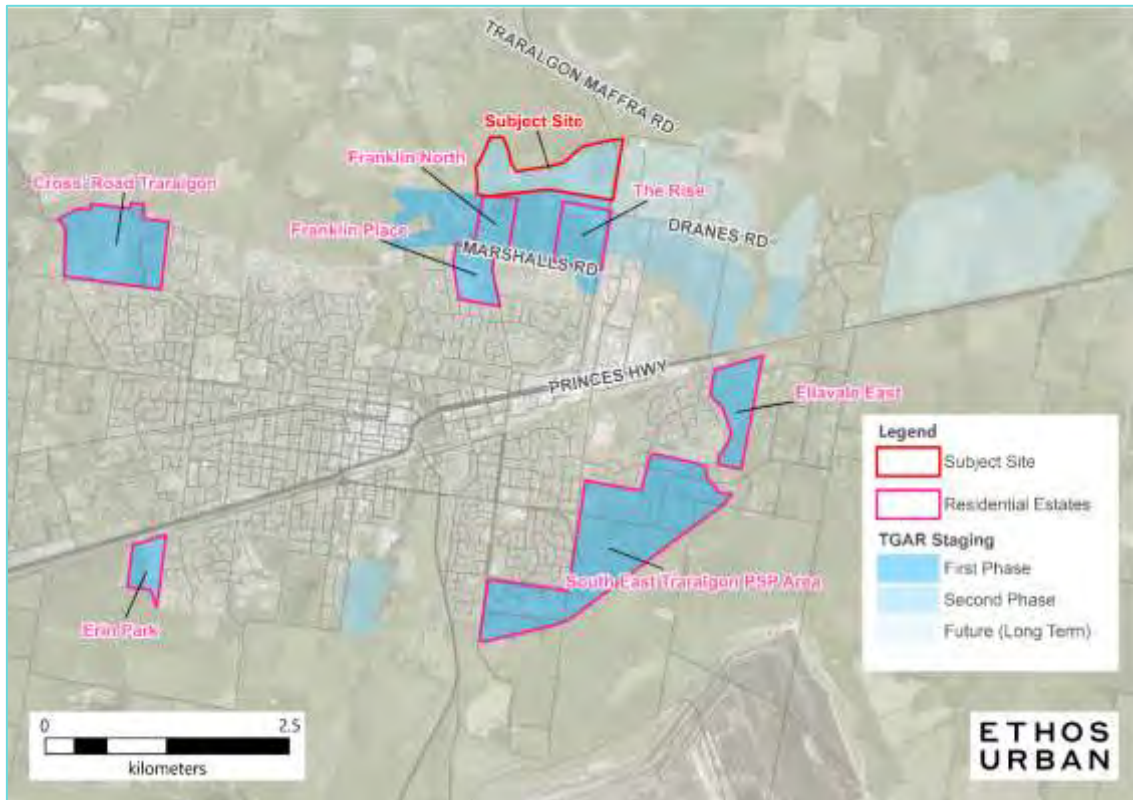
Source: Ethos Urban

1.2 Subject Site

Situated at the northern edge of Traralgon's northern growth front, as shown in Figure 1.2, the Subject Site is currently zoned Farming Zone 1 (FZ1) but is identified in the Traralgon Growth Area Review (TGAR) for residential development as part of the 'second stage' of future residential growth. The 59ha site is located west of Traralgon-Maffra Road, while the southern boundary of the site is located north of Lighthouse Avenue, with the site sloping down to Glendale Road in the west.

Millar Merrigan advises trunk infrastructure to the Subject Site can be efficiently linked from the residential development area located immediately south of the Subject Site, which is part of the first stage of residential development identified in the TGAR.

Figure 1.2: Subject Site in the Traralgon Context



Source: Ethos Urban

1.3 Traralgon Growth Areas Review (TGAR)

TGAR sets out a framework for the development of significant urban infrastructure investments. The review assessed the appropriate locations for future residential development, including the volume of land available for future development based on constraints and on State and local planning policy.

TGAR also outlined a set of framework principles intended to guide the future development of Traralgon's growth area, including the following which are of relevance to the proposed rezoning of the Subject Site:

- Seek an appropriate density of development in new greenfield residential developments in order to maximise potential for growth of Latrobe City.
- Establish a new major residential development corridor in Traralgon East to the north of the Highway. Develop that corridor in a progressive and sequential manner, moving from west to east.
- Progressively rezone unconstrained land to the south of the Latrobe River that is presently zoned Rural Living and Low Density Residential, to General Residential Zone, in consultation with existing landowners.
- A key consideration for development of growth areas is working closely with Gippsland Water to ensure key services are provided efficiently. While the identification of a clear staging process through TGAR documentation will assist in the long-term planning and decision making with regard to infrastructure, the timing of this infrastructure will be driven by growth rates over time and should be subject to ongoing discussion.

TGAR distributes the identified areas for future residential development into three phases for staging, and these are as follows:

- **First Phase**, which includes land located at the urban fringes of Traralgon in the north-east, north-west, south-west and south-east. These areas include residential-zoned land and land identified as being part of the Traralgon South East Precinct Structure Plan (PSP). The PSP is currently under development and, having regard for the timing required to prepare and implement the PSP and the extent of land owners (83 properties), residential development on the land is not anticipated for at least two or more years.
- **Second Phase**, which includes the Subject Site as well as land located east of Traralgon-Maffra Road, and land located on the southern border of the urban growth boundary south of the principal activity centre.

The Subject Site is the logical next growth front identified in TGAR. The Subject Site is identified in Stage 2A in the suggested staging of development (refer TGAR, p59), whereas land located to the east of Traralgon-Maffra Road is identified for Stage 2B. TGAR provides support for the Subject Site as the next logical expansion of growth areas in Traralgon.

- **Third Phase**, land located further from the existing extent of urban Traralgon, currently zoned Farming Zone. These areas are to be progressively rezoned as the Second Phase land is developed from west to east.

Figure 1.3 shows the location of the subject land in the Traralgon Growth Areas Plan.

1.4 South East Traralgon PSP

The South East Traralgon PSP is currently under-development, with background reports being prepared/updated for changes to policy. The extent of South East Traralgon PSP is illustrated in Figure 1.2.

The PSP will set the vision for South East Traralgon and is the primary plan for guiding development in South East Traralgon. It will identify where main roads, retail amenities, schools, open space, housing and employment areas are located.

According to the Victorian Planning Authority (VPA), the PSP process could take approximately three years to be completed (provided there are no significant delays or issues that arise), this includes the preparation of the PSP, gaining approval, implementing the PSP into the Planning Scheme. In terms of delivering residential land supply, additional time would be required to mobilise landowners to subdivide and develop their land, noting the precinct include 83 properties.

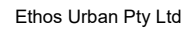
Potential exists for the South East Traralgon PSP to be delayed; having regard for Council's need to consult with and bring to agreement over 80 landowners. As a result, there is a level of uncertainty around when land in South East Traralgon will be available for development.

In this context, Council should consider the need to activate other future residential land supply in the meantime; this potential need is investigated in the balance of this report.

Activation of other future residential land such as the Subject Site, would not increase total supply in Traralgon, it only brings forward supply already identified for residential development in the longer-term to address a short-fall in the short to medium-term.

Depending on the timing associated with rezoning and delivering lots at the Subject Site, potential exists that the land will be fully sold prior to the release of residential land in South East Traralgon. The Subject Site is expected to account for only an estimated 450 lots, therefore, the rezoning of the land is not expected to have a significant impact on the delivery of land at South East Traralgon PSP or any other strategic release areas in the municipality (such as Lake Narracan).

Source: Latrobe City, Hansen



1.5 Live Work Latrobe

Live Work Latrobe involved the preparation and implementation of three distinct yet complementary strategies, namely the Housing Strategy, Rural Land Use Strategy and the Industrial and Employment Strategy. Each of these strategies provide recommendations that will guide Latrobe City's long-term growth.

Latrobe planning scheme amendment C105 implement Live Work Latrobe into the Latrobe Planning Scheme and was gazetted to the Latrobe Planning Scheme in November 2019.

"The Housing Strategy identifies Traralgon as a 'Primary Population Centre' where future growth is to be promoted. The definition of a Primary Population Centre is provided below:

The Population Centre is the dominant residential, commercial and retail node within the City. It supports a large and diverse population, housed in a variety of dwelling types including specialist forms. It provides access to all levels of education as well as a range of health, recreational and cultural opportunities.

The Population Centre is connected to all essential utility services and are well serviced by public transport, possessing strong relationships with surrounding settlements of all types". (p. 20, Housing Strategy)

The Background Report (April 2016) provides an overview of the residential demand and supply situation at a municipal level. It indicates a requirement for approximately 5,000 new dwellings will be required over the 2016 to 2031 period at an average of approximately 330 dwellings a year. This estimate was based on *Victoria in Future 2015* population and dwelling projections. More recent projections published in *Victoria in Future 2019* indicate an average requirement for approximately 350 dwellings a year between 2021 and 2036, approximately 5% above those presented in *Victoria in Future 2015*.

A high-level residential land supply analysis was also undertaken in the Background Report which found *"there appears to be sufficient land supply (vacant and potential) to cater for the next 15 years of residential urban growth"* (p. 68 of the Background Report).

However, the Background Report (p. 68) and the Housing Strategy (p.9) identify the need to consider localised issues relating to land supply and development. This is particularly relevant to the proposed rezoning as it seeks to address a potential issue relating to the availability of land for development in Traralgon as opposed to increasing the overall long-term residential land supply.

2 Residential Land Supply Analysis

This Chapter provides an assessment of residential land in Traralgon's growth areas, by location (or phase as described in TGAR), having regard for information provided in endorsed development plans (where available) and analysis of the latest available aerial imagery from Nearmap (January 2021).

In assessing the potential lot capacity for larger vacant lots with subdivision potential (primarily located in phases 2 and 3), assumptions relating to net developable area and yield have been made. These assumptions are described later in this Chapter.

2.1 First Phase Residential Land Supply

Council-endorsed development plans for Traralgon North, Cross' Road, Franklin Place, Erin Park, The Rise and Ellavale East estates provide for a total capacity of 2,460 residential lots. Analysis of aerial imagery from January 2021 indicates 530 of these lots have been developed, leaving 1,930 vacant lots remaining. These lots are considered to reflect the short-term greenfield residential land supply in Traralgon.

In addition to the estates above, the South East Traralgon PSP area is located in the First Phase. Planning for the PSP is currently underway, during which the indicative residential yield will be investigated. Having regard for the size of the precinct and the potential for areas to be constrained, it would be reasonable to expect a residential yield in the order of 1,500 lots.

As noted earlier, the PSP area is unlikely to become available for residential development for at least three or so years, having regard for timeframes associated with preparing and gaining approval of the PSP, implementing the PSP into the Planning Scheme, and consulting with and mobilising over 80 landowners to subdivide and develop their land.

In total, the First Phase growth areas have a capacity of 3,970 lots (including South East Traralgon) as shown in Table 2.1, with 530 lots having been developed and with 3,440 vacant lots remaining; developed lots were estimated based on an audit of aerial imagery, with lots considered developed if there was evidence of a concrete slab.

Table 2.1: First Phase, Residential Land Supply, Traralgon, as at January 2021

First Phase	Capacity	Developed as at Jan 2021	Vacant
Cross' Road Traralgon	680	240	450
Franklin Place	240	150	90
Franklin North	180	0	180
The Rise	230	50	180
Balance of Traralgon North	670	0	670
Ellavale East	320	0	320
Erin Park	150	90	60
Sub-total: Short-term land supply	2,470	530	1,940
South East Traralgon PSP	1,500	0	1,500
Total	3,970	530	3,440

Source: Ethos Urban, Council Endorsed Development Plans

Note: Figures rounded.

2.2 Second Phase Residential Land Supply

The Subject Site is located in the Second Phase, with preliminary development plans for the Subject Site indicating a yield of approximately 450 lots.

The balance of Second Phase land is estimated to have a residential lot capacity of approximately 1,020 lots based on the following:

- Total land in Second Phase (excluding Subject Site): 142ha
- Net developable area (assuming 60% available for development): 85ha
- Dwelling yield (assuming 12 lots per hectare): 1,020 lots.

In total, the Second Phase growth areas have a capacity of approximately 1,470 lots, including the Subject Site.

The estimate of residential lot supply in the Second Phase growth area is considered to be indicative. The eventual lot supply will depend on more detailed analysis of land constraints, the potential for non-residential uses (e.g. schools, activity centres, etc) and the development yield accepted by the market at the time of development.

Importantly, the Subject Site is able to leverage both existing and planned infrastructure investment delivered as part of the Franklin North and The Rise developments, including the \$3.5m pump station servicing Traralgon North and Glengarry, \$2.7m intersection upgrade completed at Rise Boulevard, and a \$3m signalised intersection to be constructed at the intersection of Marshalls Road and Traralgon-Maffra Road. Construction costs have been provided by Millar Merrigan.

However, land to the east of Traralgon-Maffra Road and land on the southern border of the township will require substantial additional infrastructure investment, including reconstruction of Dranes Road to allow additional vehicle movements and other essential services.

A key consideration for development of growth areas identified in the TGAR is working with Gippsland Water to ensure key services are provided efficiently.

The Subject Site represents the next logical location for residential development in the township, based on infrastructure provision efficiencies linked to the First Phase precinct located immediately south of the Site, TGAR development principles outlined in Section 1.3 above, and infrastructure barriers and constraints associated with other land in the Second Phase.

2.3 Third Phase Residential Land Supply

The Third Phase is considered to be the longer-term residential land supply for Traralgon. In total, it is estimated Third Phase land could accommodate approximately 2,730 lots at capacity, based on the following:

- Total land in Third Phase: 380ha
- Net developable area (assuming 60% available for development): 228ha
- Dwelling yield (assuming 12 lots per hectare): 2,730 lots.

The above estimate of residential lot capacity excludes land identified in TGAR as 'intensification areas', as the likelihood of development in these areas is unknown at this stage.

The estimate of residential lot supply in the Third Phase growth area is considered to be indicative. The eventual lot supply will depend on more detailed analysis of land constraints, the potential for

non-residential uses (e.g. schools, activity centres, etc) and the development yield accepted by the market at the time of development.

2.4 Existing Vacant Lot Supply

In addition to existing and future land supply in the growth areas identified in TGAR, a supply of existing lots exists throughout the established areas of Traralgon and existing greenfield areas on the urban fringes of the township. Based on analysis of aerial photography for January 2021, approximately 200 existing vacant lots exist in these areas.

2.5 Total Future Residential Supply

Existing vacant lots in Traralgon and land identified in TGAR for future residential development has the potential to accommodate approximately 7,800 residential lots, a summarised below. Figure 2.1 shows the locations of land supply.

Land considered to be available in the near-term accounts for approximately 2,140 lots. This includes existing vacant lots in Traralgon plus land identified in the First Phase growth area, excluding the South East Traralgon PSP where residential land is unlikely to become available for at least another three or so years.

Including the potential for around 1,500 lots in the South East Traralgon PSP, total existing and First Phase residential land supply equates to approximately 3,630 lots (noting a significant proportion of these lots is dependent on the completion of the South East Traralgon PSP).

Potential exists for a further 1,470 lots for land identified in the Second Phase (including 450 lots at the Subject Site) and a further 2,730 lots on land identified in the Third Phase.

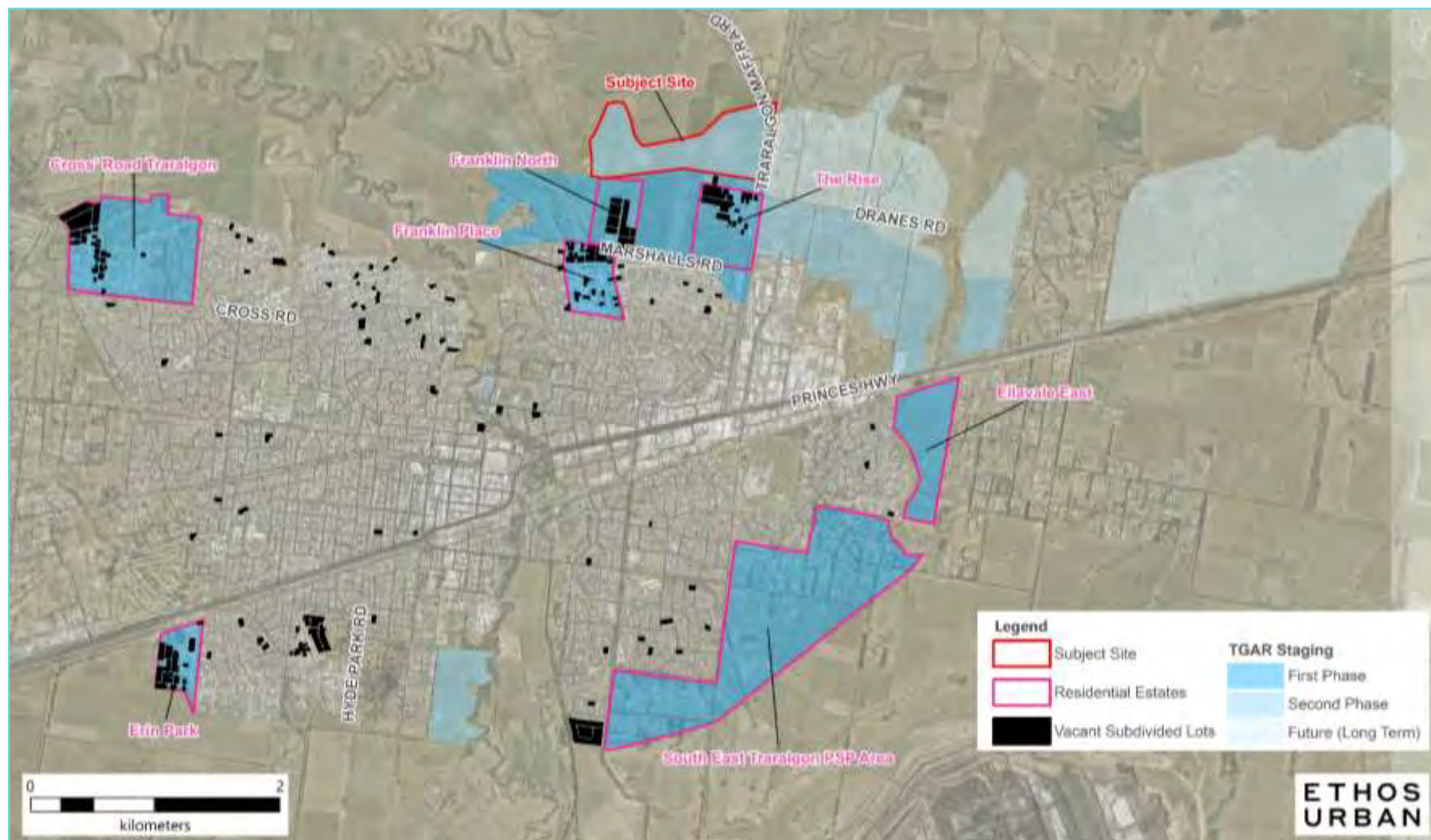
Table 2.2 summarises the existing and future land supply situation in Traralgon

Table 2.2: Traralgon Future Residential Land Supply, 2021

Phase	Vacant and Future Lot Supply
Existing vacant lots	200
First Phase - short-term land supply (excluding South East Traralgon PSP)	1,940
Existing and First Phase (zoned land)	2,140
First Phase – South East Traralgon PSP	1,500
Total Existing and First Phase	3,640
Subject Site	450
Balance of Second Phase	1,020
Total Second Phase	1,470
Total Third Phase	2,730
Total Existing and Future Lot Supply	7,840

Source: Council Endorsed Development Plans, Ethos Urban, Millar Merrigan

Figure 2.1: Residential Land Supply, Traralgon, January 2021



Source: Ethos Urban

3 Residential Demand Analysis

The Chapter examines recent trends in residential dwelling demand drivers, including population, demographics, building approvals and market activity. Forecasts of dwelling demand are also provided.

3.1 Population Growth Trends and Forecasts

Traralgon is Latrobe City's largest township, accommodating approximately 27,350 residents in 2019; over the eight-year period between 2011 and 2019, Traralgon's population increased by +1,790 residents, or 0.8% per year.

Population projections detailed below are based on the *Victoria in Future 2019* projections, produced by the Department of Environment, Land, Water and Planning in 2019. These projections pre-date COVID-19 and may now reflect a conservative outcome in view of the movement to regional areas being observed across the country.

Traralgon is expected to accommodate an additional +5,060 residents to 2036, increasing at an average annual rate of 1.0% per year; this growth rate is substantially higher than the rate forecast for Latrobe City (0.6% p.a.) and reflects Traralgon's role as the key economic and population growth centre for the region.

Population growth in Traralgon over the period 2011 to 2019 (+1,790 persons) was higher than Latrobe City overall (+1,420 persons), and this outcome is due to population declines in Moe, Morwell and Newborough. Table 3.1 provides a summary of population trends in both Traralgon and the overall Latrobe City.

Table 3.1: Projected Population Growth, Traralgon Township and Latrobe City, 2011 to 2036

	2011	2019	2021	2026	2031	2036	2019 - 2036
Population (no.)							
Traralgon Township	25,560	27,350	27,950	29,390	30,920	32,410	+5,060
Latrobe City	73,790	75,210	76,020	78,150	80,460	82,750	+7,540
Annual Growth (no.)							
Traralgon Township	-	220	300	290	310	300	+270
Latrobe City	-	180	410	430	460	460	+360
Regional VIC	-	18,680	19,630	19,230	19,040	18,350	+18,870
Annual Growth (%)							
Traralgon Township	-	0.8%	1.1%	1.0%	1.0%	0.9%	+1.0%
Latrobe City	-	0.2%	0.5%	0.6%	0.6%	0.6%	+0.6%
Regional VIC	-	1.3%	1.3%	1.2%	1.1%	1.0%	+1.1%

Source: ABS, *Regional Population Growth*; DELWP, *Victoria in Future 2019*, Ethos Urban

Note: Figures rounded

3.2 Socio-Demographic Characteristics

The socio-demographic profile of residents in Traralgon and Latrobe City compared to Regional Victoria is summarised in Table 3.2. The main observations are as follows:

- **Higher incomes.** Household incomes in Traralgon (\$67,320) are above the Regional Victoria average (\$58,790), while Latrobe City (\$56,230) is lower than the regional average.

- **Younger age profile.** The median age of Traralgon residents (37.9 years) is substantially younger than the Latrobe City average (40.5 years), with both lower than the Regional Victoria average (42.2 years).
- **High proportion of residents born in non-English speaking countries.** The majority of Traralgon's residents are Australian-born (88.4%); however, the proportion of residents born overseas in non-English speaking countries (6.5%) is above the Regional Victoria average (5.7%), but below the Latrobe City average (8.0%).
- **Families with children:** Traralgon (28.2%) has a higher proportion of households with children compared to Latrobe City (25.5%) and Regional Victoria (27.3%).
- **High share of mortgaged properties:** In Traralgon, a higher share of dwellings are being purchased with a mortgage (39.1%) compared with Latrobe City (35.2%) and Regional Victoria (34.4%). This pattern reflects the comparative strength of the residential market in Traralgon. Marginally more households rent their dwelling (27.6%) compared with Latrobe City (27.4%) and Regional Victoria (25.9%).

In summary, Traralgon's socio-demographic profile highlights the township's younger population, family orientation in terms of household composition, higher incomes, and a higher tendency for home mortgage and renting (and which reflects the 'younger family' demographic).

Table 3.2: Socio-Demographic Profile - Traralgon, Latrobe City and Regional Victoria, 2016

Category	Traralgon	Latrobe City	Regional Vic
<u>Income</u>			
Median individual income (annual)	\$33,380	\$28,350	\$29,980
<i>Variation from Regional Vic median</i>	11.3%	-5.4%	na
Median household income (annual)	\$67,320	\$56,230	\$58,790
<i>Variation from Regional Vic median</i>	14.5%	-4.4%	na
<u>Age Structure</u>			
Median Age (years)	37.9	40.5	42.2
<u>Country of Birth</u>			
Australia	88.4%	86.3%	89.4%
Other Major English-Speaking Countries	5.2%	5.7%	4.9%
Other Overseas Born	6.5%	8.0%	5.7%
<i>% speak English only at home</i>	92.6%	92.8%	93.5%
<u>Household Composition</u>			
<i>Couple family with no children</i>	26.6%	26.7%	29.1%
<i>Couple family with children</i>	28.2%	25.5%	27.3%
Couple family - Total	54.8%	52.3%	56.4%
One parent family	12.2%	13.0%	10.9%
Other families	0.6%	0.8%	0.7%
Family Households - Total	67.7%	66.1%	68.0%
Lone person household	29.5%	31.1%	29.0%
Group Household	2.8%	2.8%	3.0%
<u>Dwelling Structure (Occupied Private Dwellings)</u>			
Separate house	87.9%	88.3%	89.7%
Semi-detached, row or terrace house, townhouse etc.	5.3%	6.1%	6.8%
Flat, unit or apartment	6.8%	5.2%	2.7%
Other dwelling	0.0%	0.4%	0.8%
<i>Occupancy rate</i>	88.9%	88.1%	82.9%
Average household size	2.4	2.3	2.4
<u>Tenure Type (Occupied Private Dwellings)</u>			
Owned outright	32.8%	36.8%	39.1%
Owned with a mortgage	39.1%	35.2%	34.4%
Rented	27.6%	27.4%	25.9%
Other tenure type	0.4%	0.6%	0.6%

Source: ABS, *Census of Population and Housing 2016*; Ethos Urban

3.3 Residential Building Approvals

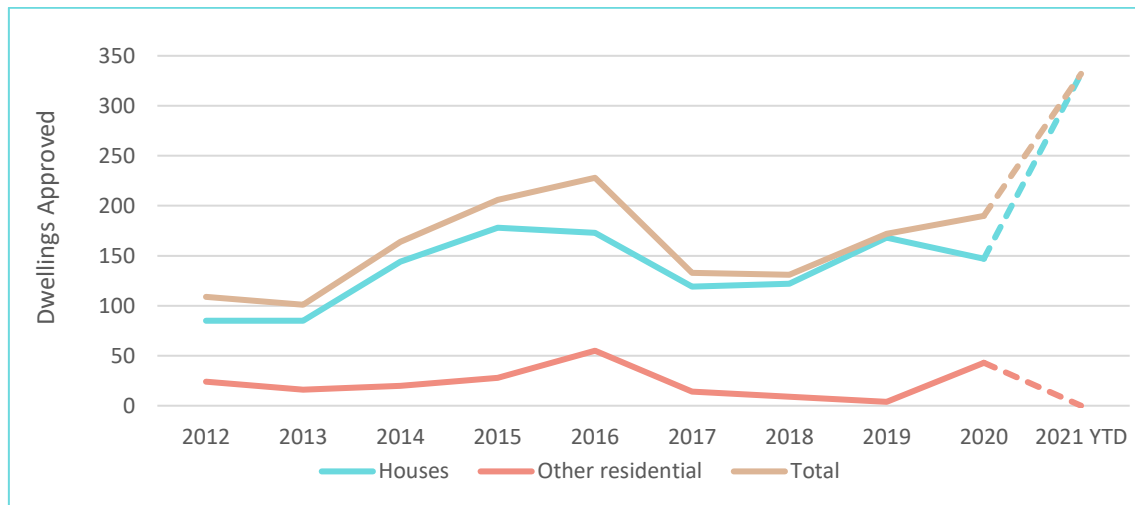
Between July 2011 and December 2020, Traralgon averaged approximately 170 new dwellings approved for development per year, the majority of which (87%) were for separate houses. Only a small proportion (13%) were for other dwellings which include medium- and high-density housing.

A stronger rate of development has occurred in recent years, with new dwelling approvals averaging approximately 210 dwellings per year between July 2018 and December 2020.

Approvals peaked in 2016 at 228 approved dwellings, before falling to a low of 131 approvals in 2018; approvals have since recovered, with 172 and 190 dwellings approved in 2019 and 2020, respectively. More recently, 166 dwellings have already been approved in the 2021 financial year to December 2020; if this trend continues, FY2021 could see a total of more than 300 dwellings approved which would be the highest number recorded in recent history.

Figure 3.1 provides a summary of dwelling approvals for Traralgon, 2012 to 2021

Figure 3.1: Dwelling Approvals, Traralgon, Financial Year 2012 to 2021

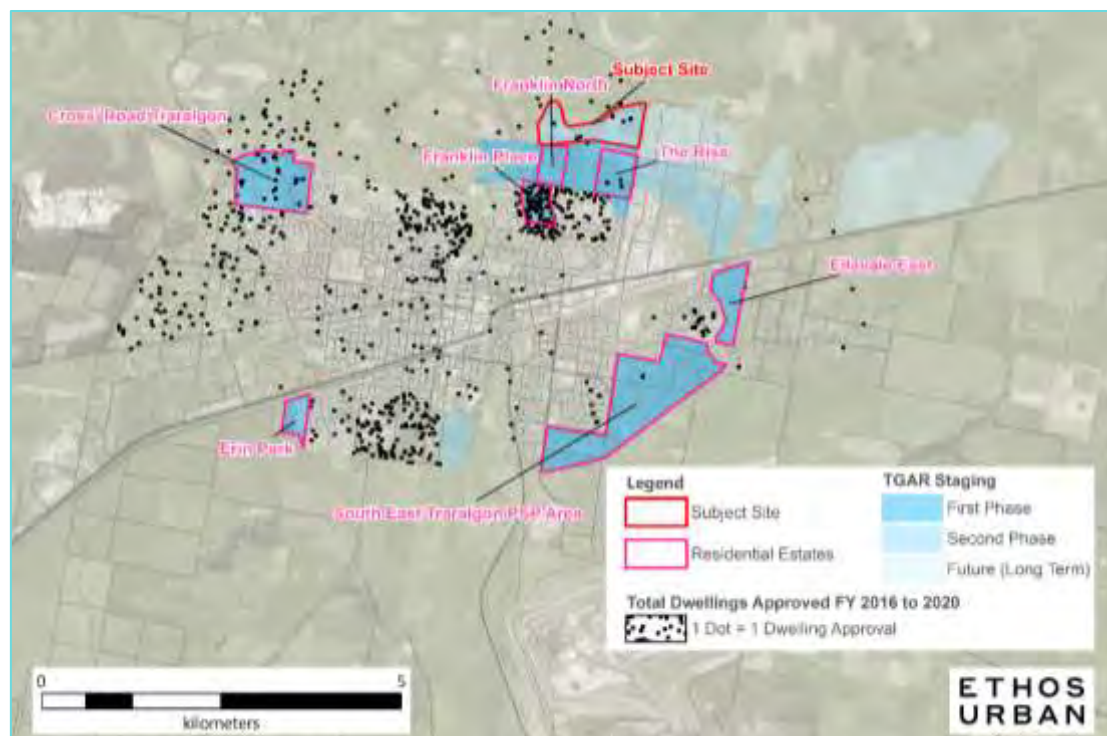


Source: ABS, Building Approvals

Note: 2021 values are YTD December 2020 figures, extended to June 2021 based on the average of YTD figures.

The majority of new dwelling approvals in Traralgon have occurred in the urban growth areas on the fringe of the township. Figure 3.2 shows the location of new dwelling approvals at the small area level (SA1) over the FY 2016 to 2020 period, indicating that the development of greenfield residential areas supports a significant share of new dwelling approvals. In this context, it is important to provide a supply of land that is available to the market for development.

Figure 3.2: New Dwelling Approvals, Traralgon, FY2016 to 2020



Source: MapInfo, Ethos Urban, ABS

Note: Figure shows a dot density analysis which distributes the total dwelling approvals in an SA1 area randomly to compare the density in one or more SA1s against others. Dots do not represent the actual location of the approval.

3.4 Residential Development Trends

An audit of residential development in Traralgon's growth areas (as identified in TGAR, p39) has been undertaken. The audit took the form of an assessment of aerial imagery, and development was considered to have occurred when a concrete slab was visible on the allotment. Traralgon has experienced the development of an average 140 dwellings per year over the period October 2012 to January 2021; however, this rate of development is not representative of recent market activity as the timeframe 2012 to 2021 includes periods where demand was more subdued.

In the period between March 2014 and January 2021, the development rate was slightly higher at 150 dwellings per year, and between April 2019 and January 2021 the rate is significantly higher at 180 dwellings per year.

Table 3.5: Residential Development Trends, Traralgon, October 2012 to January 2021

Period	Average Annual Development
Oct 2012 to Jan 2021	140 dwellings per year
March 2014 to Jan 2021	150 dwellings per year
Jan 2016 to Jan 2021	150 dwellings per year
April 2019 to Jan 2021	180 dwellings per year

Source: Ethos Urban

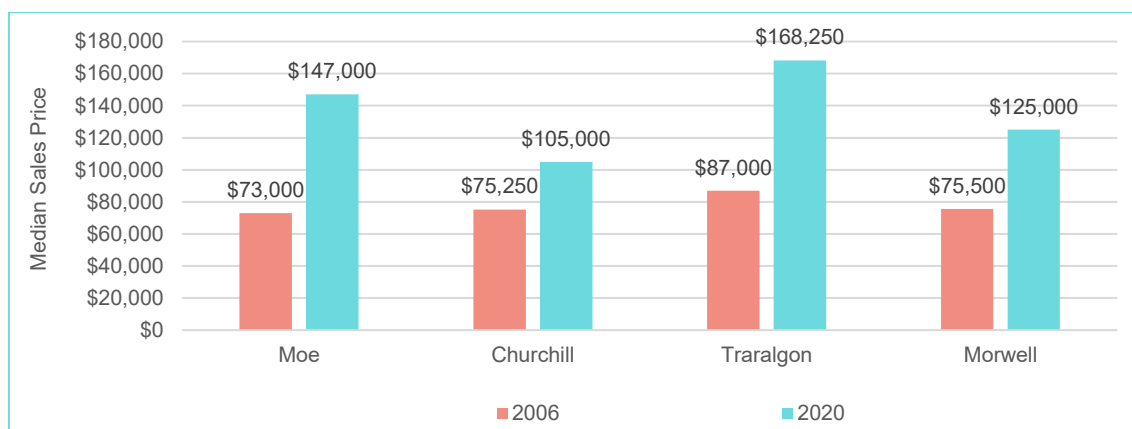
3.5 Residential Market Activity

Analysis of property sales data provides an understanding of the level of activity in the local residential property market. However, it is noted that while sales data can be interpreted as a proxy for residential demand to some extent, the sales data is a measure of transactions in the market and not consumption of residential land.

Compared to Latrobe City's other townships, vacant land in Traralgon has the highest value, as shown in Figure 3.3, with median land prices in Traralgon (\$168,250) in 2020 substantially higher than in neighbouring Morwell (\$125,000), Churchill (\$105,000) and Moe (\$147,000).

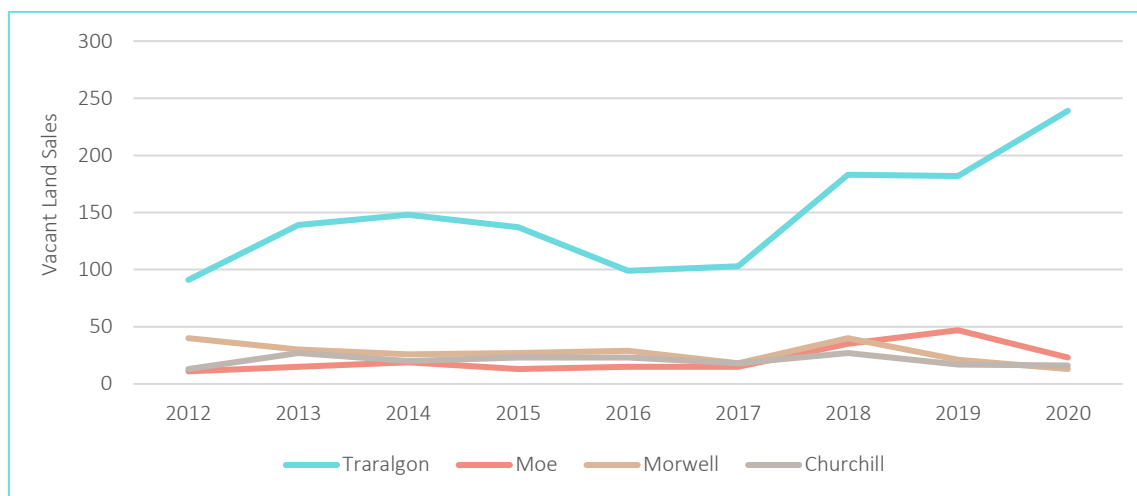
Also, annual price growth in Traralgon (4.8%) between 2006 and 2020 outpaced Morwell (3.7%) and Churchill (2.4%), while the growth was marginally below Moe (5.1%).

Figure 3.3: Median Price of Vacant Land, Latrobe Townships, 2006 and 2020



Source: Pricerfinder

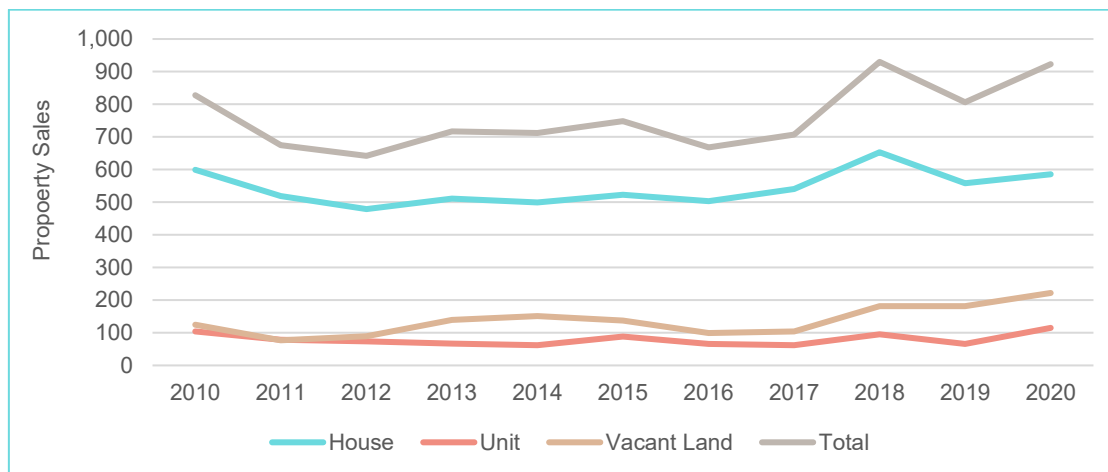
In addition to higher land values, the number of vacant land sales in Traralgon was significantly higher than in Latrobe City's other townships, with 239 sales recorded in Traralgon in 2020, compared to a combined total of 52 in the other three townships. It is clear Traralgon is the dominant vacant residential land market in Latrobe City.

Figure 3.4: Vacant Land Sales, Latrobe City Townships, 2012 to 2020

Source: Pricefinder

Traralgon's residential property market has been active over the past 10 years, with 8,356 property sales over the period 2010 to 2020. The majority of sales (71%) are for houses, with the balance involving vacant land (18%) and units (11%). Sales averaged 713 properties per year (519 houses, 77 units, and 117 vacant land).

After a dip in sales activity in 2019, sales have recovered substantially, with sales of units and vacant land in 2020 at their highest over the 10-year period. Figure 3.5 summarises the sales data.

Figure 3.5: Residential Property Sales, Traralgon, 2010 to 2020

Source: Pricefinder

Consultation with a number of local real estate agents confirms demand is strong, with estates selling three to five stages in advance, where previously developments would sell a single stage at a time. Agents indicated that prices of 400m² blocks of land were \$190,000, up from \$110,000 in the previous 12 months.

3.6 Traralgon's Role in Latrobe's Housing Market and Economy

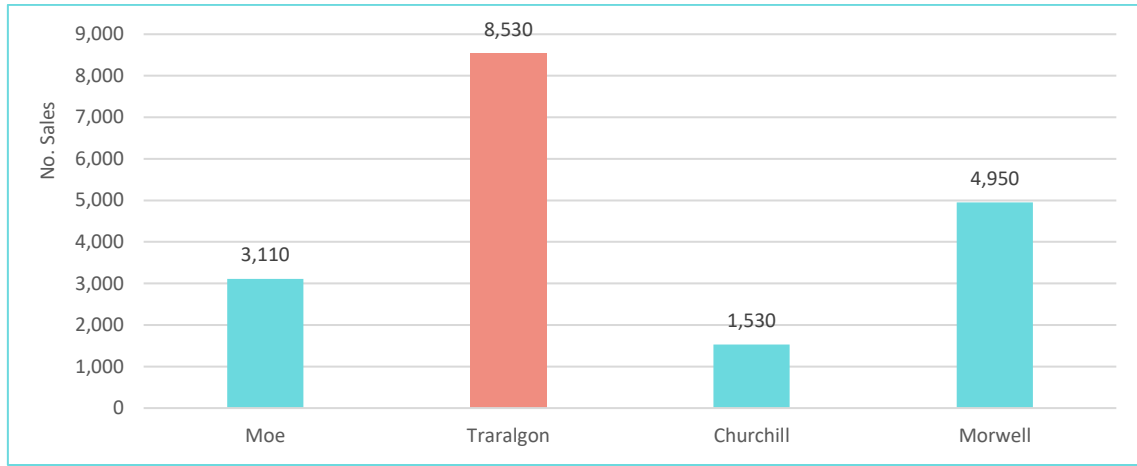
Over the past 20 years, Traralgon has been the focal point for development activity in the region. Population growth in Traralgon SA2 between 2011 and 2019 totalled +1,900 persons (or 0.8% pa) compared with +1,770 persons across Latrobe City, with population in some townships declining over the period.

Traralgon is also the main location for non-residential building investment having accounted for \$451 million in non-residential building approvals between July 2011 to June 2020, representing 58% non-residential approvals in the municipality.

Future growth in the Latrobe City is also projected to be focused in Traralgon, which is expected to grow at a rate of 1.0% per year to 2036, compared to the overall Latrobe City of 0.6%.

Traralgon's role as the core township in Latrobe City is also evidenced by significantly higher levels of activity in the residential property sales as illustrated in Figures 3.6. Over the last 15 years, 8,530 house transactions were recorded in Traralgon, compared to just 3,110 in Moe, 1,530 in Churchill and 4,950 in Morwell.

Figure 3.6 House Sales, Latrobe City Townships, 2006 to 2020



Source: Pricefinder

Traralgon's residential market also represent a different price point compared to other key towns in Latrobe with the median house price for the year ending March 2021 in Traralgon 33% higher than the median house price in Moe, 50% higher than Churchill and 64% higher than Morwell.

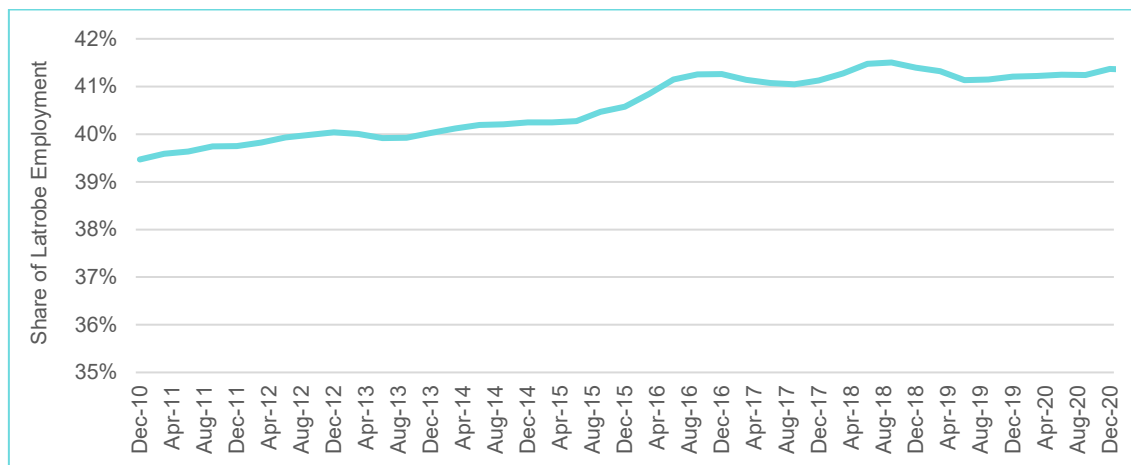
Figure 3.7 Median House Price, Year to March 2021



Source: Pricefinder

Historical employment growth has also been concentrated in Traralgon, with Traralgon's share of total employment in Latrobe City trending upwards since December 2010.

Figure 3.8 Traralgon Share of Latrobe City Employment, 2010 to 2020



Source: National Skills Commission, Small Area Labour Markets; Ethos Urban

Clearly Traralgon has an integral role in Latrobe City as the focus for population, employment and development growth historically and into the future.

In this regard, the Traralgon residential market is distinctly different to the balance of the Latrobe City. The price points are different which reflects the varying nature of housing markets across the municipality's urban areas. Given these differences, it is important to consider the local demand for housing in Traralgon when assessing the residential demand and supply situation.

3.7 COVID Implications

COVID-19 has had a major impact on Regional Victoria, much of which has been negative, particularly for the tourism and retail trade sectors. However, some sectors have begun to emerge from the pandemic relatively unscathed, if not better than before, and examples include warehouse, logistics and transport, and the residential development sectors.

The new working-from-home paradigm has allowed workers to re-assess their need to live close to the workplace, and many are now electing to live in regional areas and either occasionally commuting to work or permanently working from home.

Core Logic reports a surge in interest in regional markets, with dwelling values increasing 6.9% in 2020 compared to the combined capital cities which saw 2.0% growth; in Regional Victoria prices rose 5.5% over the period, while Melbourne declined by 2.0%.

The government's stimulus response to the pandemic has also supported residential development, with the introduction of the Home Builders Grant program announced in March 2020 helping to increase lending to owner-occupiers for new dwelling construction in Victoria by 31% in 2020.

As noted in earlier Sections of this Chapter (Sections 3.3, 3.4 and 3.5), significant development is occurring in Traralgon and demand for residential land is high; for example, over the 12-months to December 2020, 900 residential property sales were recorded in Traralgon, well above the average of 780 sales per year over the past decade.

A clear spike in sales activity from April 2020 to October 2020 is illustrated in Figure 3.9, which shows the 12-month rolling average number of property sales indexed against the 10-year average. The slowdown in activity in late 2020 is to some extent due to limited properties on the market as

existing developments struggle to keep up with demand. This situation is supported by advice from agents that developments are selling multiple stages at a time.

While uncertainty remains on whether recent trends reflect a one-off 'sugar-hit' or a long-term structural trend, it is clear that in the short-term residential demand in regional areas such as Traralgon is likely to remain strong. This highlights the need to ensure adequate supply is available for development in the short-term to support growth and housing affordability in Traralgon.

Figure 3.8: Residential Property Transactions (12-month rolling average) indexed to the 10-year average, Traralgon, December 2018 to December 2020



Source: Pricefinder

3.8 Forecast Housing Demand

Forecast housing demand is assessed based on the dwelling requirement as derived from population growth projections, recent development trends, and COVID-19 implications.

Population Projections

Based on the population projections detailed in Chapter 3.1, Traralgon has an implied dwelling requirement of 2,590 dwellings to the year 2036, representing an average annual growth of +170 dwellings. This estimate is based on the following assumptions, which broadly align with those identified in *Victoria in Future 2019*:

- Persons in Occupied Private Dwellings: gradually declining from 97.8% to 97.0%
- Average Household Size: 2.3 persons per dwelling gradually declining to 2.2.
- Private Dwelling Occupancy Rate: 95.6% held constant.

Table 3.4: Implied Dwelling Requirement, Traralgon, 2021 to 2036

	2021	2026	2031	2036	2021 - 2036
Population (no.)	27,950	29,390	30,920	32,410	+4,460
Persons in Occupied Private Dwellings (no.)	27,340	28,670	30,080	31,430	+4,090
Occupied Private Dwellings (no.)	11,890	12,680	13,530	14,360	+2,470
Total Private Dwellings (no.)	12,440	13,270	14,160	15,030	+2,590

Source: ABS, *Regional Growth*; DELWP, *Victoria in Future 2019*; Ethos Urban

TGAR Projections

TGAR provide three scenarios for future dwelling demand: a high scenario of 257 dwellings a year, a medium scenario of 218 dwellings a year, and a low scenario of 180 dwellings a year. These projections are based consideration of numerous projections prepared prior to the preparation of TGAR.

Recent Development Trends

The audit of development in Traralgon's growth areas over the period April 2019 to January 2021 shows development occurring at an average rate of 180 dwellings per year.

Market Activity

Vacant Land sales have averaged 195 transaction per year over the last three years, while 166 dwellings have been approved in the first half of 2020-21; the residential market is clearly undergoing a period of substantial activity and this pattern is expected to continue in the short to medium-term.

Summary

Based on these analyses and the potential for COVID-19 to further stimulate population growth in regional areas, the following three scenarios of residential growth are assumed for Traralgon over the next 15 years, 2021 to 2036:

- Low scenario: 170 dwellings per year
- Medium scenario: 190 dwellings per year
- High scenario: 210 dwellings per year.

These scenarios are applied in the forecasting analysis presented in the following Chapter 4.

4 Conclusion: Assessment of Current Land Supply in Traralgon

A 15-year supply is widely considered the minimum for residential land supply planning, and this is reflected in the State Planning Policy Framework at Section 11.01-1S in regard to supply of residential land on a municipal-wide basis. To this extent, background analysis for Live Work Latrobe indicates sufficient supply of residential land exists throughout Latrobe City over the 2016 to 2031 period.

However, as noted throughout this report, Traralgon's residential market is distinct from other residential markets in the balance of Latrobe City. In this context, it is prudent to consider the local demand and supply situation.

Based on the supply analysis detailed in Chapter 2, and the forecast demand scenarios detailed in Section 3.7, Traralgon has between 10.1 and 12.5 years of existing vacant zoned residential land supply, including existing vacant lots and lots within the area defined in TGAR as First Phase residential (this excludes South East Traralgon PSP).

If the Subject Site is rezoned to support in the order 450 lots, total supply of residential zoned land – either available to the market or with the potential to be provided to the market in the near-term – would increase to between 12.2 years to 15.1 years (this excludes the South East Traralgon PSP due to anticipated delays relating to finalising and implementing the PSP, and the eventual delivery to the market due to fragmented landownership and other issues).

The South East Traralgon PSP will add a further 7.1 to 8.8 years of supply; however, the timing of when this land will be available to the market is unknown.

In the longer-term, the future growth areas identified in TGAR will provide a substantial amount of land that will support the future growth of Traralgon for another 35 to 45 years (in round terms).

These estimates of Traralgon's residential land supply are presented in Table 4.1.

Table 4.1: Residential Land Supply and Demand, Traralgon

Phase/Stage	Vacant and Future Lot Supply	Years of Remain Supply		
		Low Scenario (170 lots pa)	Medium Scenario (190 lots pa)	High Scenario (210 lots pa)
Existing vacant lots	200	1.2	1.1	1.0
First Phase - <u>short-term</u> land supply	1,940	11.4	10.2	9.2
Existing and First Phase (zoned land)	2,140	12.5	11.2	10.1
First Phase – South East Traralgon PSP	1,500	8.8	7.9	7.1
Total Existing and First Phase	3,640	21.4	19.1	17.3
Subject Site	450	2.6	2.4	2.1
Balance of Second Phase	1,020	6.0	5.4	4.9
Total Second Phase	1,470	8.6	7.7	7.0
Total Third Phase	2,730	16.1	14.4	13.0
Total Existing and Future Lot Supply	7,840	46.1	41.2	37.3

Source: Council Endorsed Development Plans, Ethos Urban

The following key considerations support the suitability of the Subject Site as the next location for residential development in Traralgon:

- With completion of the South East Traralgon PSP not anticipated for another three or so years, zoned residential land supply available for development in Traralgon (10.1 to 12.5 years) is below the minimum supply benchmark of 15-years.
- The Subject Site is identified in TGAR as Stage 2A, and the Site is the next growth area intended for development under the Framework Principles.
- The Subject Site can leverage existing infrastructure supporting the First Phase growth areas, such as Franklin North and The Rise estates. On this basis, development of the Subject Site is well-placed to minimise infrastructure investment costs for Council.
- The Subject Site landowners have the capability and willingness to develop the land for residential uses.
- Development of the Subject Site would not increase total supply in Traralgon, it only brings forward supply already identified for residential development to address a short-fall in the short to medium-term.
- It is the intention of planning policy to provide a residential land supply of at least 15 years, so the South East Traralgon PSP will always be competing with other residential growth fronts in Traralgon, noting that the South East Traralgon PSP accounts for a supply of between 7 to 9 years.



ACHM

AUSTRALIAN CULTURAL
HERITAGE MANAGEMENT

Due Diligence Report

Cultural Heritage Due Diligence

Proposed Land Re-zoning at Traralgon-
Maffra Road, Traralgon

By: Dr Justin Shiner

Date: 9 October 2020

Client Name: Millar Merrigan

Client Contact: Mandy Edwards

Email: MEdwards@millarmerrigan.com.au

Heritage Advisor: Dr Justin Shiner

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Cultural Heritage Due Diligence

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Spatial Data

Spatial data captured by Australian Cultural Heritage Management (Victoria) Pty Ltd in this document for any newly recorded sites has been obtained by using hand held or differential GPS units using the GDA94 co-ordinate system.

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1 Introduction

Australian Cultural Heritage Management (Vic.) Pty Ltd (ACHM) was commissioned by Millar Merrigan to undertake a Cultural Heritage Due Diligence Assessment of the proposed re-zoning of land titles from farming (FZ) to residential (GRZ3) (hereafter referred to as the activity area). The activity area is located via the Traralgon-Maffra Road, via Traralgon (Figure 1-1). This report is based on the information provided to ACHM by Millar Merrigan and a review of the cultural heritage information (Aboriginal and historic heritage) available for the activity area.

This Due Diligence Assessment identifies if:

- Aboriginal or Historic heritage places are known to exist on, or near, the Activity Area(s);
- Whether the subject activity area(s) are within an area of Aboriginal Cultural Heritage Sensitivity (CHS) (as defined in the Aboriginal Heritage Regulations 2018), and if so;
- Does the proposed activity trigger the requirement to undertake further heritage work; and,
- Whether there is evidence for any mitigating circumstances where further cultural heritage work may not be required (for example, Significant Ground Disturbance).

1.1 What is a Due Diligence Assessment

A due diligence assessment is the quantification of risk about a defined situation or recognisable hazards in relation to cultural heritage. Risks may arise as a result of an incomplete understanding of the likely harm or hazards to cultural heritage places or the value of those places to the relevant stakeholder groups. Undertaking cultural heritage due diligence assessments contribute significantly to informed decision making by enhancing the amount and quality of information available to proponents and decision makers regarding the opportunities, risks, costs and benefits of any proposed activity or development.

The types of risks encountered in cultural heritage include:

- accidental archaeological or ethnographic site destruction;
- prosecution;
- damage to stakeholder relationships;
- time delays, and
- major cost overruns.

Undertaking a due diligence assessment for a project where cultural heritage may be an issue will:

- save time and money;
- assist in avoiding unintended harm to Aboriginal places or objects;
- maintain positive relationships with all stakeholders;
- provide certainty to landowners, managers and developers about appropriate cultural heritage management strategies to ensure the desired outcomes;
- ensure that landowners, manager or developers are unlikely to be in breach of the relevant regulations and/or legislation, and
- result in more sustainable and effective conservation outcomes for cultural heritage.

1.2 Limitations

No detailed archaeological surface survey or excavation was undertaken for the purposes of this Due Diligence Assessment. The report is a desktop assessment only. This report does not constitute a heritage approval.

1.3 Cultural Heritage Advisor

This assessment was undertaken by Dr Justin Shiner of ACHM, who is a qualified cultural heritage advisor in accordance with the requirements of Section 189(1) of the *Aboriginal Heritage Act 2006*.



Map 1-1: Location of the activity area

1.4 Registered Aboriginal Party (RAP) or Traditional Owners

The Registered Aboriginal Party for the activity area is the Gunaikurnai Land and Waters Aboriginal Corporation.

1.5 Proposed Activity

The proposed activity is the re-zoning of land within the activity area from its present zoning of farming (FZ) to residential (GRZ3). At this stage there is no firm proposal for a residential development over the activity area, therefore this due diligence is only assessing the cultural heritage requirements associated with the proposed re-zoning. Any future residential development plans would require a separate cultural heritage assessment to establish requirements.

1.6 Description of the Activity Area

The activity area consists of five separate, but adjoining land parcels. These are listed in Table 1-1.

Table 1-1: Land parcel details

Address	Lot and Plan Number	Standard Property Identifier	Local Government Area	Council Property Number
Traralgon-Maffra Rd, Traralgon	Lot C PS821062	C\PS821062	Latrobe Council	City 53205
Unit 2/55 Glendale Rd, Traralgon	Allot. 26F Parish of Traralgon	26F\PP3647	Latrobe Council	City 33425
50 Glendale Rd, Traralgon	Lot 1 PS329021	1\PS329021	Latrobe Council	City 33425
60 Marshalls Rd, Traralgon	Lot 2 PS323156	2\PS323156	Latrobe Council	City 33847
110 Marshalls Rd, Traralgon	Lot 2 PS329021	2\PS329021	Latrobe Council	City N/A

Aerial imagery indicates that the activity area is predominantly flat and open farmland with isolated mature trees. Loy Yang Creek is the nearest watercourse.

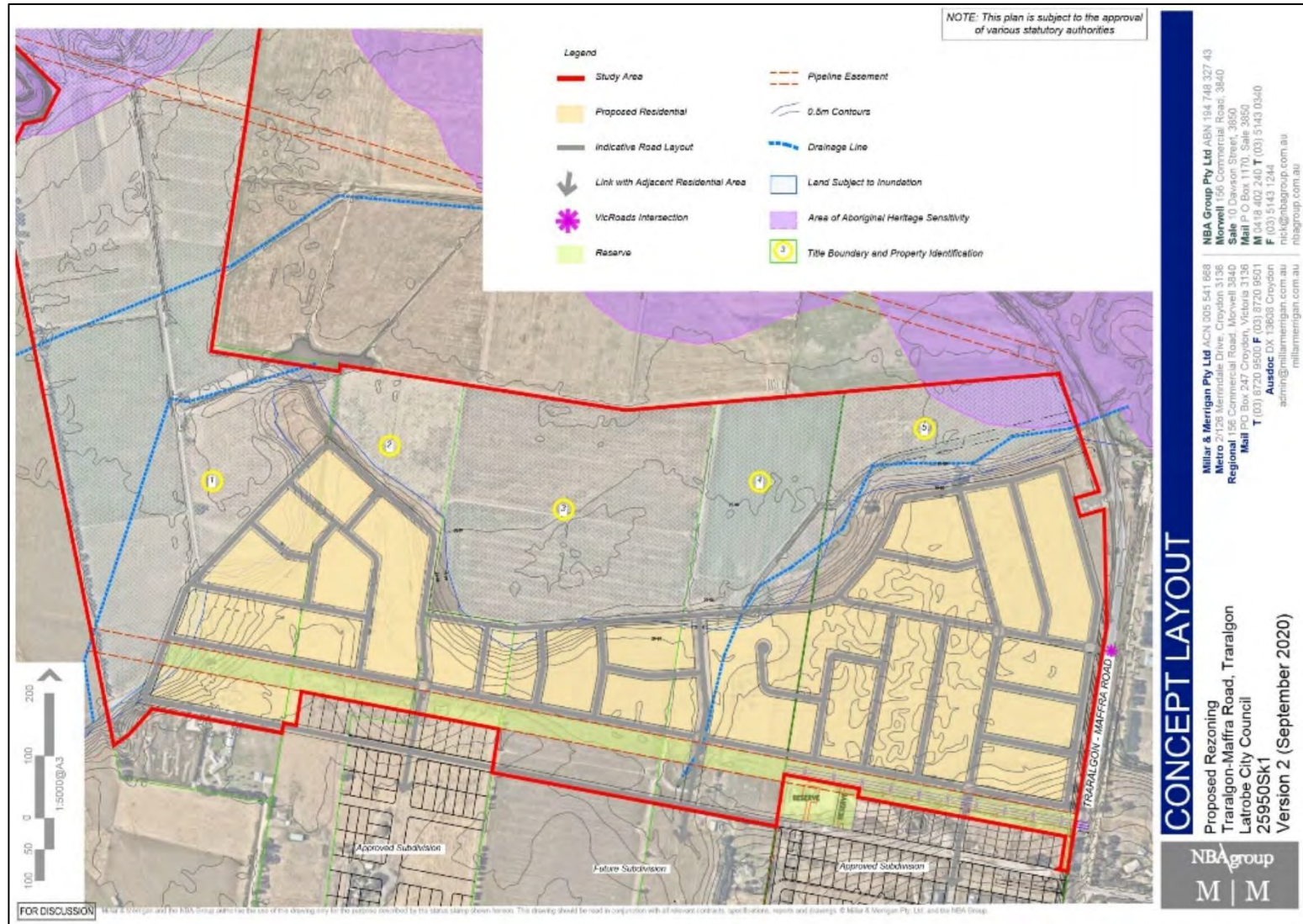


Figure 1-1: Concept plan

Fig

1.7 Study Methodology

The study consists of a desktop assessment of the existing cultural heritage information for the activity area. This includes a review of the previously recorded Aboriginal places within a 500m radius and historic heritage sites located within 500m radius of the activity area, which may be recorded on the following registers of cultural heritage places:

- Victorian Aboriginal Heritage Register (via the online Aboriginal Cultural Heritage Register and Information System);
- Victorian Heritage Inventory and Victorian Heritage Register;
- Commonwealth Heritage List;
- Heritage Overlay of the Local Government Planning Scheme; and,
- National Trust of Australia (Victoria) Register.

The aim of the register searches is to determine the number and type of cultural heritage places located within, or in proximity to, the activity area, as well as the likelihood of previously unrecorded cultural heritage places being located within the activity area.

2 Cultural Heritage Context

2.1 Cultural Heritage Legislation

2.1.1 Aboriginal Heritage

Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* acts to provide for the protection of Aboriginal cultural heritage in Victoria and is administered by Aboriginal Victoria. It also establishes several bodies and organisations that enforce and preserve policies regarding Aboriginal cultural heritage.

Aboriginal Heritage Regulations 2018

The Aboriginal Heritage Regulations 2018 give effect to the *Aboriginal Heritage Act 2006*. The regulations define the standards of and circumstances in which a cultural heritage management plan is required. It also defines areas of cultural heritage sensitivity and what constitutes a high impact activity. When a high impact activity is proposed in an area of cultural heritage sensitivity, a cultural heritage management plan must be prepared to assess the likelihood of Aboriginal cultural heritage within an activity area and manage and mitigate harm to Aboriginal places

2.1.2 Historic Heritage

Heritage Act 2017

The *Heritage Act 2017* identifies and protects heritage places and objects within Victoria that are of state significance and is administered by Heritage Victoria (HV). The Act establishes the Victorian Heritage Register, the Victorian Heritage Inventory and the Heritage Council of Victoria.

2.2 Aboriginal Cultural Heritage Triggers

Under the Aboriginal Heritage Regulations 2018, two triggers are required for a mandatory cultural heritage management plan (CHMP). The first of these is that the Activity Area must be located within an area of cultural heritage sensitivity as per the definition in the Aboriginal Heritage Regulations 2018. The second, is that the proposed activity must be a High Impact Activity as described in the Aboriginal Heritage Regulations 2018.

In this case:

The proposed activity (rezoning of land) is not a High Impact Activity under the Aboriginal Heritage Regulations 2018.

The proposed activity is also located within a defined area of cultural heritage sensitivity - Aboriginal Heritage Regulations 2018:

1. Registered Cultural Heritage Place (R. 25) - land within 50 metres of a registered cultural heritage place is an area of cultural heritage sensitivity.
2. Waterways (R. 26) - a waterway or land within 200 metres of a waterway is an area of cultural heritage sensitivity. In this case Loy Yang Creek.

Both triggers must be in place for a mandatory CHMP to be required. For instance, a High Impact Activity not located within a defined area of cultural heritage sensitivity does not require a mandatory CHMP - the activity can proceed without a CHMP. Likewise, a High Impact Activity located within an area of cultural heritage sensitivity will require a CHMP. The only exemption to the above is if the entire activity area has been subject to prior significant ground disturbance.

In this case, both triggers for a mandatory CHMP are not present as the activity is not classified as a High Impact Activity under the Aboriginal Heritage Regulations 2018. Therefore, the rezoning of the activity area does not trigger the requirement for a mandatory CHMP.

2.3 Heritage Background

Aboriginal heritage places and post-contact historic heritage sites are irreplaceable, non-renewable records of the past and can also include traditional and spiritual sites of significance and intangible heritage. Heritage places and sites are often identified during archaeological field assessments and are recorded by heritage advisors. As such, the archaeological record on the heritage registers represents only what has been subject to investigation, and a great deal of the archaeological records remains to be discovered.

2.4 Victorian Aboriginal Heritage Register

The Victorian Aboriginal Heritage Register (VAHR) established by the *Aboriginal Heritage Act 2006* holds details of all known Aboriginal cultural heritage places and objects within Victoria.

Aboriginal cultural heritage places and objects are irreplaceable, non-renewable resources and can also include traditional and spiritual sites of significance. These Aboriginal cultural heritage places or objects are normally identified during archaeological assessments.

In accordance with s.146(c) of the *Aboriginal Heritage Act 2006*, a heritage advisor wishing to carry out tasks required under the Act, or on behalf of a proposed developer, must submit an online application to gain access to the VAHR.

2.4.1 Registered Aboriginal Places

A search of the VAHR indicates that there is one Aboriginal Place previously recorded within a 500m radius of the activity area. This is an isolated artefact (VAHR 8221-0200) consisting of a single silcrete core located immediately adjacent to the activity area. This was recorded as part of CHMP 12752 - part of the Traralgon Trans Pipeline project.

2.5 Historic Heritage

The *Heritage Act 2017* (Vic) is the main legislation that covers the management and protection of Victoria's historic cultural heritage. The Act establishes the Victorian Heritage Register (VHR) and the Victorian Heritage Inventory (VHI) where sites of historic significance are documented. The VHR provides legal protection for places and objects that are determined to be significant to the history and development of Victoria, whereas the VHI lists all known historic archaeological sites. In this report, for concision the term 'site' is used to refer to objects, places and sites on the VHR and VHI.

Identified items are protected and penalties may apply for the destruction of and/or modifications to such items, unless permission is granted - a permit if the item is on the VHR, and a consent if the item is on the VHI.

2.5.1 Victorian Heritage Inventory

The Victorian Heritage Inventory (VHI), established by the *Heritage Act 2017*, provides the statutory protection for all historical archaeological sites, areas or relics, and private collections of relics in Victoria. Sites listed on the HI are not of State significance but are usually of local or regional significance.

There are no known VHI Places within 500m of the activity area.

2.5.2 Victorian Heritage Register

The Victorian Heritage Register (VHR), established by the *Heritage Act 2017*, provides the highest level of statutory protection for historic sites in Victoria. Only the State's most significant historic sites are listed on the VHR. There are no known VHR Places within 500m of the activity area.

2.5.3 Commonwealth Heritage List

There are no known Commonwealth Heritage Listings within 500m of the activity area.

2.5.4 Local Council Heritage Overlay

The activity area is covered by the Latrobe City Council Planning Scheme. There are no heritage overlays within 500m of the activity area.

2.5.5 National Trust of Australia (Victoria) Register

The National Trust of Australia (Victoria) is an independent, not-for-profit organisation that classifies heritage places. Heritage places listed on the National Trust of Australia (Victoria) register are not afforded any statutory protection; however, National Trust listings may be supported by local council/shire Planning Schemes.

There are no places on the National Trust of Australia (Victoria) register within 500m of the activity area.

2.6 Heritage Issues Identified during the Register Searches

Aboriginal Cultural Heritage

One previously recorded Aboriginal place occurs immediately adjacent to the activity area. The activity (the rezoning of land) is not a high impact activity.

Historic Heritage

There are no historic heritage issues relevant to the activity area.

3 Recommendations

3.1 Aboriginal Heritage Act 2006

A CHMP is not required under Section 47 of the Victorian *Aboriginal Heritage Act 2006* for the proposed activity (the rezoning of land). The results of this Due Diligence Assessment demonstrate that the proposed activity is not a High Impact Activity under the Aboriginal Heritage Regulations 2018. Therefore, there is no mandatory trigger for the requirement to complete a CHMP prior to undertaking the activity (the rezoning of land).

It should be noted that a CHMP may be required should the land be subject to a future application to develop residential lots. In this instance the requirement for a CHMP would need to be determined independently of this report.

3.2 Heritage Act 2017

The *Heritage Act 2017* protects all non-Aboriginal cultural heritage sites older than 50 years. If a site is of State Significance, it is listed on the Victorian Heritage Register and a Permit from Heritage Victoria is required to disturb it. If an archaeological site is not of State significance it is usually listed on the Victorian Heritage Inventory and Consent from Heritage Victoria would be required to disturb it. The proposed activity (the rezoning of land) will not result in any harm to potential historic cultural heritage sites. The potential future development of the activity area for residential lots should consider potential impact to historic cultural heritage places.

If a historical archaeological site is uncovered within the activity area, under s.127 of the *Heritage Act 1995*, it is an offence to knowingly damage, disturb or excavate without obtaining the appropriate consent from the Executive Director of the Heritage Victoria.

Bushfire Assessment

PART 50 & 55 GLENDALE ROAD, 60 & 110 MARSHALLS ROAD, TRARALGON



C* - Traralgon North Rezoning

25950

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PREPARED BY MILLAR MERRIGAN ON BEHALF OF:

Latrobe City Council

FORMAL LAND DESCRIPTION:

Property 1: 55 Glendale Road, Traralgon (CA 26F)
Property 2: 50 Glendale Road, Traralgon (Lot 1 on PS329021)
Property 3: 60 Marshalls Road, Traralgon (Lot 2 on PS323156)
Property 4: 110 Marshalls Road, Traralgon (Lot 2 on PS329021)
Property 5: Lot H on PS826075

PROPOSAL:

C* - Traralgon North Rezoning

AUTHORITY:

Latrobe City Council

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1 INTRODUCTION

Millar Merrigan have been engaged to prepare this Bushfire Assessment in relation to **C* - Traralgon North Rezoning** at **Part 50 & 55 Glendale Road, 60 & 110 Marshalls Road, Traralgon.**

This assessment seeks to provide details and discussion on the following matters:

- Bushfire Policy
- Bushfire Hazard at the Landscape Scale
- Bushfire Hazard at the Site Scale
- Shelter Options
- Strategic Access
- Biodiversity
- Clause 13.02 Assessment

This report will assist Council, as the planning authority to consider bushfire risk in relation to the proposed rezoning. It is not an assessment against the subdivision requirements and should not be used to assess a planning application.

2 THE SITE & PROPOSAL

The land subject to this amendment comprises various allotments as follows:

- Property 1: 55 Glendale Road, Traralgon (CA 26F)
- Property 2: 50 Glendale Road, Traralgon (Lot 1 on PS329021)
- Property 3: 60 Marshalls Road, Traralgon (Lot 2 on PS323156)
- Property 4: 110 Marshalls Road, Traralgon (Lot 2 on PS329021)
- Property 5: Lot H on PS826075

It is the central parts of properties 1- 4 subject to the rezoning or associated reserves, with the southern parts already zoned for residential purposes and the northern parts to remain within the Farming Zone. Some of the Farming Zone areas will be utilised for Water Sensitive Urban Design and be transferred to Council ownership as reserve.

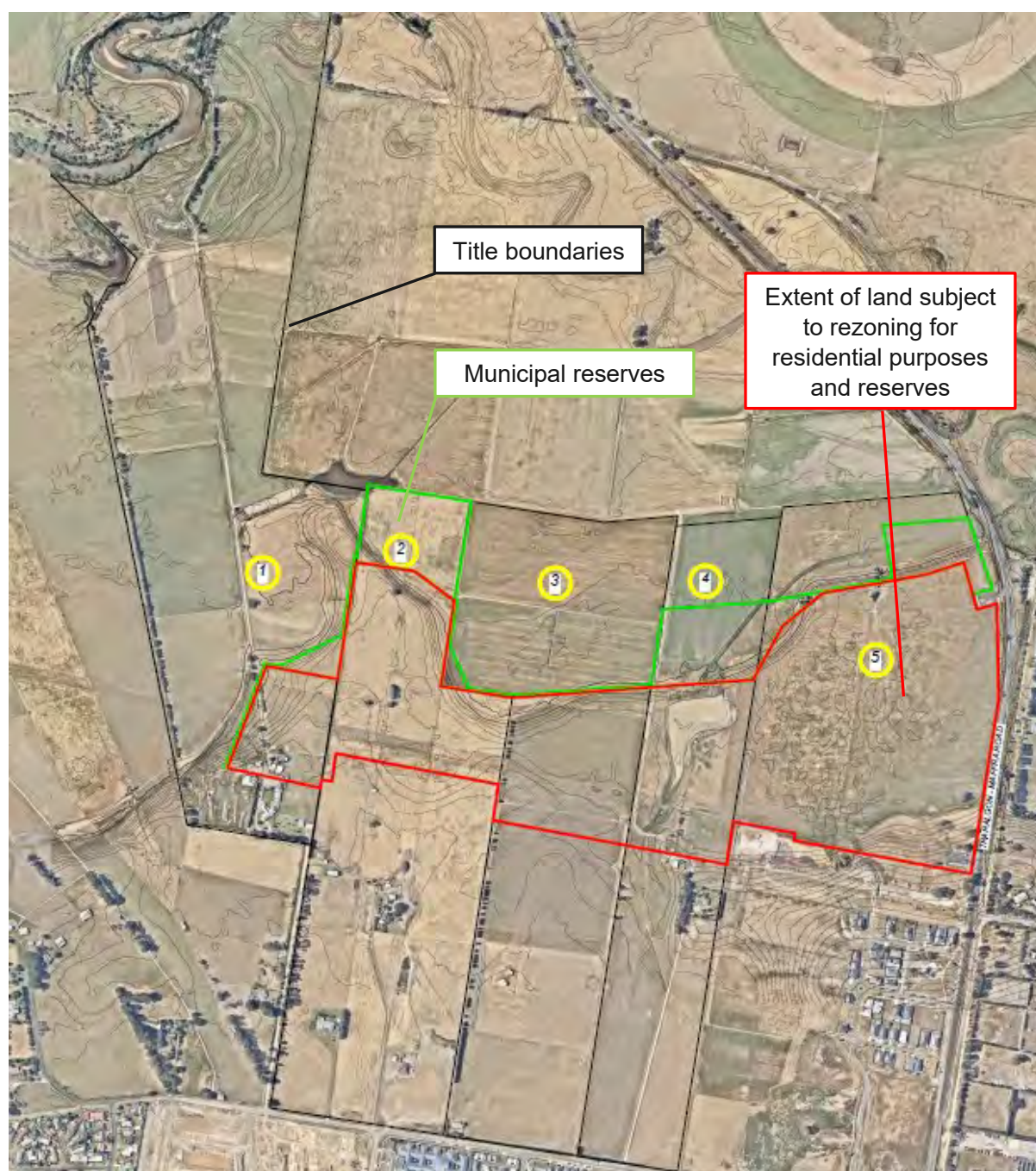


Figure 1: Aerial Image of Study Area

This assessment is for the land subject to rezoning or associated reserves only (shown red and green above) and the term 'site' herein refers to this land only.

The site comprises of grazing land and a 24.38m wide easement for pipeline purposes dissects the southern part of some lots.

The topography falls from south to north with a level change near the edge of land to be used for residential purposes. A drainage line dissects the eastern part of the site and this has been dammed.

There are a small number of scattered trees present.

The site is wholly contained within the Farming Zone (FZ), see Figure 2 below. There is residentially zoned land to the south, some of which is developed or being developed whereas some remains used for farming purposes.

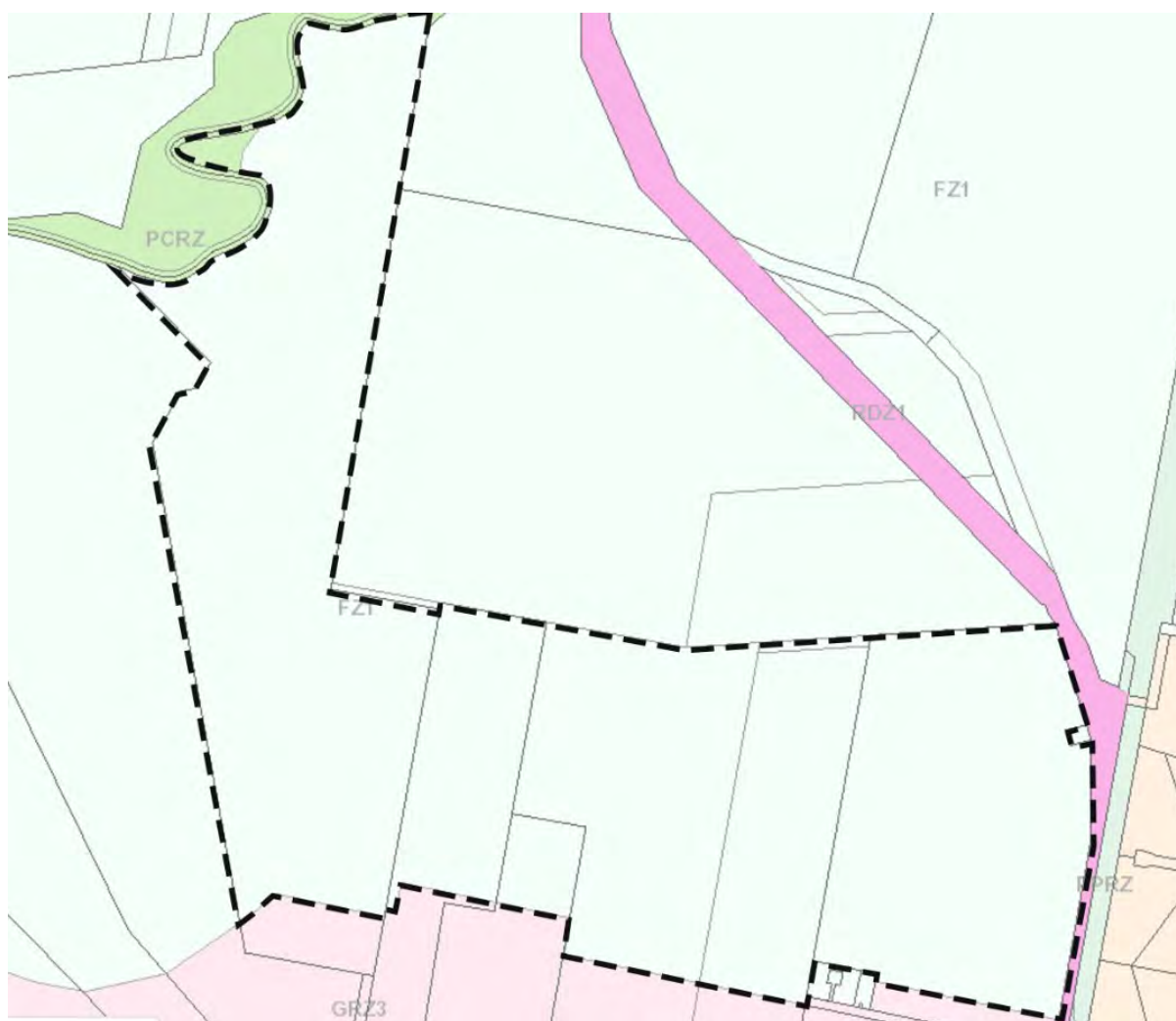


Figure 2: Existing Land Zoning

The proposed amendment seeks to rezone approximately 51ha of farming land directly north of the existing residential areas to cater for further residential growth, see Figure 3 below. There is no development plan or subdivision element forming part of the rezoning application however a concept layout has been prepared to show how the land may be developed, see Figure 4 below and Appendix 1. It shows a road layout that links with existing roads and provides a perimeter road to proposed reserve areas. The entire area to be rezoned is identified for residential purposes or reserves.

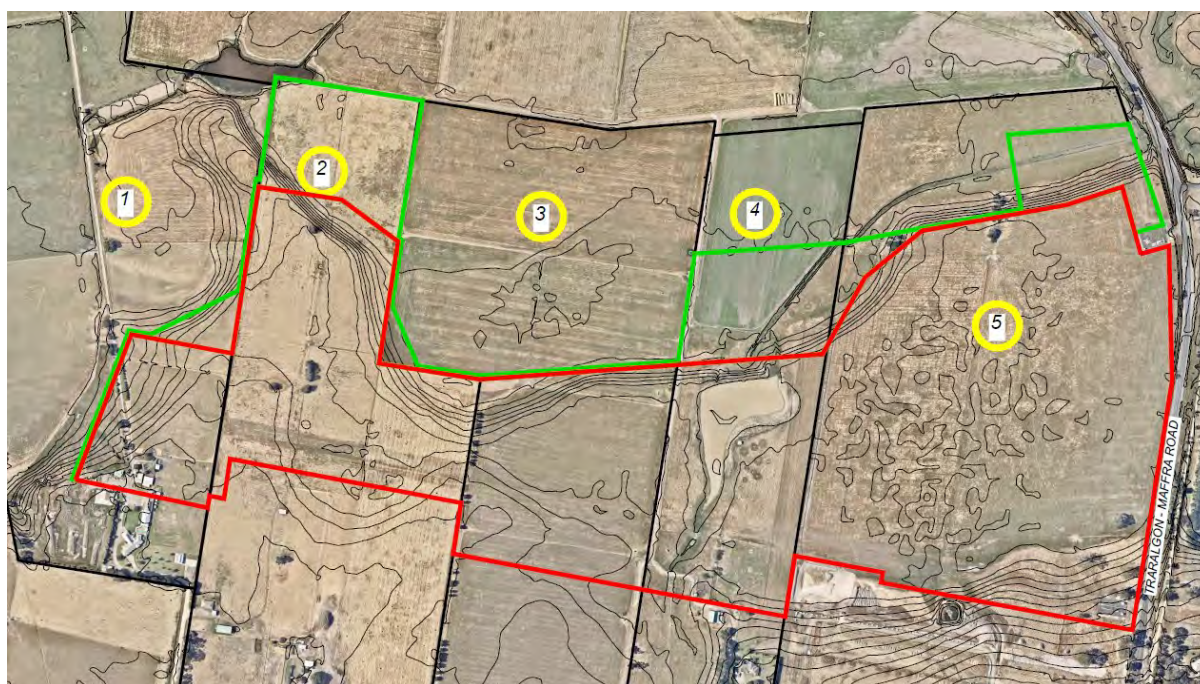


Figure 3: Extent of land to be rezoned to General Residential Zone shown red

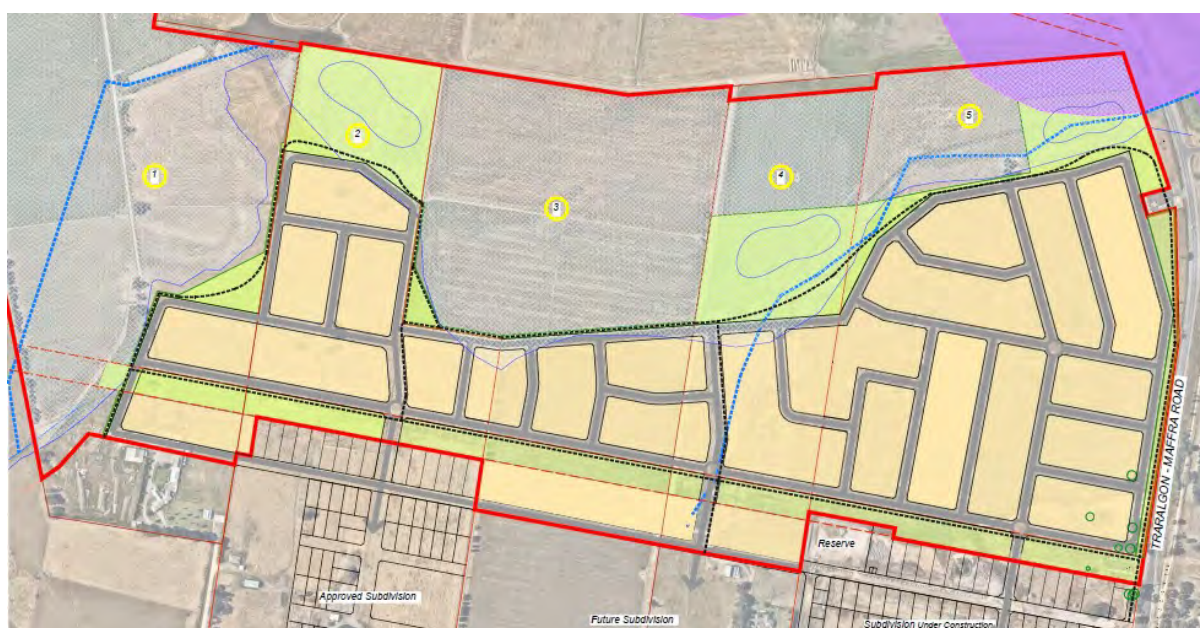


Figure 4: Concept layout

3 BUSHFIRE POLICY

Planning Schemes contains a range of policies that are used to inform decision making and particular emphasis is placed on bushfire risk as outlined below.

3.1 CLAUSE 71.02 OPERATION OF THE PLANNING POLICY FRAMEWORK

The Planning Policy Framework provides a context for spatial planning and decision making by planning and responsible authorities. *Integrated Decision Making (71.02-3)* states that:

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

In accordance with this directive, bushfire considerations must be prioritised over all other elements and this emphasis was introduced to the scheme through Amendment VC140 (December 2017) which was a recommendation made by the 2009 Victorian Bushfires Royal Commission.

3.2 PLANNING POLICY FRAMEWORK

The Planning Policy Framework is based around a series of themes, which includes *Clause 13 Environmental Risks and Amenity*. *Clause 13.02-1S Bushfire Planning* is of particular relevance to decision making and seeks:

- *To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.*

A series of strategies are outlined as follows:

PROTECTION OF HUMAN LIFE

Give priority to the protection of human life by:

- *Prioritising the protection of human life over all other policy considerations.*
- *Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.*
- *Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.*

BUSHFIRE HAZARD IDENTIFICATION AND ASSESSMENT

Identify bushfire hazard and undertake appropriate risk assessment by:

- *Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.*
- *Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.*
- *Applying the Bushfire Management Overlay to areas where the extent of vegetation can create an extreme bushfire hazard.*
- *Considering and assessing the bushfire hazard on the basis of:*
 - *Landscape conditions - meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;*

- Local conditions - meaning conditions in the area within approximately 1 kilometre of a site;
- Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and
- The site for the development.
- Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.
- Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.
- Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.

SETTLEMENT PLANNING

Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:

- Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).
- Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009) where human life can be better protected from the effects of bushfire.
- Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.
- Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reducing bushfire risk overall.
- Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction.
- Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.
- Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).

AREAS OF BIODIVERSITY CONSERVATION VALUE

Ensure settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are important areas of biodiversity.

USE AND DEVELOPMENT CONTROL IN A BUSHFIRE PRONE AREA

In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for the following uses and development:

- Subdivisions of more than 10 lots.
- Accommodation.
- Child care centre.
- Education centre.

- *Emergency services facility.*
- *Hospital. Indoor recreation facility.*
- *Major sports and recreation facility.*
- *Place of assembly.*
- *Any application for development that will result in people congregating in large numbers.*

When assessing a planning permit application for the above uses and development:

- *Consider the risk of bushfire to people, property and community infrastructure.*
- *Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.*
- *Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts*

3.3 BUSHFIRE MANAGEMENT OVERLAY

The Bushfire Management Overlay (Clause 44.06) (BMO) is applied to areas where there is potential for extreme bushfire behaviour, such as a crown fire, extreme ember attack and radiant heat. It seeks:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

The BMO mapping addresses bushfire hazard through assessment of fire behaviour generated from several factors including topography, fire fuel type and load, and weather. A key output is modelled head fire intensity levels which is a measure of the rate of energy release per unit length of fire front expressed as kW/m. The most significant bushfire hazard is where head fire intensity is modelled to be 30,000kW/m or more. This level of hazard informs where the BMO applies. (Source: Planning Advisory Note 46 Bushfire Management Overlay Mapping Methodology and Criteria, DTPLI, 2013).

Pursuant to the BMO a permit is required to subdivide land and undertake buildings and works associated with a series of specified uses. It applies the requirements of Clause 53.02 Bushfire Planning which seek:

- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

The BMO and subsequently Bushfire Planning are not applicable to a rezoning application and would be addressed at subdivision stage if the BMO applied.

There is no BMO applicable to the land subject to the proposed rezoning and therefore it is not an area where extreme bushfire behaviour is possible.



Figure 5: Bushfire Management Overlay Mapping (source: mapshare.vic.gov.au)

3.4 BUSHFIRE PRONE AREAS

Bushfire Prone Areas (BPA) are locations that are subject to or likely to be subject to bushfires and are determined by the Minister for Planning for the purposes of the building control system. Specific bushfire construction standards apply in designated BPA in Victoria and these are aimed at improving bushfire protection for residential buildings.

BPA mapping includes all areas mapped by the BMO and extend to wider areas where moderate bushfire hazard can be expected. These are areas with head fire intensity modelled to be between 4,000kW/m and 30,000kW/m. (Source: *Planning Advisory Note 46 Bushfire Management Overlay Mapping Methodology and Criteria*, DTPLI, 2013).

A minimum construction standard applies to new residential buildings, schools, child care centres, hospitals, aged care facilities and associated buildings in designated Bushfire Prone Areas. Landowners are required to build to a minimum Bushfire Attack Level of 12.5.

A Bushfire Attack Level (BAL) is a way of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact.

There are six Bushfire Attack Levels that form part of the Australian Standard for construction of buildings in bushfire prone areas (AS 3959-2009); BAL-LOW, BAL-12.5, BAL-19, BAL-29, BAL-40 and BAL-FZ (Flame Zone).

The requirements of the BPA are applied at building permit stage under the Building Regulations 2018.

As detailed above, Clause 13.02 includes requirements for BPA which bridge the gap for certain uses on land that is not covered by the BMO.

The subject land is wholly contained within the BPA but it is expected that this would be removed as residential subdivisions develop. This is evidenced by the developing subdivision to the south of the land which has already had the BPA removed from the constructed areas, see Figure 6 below.

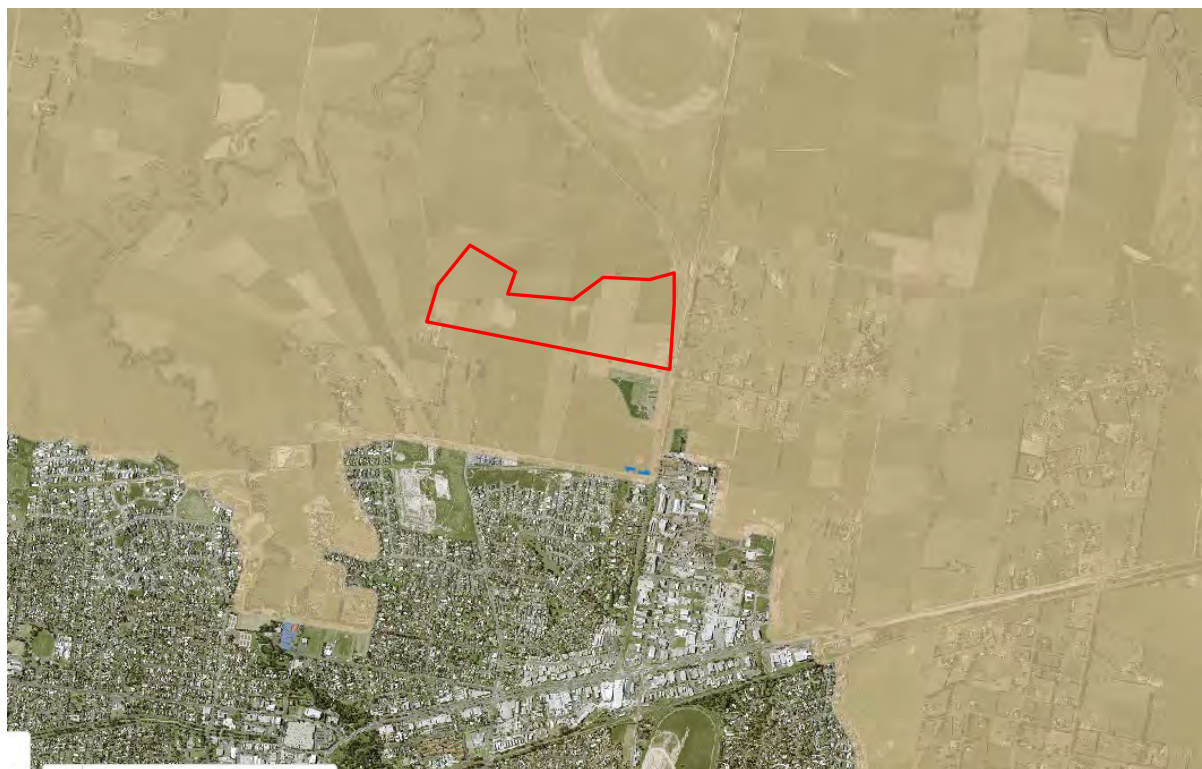


Figure 6: Bushfire Prone Area Mapping (source: mapshare.vic.gov.au)

4 BUSHFIRE HAZARD LANDSCAPE ASSESSMENT

The bushfire hazard landscape assessment provides information on the bushfire hazard for 20km (or greater) around a development site. Considering bushfire from this broader landscape perspective is important as it affects the level of bushfire risk a development and its future occupants may be exposed to. The landscape assessment seeks to:

- *Provide factual information on the bushfire hazard (vegetation extent and slope)*
- *Provide information on key features of the general locality that are relevant to better understanding the protection provided by the location*
- *Provide contextual information on a site*

(Source: Planning Permit Applications Bushfire Management Overlay, Technical Guide, DELWP, 2017).

The broader landscape and the potential size or scale of a bushfire is an important consideration for decision makers as the likelihood of a bushfire, its severity and intensity, and the potential impact on life and property varies depending on where a site is located in the surrounding landscape.

Bushfire is a dynamic hazard and can be highly unpredictable. Because of this the factors that contribute to the bushfire risk are diverse. The purpose of the landscape assessment is not to predict the outcome of a bushfire event but to provide information that builds a better understanding of the bushfire risk in a location and to help make informed decisions. *(Source: Planning Permit Applications Bushfire Management Overlay, Technical Guide, DELWP, 2017).*

The following sections provide an assessment against the bushfire hazard landscape around the subject site.

4.1 FEATURES

The wider landscape is divided into four distinct areas as follows:

- Princes Highway dissects the landscape in a south-west / east direction and the regional urban areas of Morwell, Traralgon and Rosedale are located along this major arterial road. The central hub of these areas are not within the BPA and as such are BAL-LOW, whilst the fringe urban areas are contained within the BPA due to their interface with surrounding farm land. The urban areas do not pose a bushfire risk.
- The settlements are generally surrounded by cleared farming land and rural living areas. The grassed areas in these locations create a fire risk to the urban interface areas and fire runs up to 10km could occur. The urban areas of Traralgon would protect the subject site from a fire approaching in a south-westerly direction. A direct interface with grassland areas is present to the north-west and these edges would be expected to receive radiant heat and flame contact. In isolation, grassland is not considered a significant landscape risk, rather it is a significant risk at the local scale.
- Various open cut mines and mills are located within the wider area and some of these have a history of fire events. The existing urban areas of Traralgon would be impacted by any fire events from these features before the subject land was impacted.
- Forested areas and plantations flank the farming areas to the north and south of the assessment area and fire runs in the tens of kilometres present. From a north-westerly direction, a forest fire would generate dangerous fire behaviour due to the long fire runs and steep topography. A fire event in this location would generate ember attack into the grassland areas, increasing the likelihood of grass fires.
A fire in the forested areas to the south of the assessment area would likely present as a flank fire to the grassed areas due to prevailing wind conditions. This would not impact the site due to the expansive urban areas of Traralgon creating a buffer to grass fires. There is also a plantation area to the west of Traralgon that would allow a fire run of approximately

7km. There would need to be extensive destruction of rural living and urban areas on the west side of Traralgon before the subject land was impacted by a forest fire in this location. Interaction with farming areas may however see grassfire travel north-east towards the northern end of the subject land.

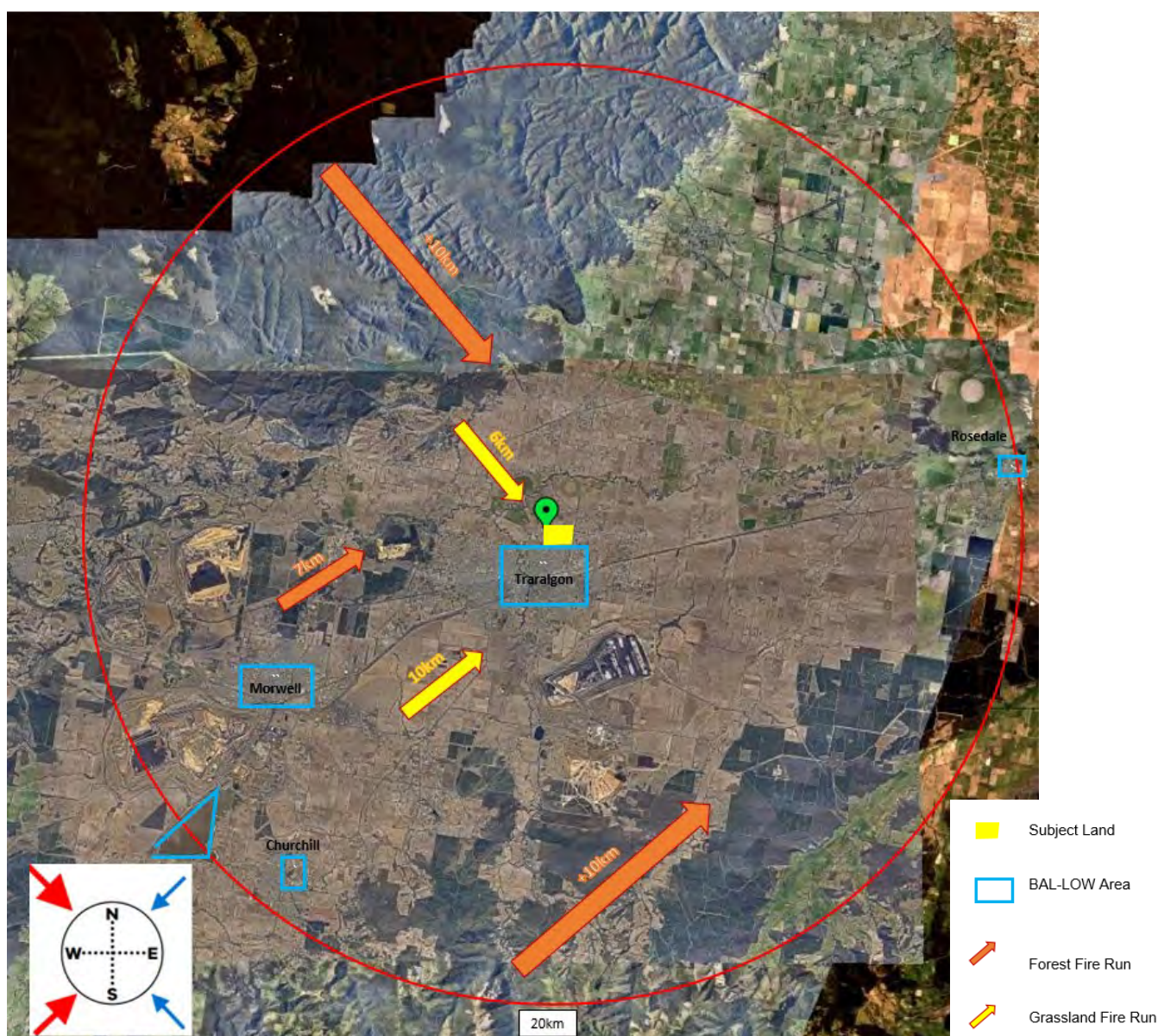


Figure 7: Landscape Assessment

4.2 LANDSCAPE TYPE

Landscape types are set out within the Bushfire Management Overlay Technical Guide (DELWP, 2017) and based on the features within the wider landscape the area is considered to be comparable to Broader Landscape Type 2 which is described as follows:

- The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site.
- Bushfire can only approach from one aspect and the site is located in a suburban, township or urban area managed in a minimum fuel condition.

- *Access is readily available to a place that provides shelter from bushfire. This will often be the surrounding developed area.*

(source: Planning Permit Applications Bushfire Management Overlay, Technical Guide, DELWP, 2017).

The type and extent of vegetation in the wider area may result in neighbourhood scale destruction, however the site is located within an urban area (albeit some of the approved subdivisions are yet to be fully developed) which is managed to minimum fuel conditions and access to a place that provides shelter from a bushfire is available (being the BAL-LOW areas of Traralgon).

This said, from a wider landscape perspective fire could approach from more than one direction and as such the landscape risk is considered to roll into Broader Landscape Type 3 which is described as follows:

- *The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site.*
- *Bushfire can approach from more than one aspect.*
- *The site is located in an area that is not managed in a minimum fuel condition.*
- *Access to an appropriate place that provides shelter from bushfire is not certain*

(source: Planning Permit Applications Bushfire Management Overlay, Technical Guide, DELWP, 2017).

To consider the suitability and adequacy of the standard design fire of AS3959, judging the size to which a fire can grow and develop before impacting the site is crucial. This is because the scale of a bushfire and therefore its destructive power is driven by the characteristics of the broader landscape, rather than those assessed immediately around the site (i.e. within the 150m assessment area). *(source: Guideline – Applying the Bushfire Hazard Landscape Assessment in a Bushfire Management Overlay, CFA, September 2018).*

For buildings and works applications under the BMO the CFA guideline states that:
It may be necessary to further enhance safety through additional bushfire protection measures in landscape types Three or Four.

And

Subdivision creating new lots should be carefully considered and may not be appropriate in these areas.

(source: Guideline – Applying the Bushfire Hazard Landscape Assessment in a Bushfire Management Overlay, CFA, September 2018).

The guideline specifically relates to development/subdivision in the BMO and it must be acknowledged that the land is not covered by this overlay, as the location has not been identified as an area where head fire intensity is modelled to be 30,000kW/m or more.

Whilst the landscape risk may show similarities to Broader Landscape Type 3 in that fire could approach from more than one direction, the existing urban areas of Traralgon would limit any direct impact to the subject site from a southern and western direction. The land to be rezoned directly abuts developing residential land to the south and will form the northern edge of the urban area in accordance with Traralgon-Morwell Growth Framework Plan. Whilst the area to be rezoned is the ultimate edge for residential development there is limited Grassland interface given the linear and WSUD reserve areas indicated to the north.

The rezoning will need to appropriately implement planning controls to ensure that the reserve areas do not create a bushfire risk and that the interface is treated appropriately.

4.3 BUSHFIRE HISTORY

Bushfire history data shows that large scale fires have occurred to the north and south of the wider landscape, with smaller fires around the open cut mines and plantations, see Figure 8.

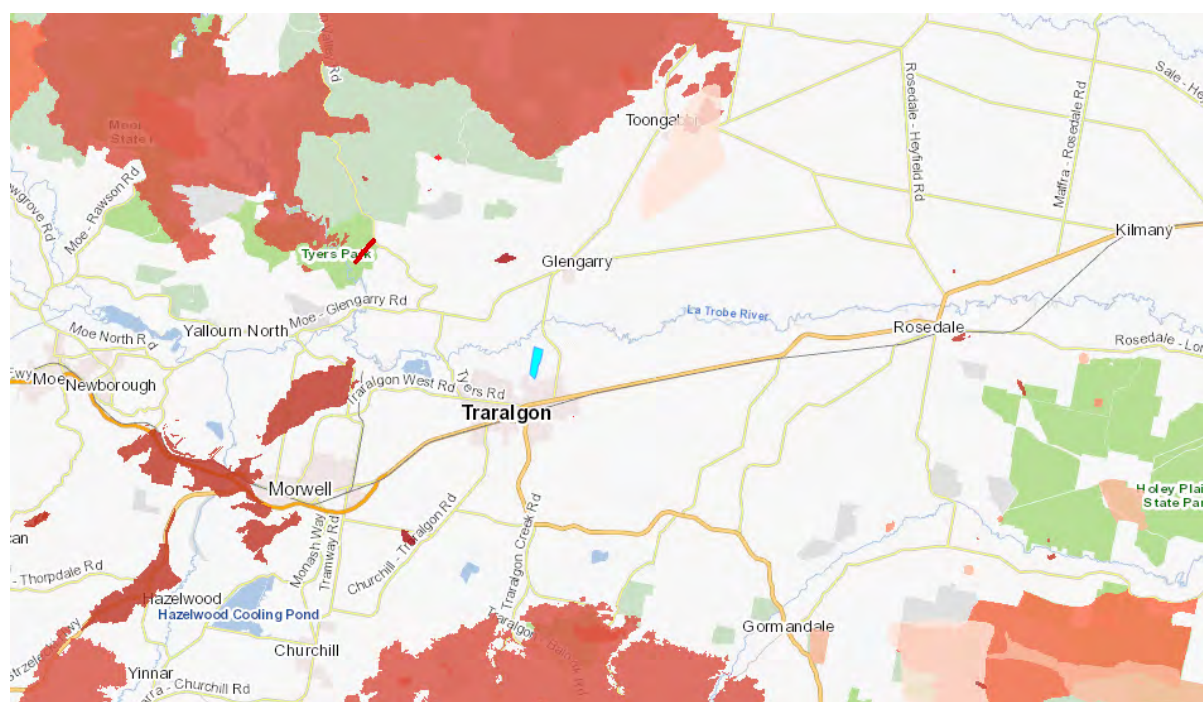


Figure 8: Bushfire History (source: mapshare.vic.gov.au)

4.4 FIRE OPERATIONS PLAN

The Fire Operations Plan shows that planned burns occur in public land across the wider areas, see Figure 9 below. Given the absence of forested areas within close proximity to the site, no fuel management actions occur within close proximity and as such they are not considered to provide any specific protection to the subject site from a landscape bushfire protection perspective.

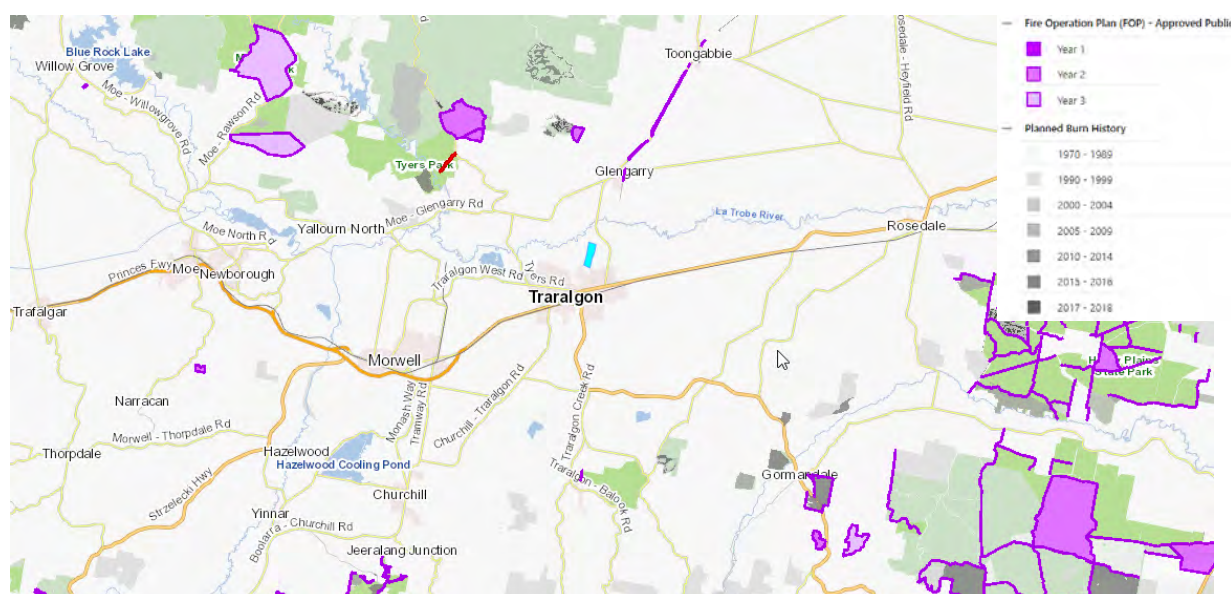


Figure 9: Fire Operations Plan (source: mapshare.vic.gov.au)

4.5 VICTORIAN FIRE RISK REGISTER

Information provided by Latrobe City Council from the Victorian Fire Risk Register (VFRR) shows that the risk to the northern parts of Traralgon is 'High', see Figure 10 below. The areas to be rezoned are not rated as they do not contain any assets.

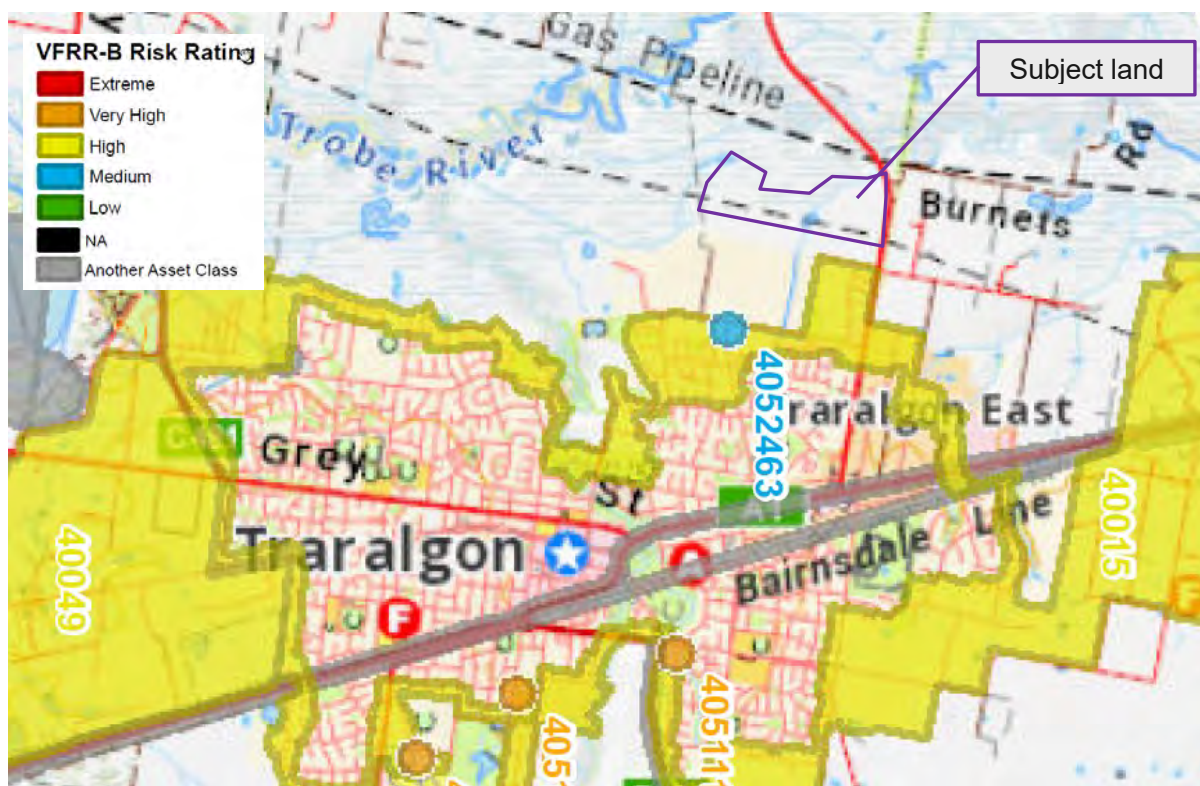


Figure 10: Victorian Fire Risk Register (source: provided by Latrobe City Council)

The 'High' mapped areas are identified as 'Traralgon Interface' asset and it can be assumed that this is due to the fact that existing and developing urban areas have an interface with grassland areas. The risk rating is 'High' and the likelihood is 'Almost Certain', with the threat at 'Medium' and it notes that 'arson in area 100m fringe'. The consequence is however 'Minor' and the vulnerability is 'Low', see Figure 11 below.

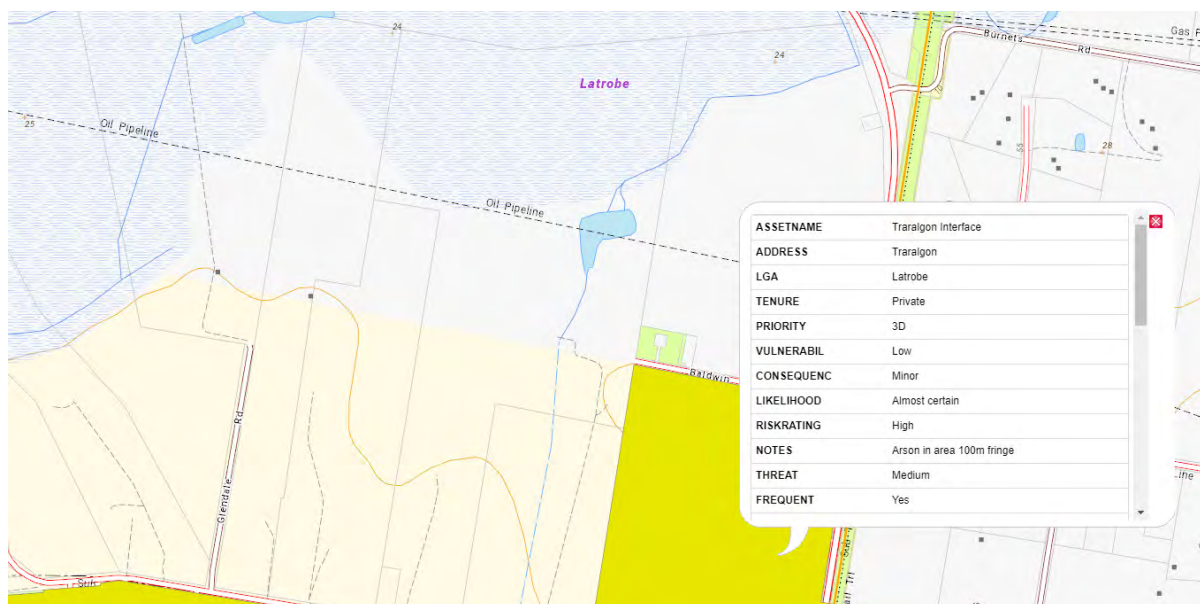


Figure 11: VFRR (source: CFA)

5 BUSHFIRE HAZARD SITE ASSESSMENT

The bushfire hazard site assessment documents the bushfire hazard on and near a site. The assessment seeks to:

- Provide factual information on the bushfire hazard (vegetation type and slope)
- Inform defendable space and building construction requirements

(Source: Planning Permit Applications Bushfire Management Overlay, Technical Guide, DELWP, 2017).

It is informed by the methodology contained in *Australian Standard AS3959:2009 Construction of buildings in bushfire prone areas (AS3959)* to provide contextual information on a site.

The following sections provide an assessment against the bushfire hazard site assessment.

5.1 LOCAL & NEIGHBOURHOOD CONDITIONS

The local (1km) and neighbourhood conditions (400m) around the land to be rezoned comprise of varying conditions as follows:

- Established urban development (far south)
- Developing urban development (directly south)
- Rural living allotments (east)
- Broadacre farming (north and west)

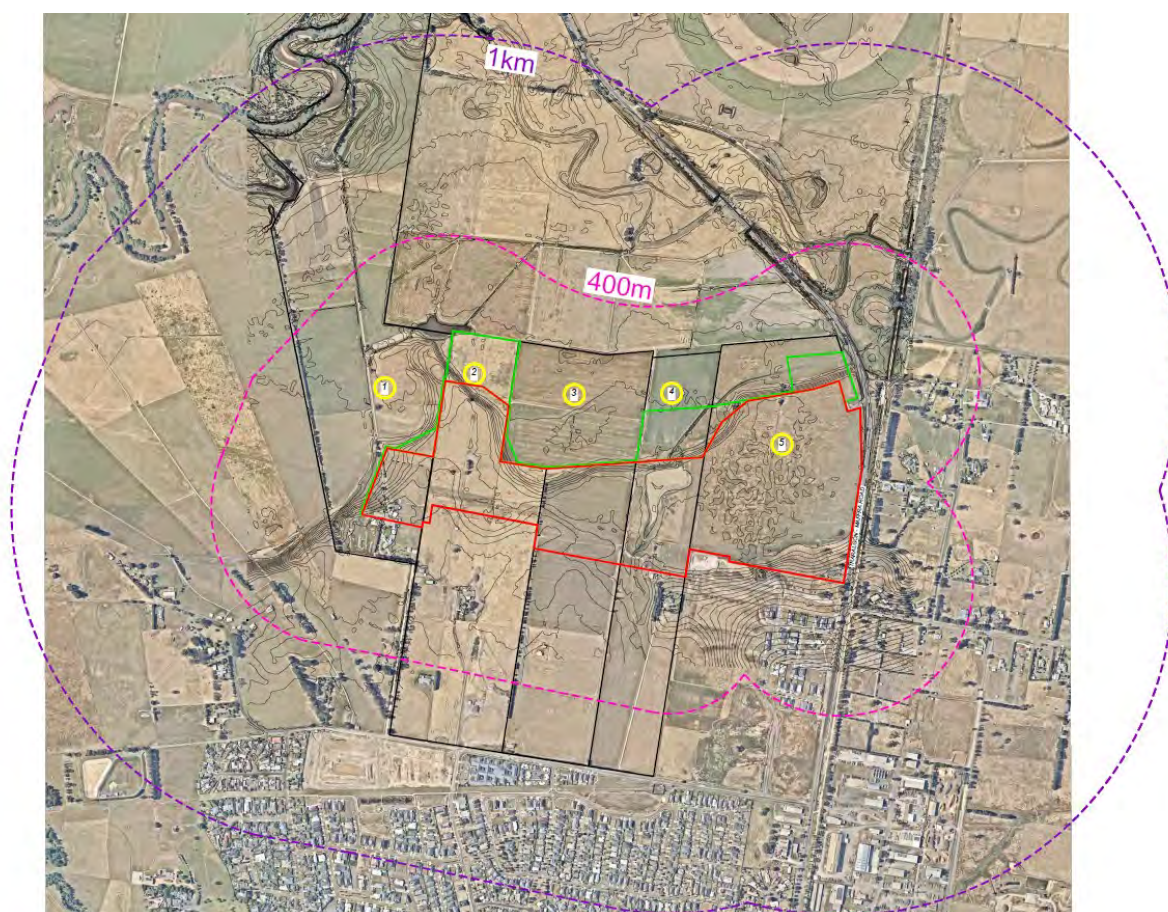


Figure 12: Local & Neighbourhood Conditions

5.2 TOPOGRAPHY

The local area is relatively flat, offering a slight fall from south-east to north-west towards the Latrobe River.

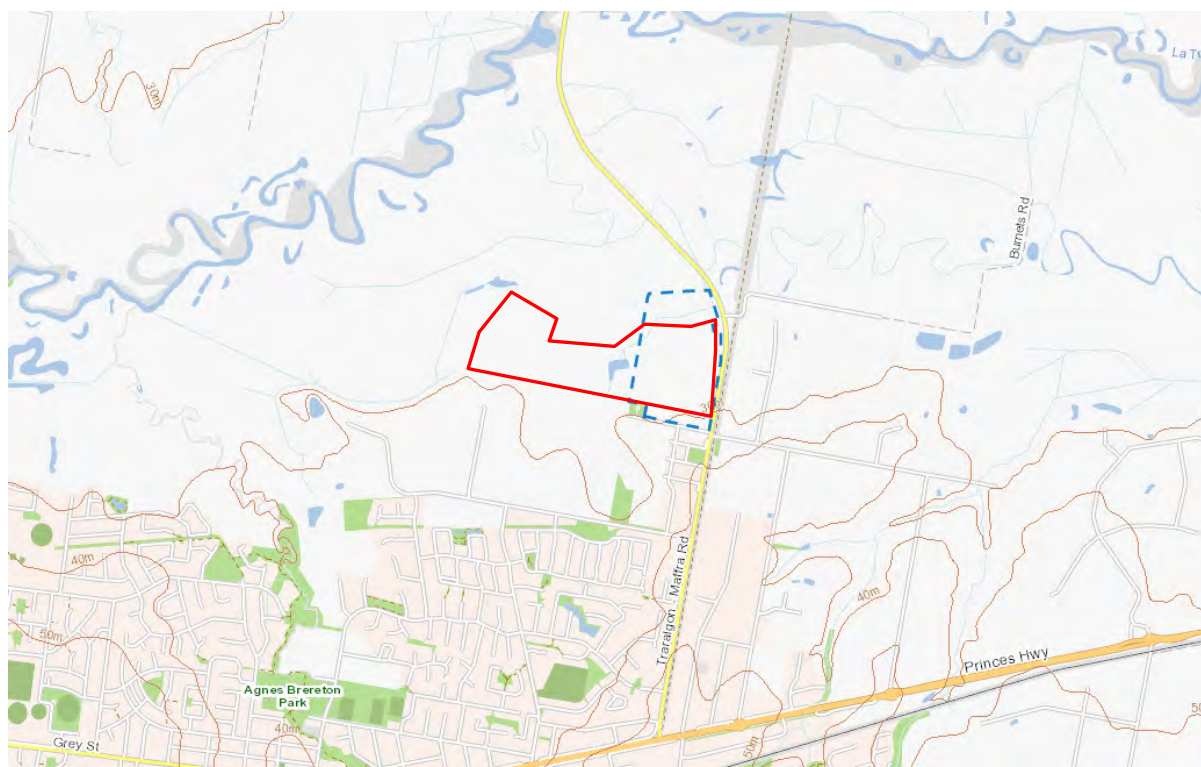


Figure 13: Topography (source mapshare.vic.gov.au)

5.3 DEFENDABLE SPACE

Whilst this assessment is focused on strategic bushfire policies, it is a requirement of Clause 13.02 that planning scheme amendments are not to be approved in an area that has more than a BAL-12.5 rating under *AS3959-2009 Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009).

The worst case scenario vegetation within the assessment area (150m) is Grassland at a slope of 0-5 degrees, see Figure 14 below. Several areas spanning north and west of the land to be rezoned are to comprise of Council reserve and accommodate water treatment features (ie. wetlands). It has been assumed that these areas will be maintained in perpetuity as manicured reserves and as such do not present a bushfire risk. The establishing urban areas to the south do not present a risk in the long term and the pipeline easement will form part of the open space network and be managed by Council as manicured grass in accordance with the requirements of the pipeline authority.

In accordance with *AS3959*, separation for BAL-12.5 construction between a building and Grassland under an effective slope of 0-5 degrees is 22-50m.

The concept plan indicates that Grassland interfaces to the north and west are treated with a perimeter road and a 5m wide linear Council reserve abuts the road reserve to accommodate a shared trail. This provides for 21m of separation from Grassland with the remaining 1m easily made up in building setbacks to lot boundaries to achieve BAL-12.5 construction.

This is a concept plan prepared to inform the rezoning only and Council are required to consider Clause 13.02 when assessing subdivision of 10 or more lots. Furthermore, the recommended

bushfire protection measures within this assessment will apply specific elements to a development Plan Overlay to ensure that bushfire protection measures are addressed at subdivision stage.

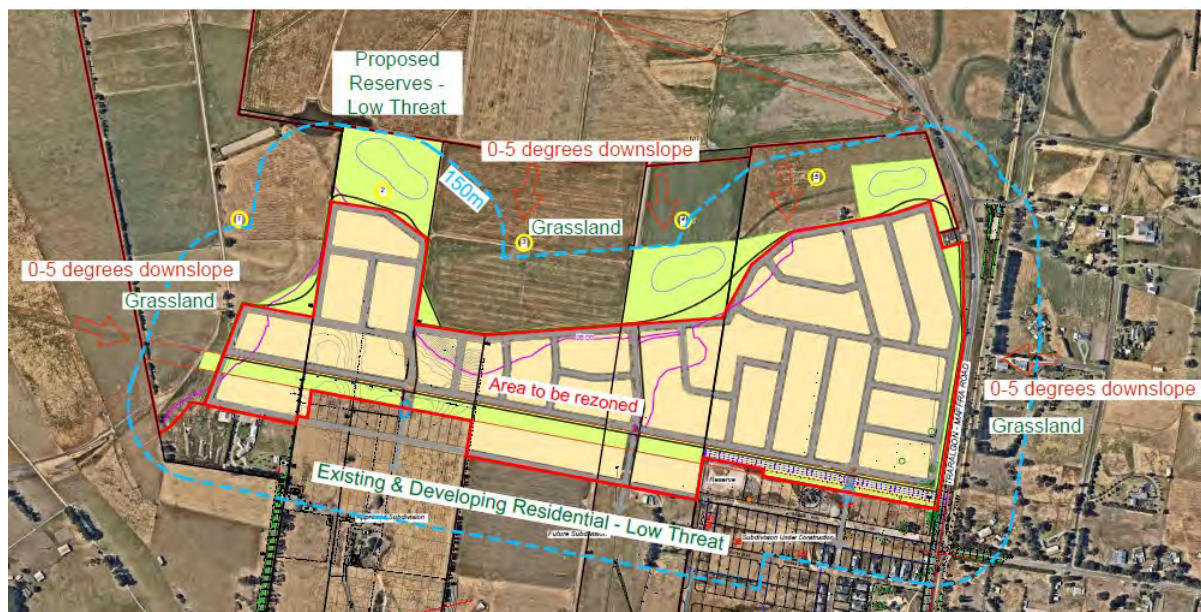


Figure 14: 150m Assessment Area

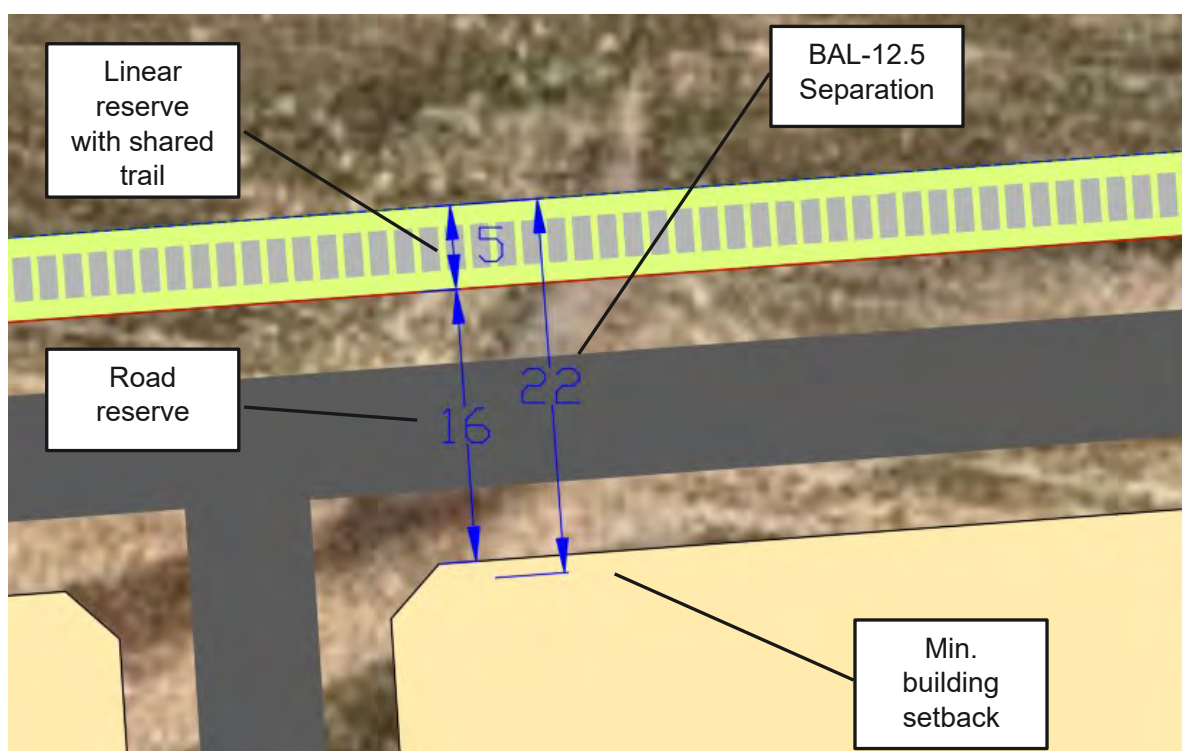


Figure 15: Grassland Interface

6 SHELTER FROM BUSHFIRE

Neighbourhood Safer Places (also known as a 'Bushfire Place of Last Resort' (NSP-BPLR)) are designated places of last resort when all other bushfire plans have failed. They may provide some protection from direct flame and heat from a fire, but they do not guarantee safety.

There are no designated places of last resort in the vicinity of the subject site, with only two provided within Latrobe City Council; Boolarra Memorial Hall and Yinnar Primary School.

There is however safe and convenient access available to BAL-LOW areas of Traralgon. These are locations where ember attack and radiant heat is below 12.5kw/m².

As evidenced by the current BPA mapping (Figure 6 above), it is expected that once developed, the mapping will be removed from the residential areas around the site, simply remaining for the interface areas.

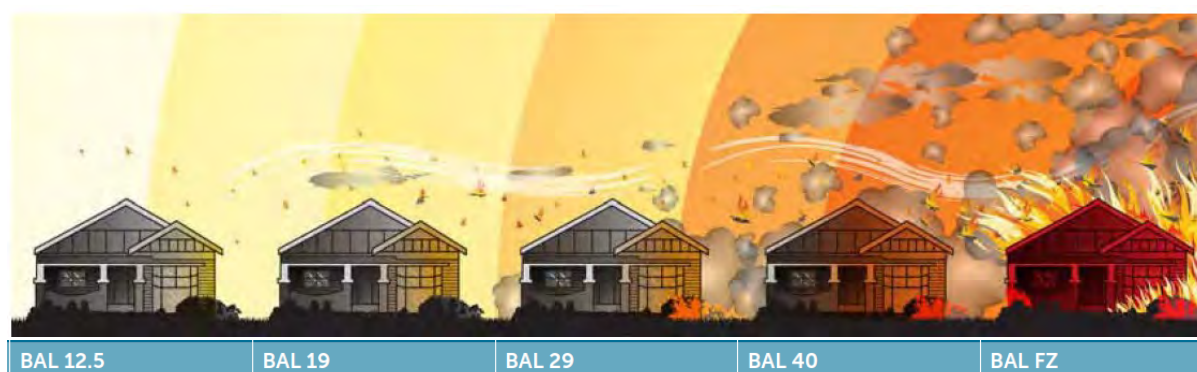


Figure 16: Building Impact (source BMO Technical Guide, DELP, 2017)

7 ACCESS

The BAL-LOW areas of the existing Traralgon residential areas are only 600m away from the site and will be accessible via roads being constructed as part of approved subdivisions. These provide key north-south links that connect with Marshalls Road and there are numerous roads that provide access to the abutting BAL-LOW areas. These access routes do not pass through any permanent bushfire hazards.

8 BIODIVERSITY CONSIDERATIONS

Clause 13.02 encourages biodiversity impacts to be considered when investigating settlement growth in bushfire affected areas. The land proposed to be rezoned comprises wholly of grassed areas with the exception of some scattered remnant trees in the south-east corner. Based on 2005 Ecological Vegetation Class (EVC) mapping there are no areas of intact native vegetation on site, see Figure 17 below. There is in fact, very little native vegetation remaining in the wider area due to the long history of farming activities, with only small remnants of Plains Grassy Woodland, Floodplain Riparian Woodland, Swamp Scrub and Lowland Forest.

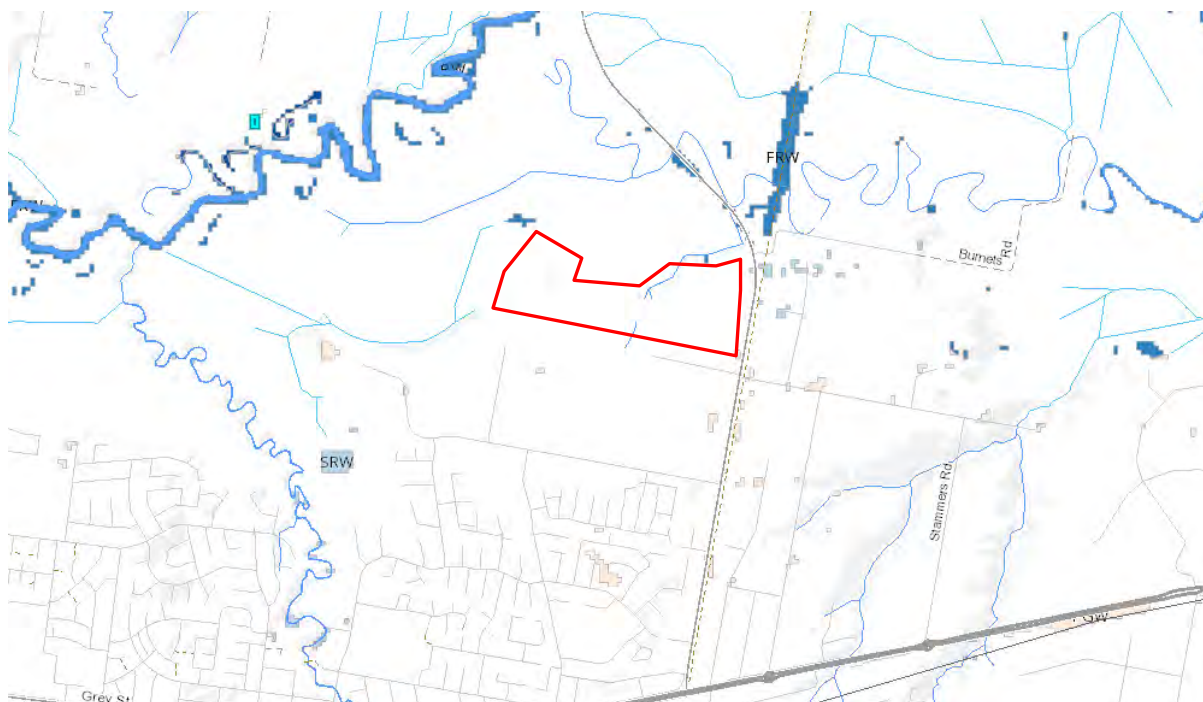


Figure 17: 2005 Ecological Vegetation Classes (source: maps.biodiversity.vic.gov.au)

9 ASSESSMENT AGAINST CLAUSE 13.02

The following sections provide an assessment against the relevant matters of Clause 13.02 in light of the findings discussed above.

PROTECTION OF HUMAN LIFE

Population growth is to be directed to low risk locations and reduce the vulnerability of communities to bushfire risk. As per the VFFR, the subject land is not rated, but existing urban grassland interfaces in this location have a risk of 'High'. This is based on localised risk from grassfire and the rezoning of this land will eliminate this risk with provision of Council reserve and perimeter roads along the urban/rural interface. As residential development continues to occur in accordance with the Traralgon North Development Plan and the Development Plan to be prepared post this rezoning, the area will be low risk and as such it is considered that risk to life has been prioritised.

BUSHFIRE HAZARD

The site and landscape bushfire hazard has been identified above and concludes that the landscape risk is high due to the forested areas that flank the farming and urban areas and that there is potential for direct impact grassfires. This risk is moderated by the fact that expansive

reserve areas and perimeter roads are proposed between the residential areas and the permanent grassland threat. Council will be the manager of the reserves and they are to be developed and maintained to low-threat conditions to not increase risk. The provision of reserve areas is an appropriate mechanism to take bushfire protection measures away from residents and ensure that management occurs in accordance with Council park/reserve management plans and municipal fire prevention plan.

SETTLEMENT PLANNING

The area of land to be rezoned can feasibly achieve building areas with a radiant heat flux of less than 12.5 kilowatts/square metre in accordance with AS3959 when considering the nearby grassland hazard.

Easy and convenient access is available to the BAL-LOW areas of Traralgon and the abutting developing residential area is also BAL-LOW.

The wider landscape (20km) presents a significant risk due to forested areas however in considering likely bushfire behaviour, the biggest threat to the subject land is from grassfire and this risk can be mitigated through suitable setbacks and construction standards.

The Traralgon-Morwell Growth Framework Plan contained within Clause 21.02 of the Latrobe Planning Scheme, shows that long term urban development is to be directed to the north, south-east and west of Traralgon, see Figure 18 below. The land proposed to be rezoned is '2nd Stage Future Residential' and due to landscape features (Latrobe River and associated flood plains) this area forms the northern extremity of residential development to Traralgon. The Framework Plan also indicates open space between the residential areas and farming areas which is consistent with the proposal.

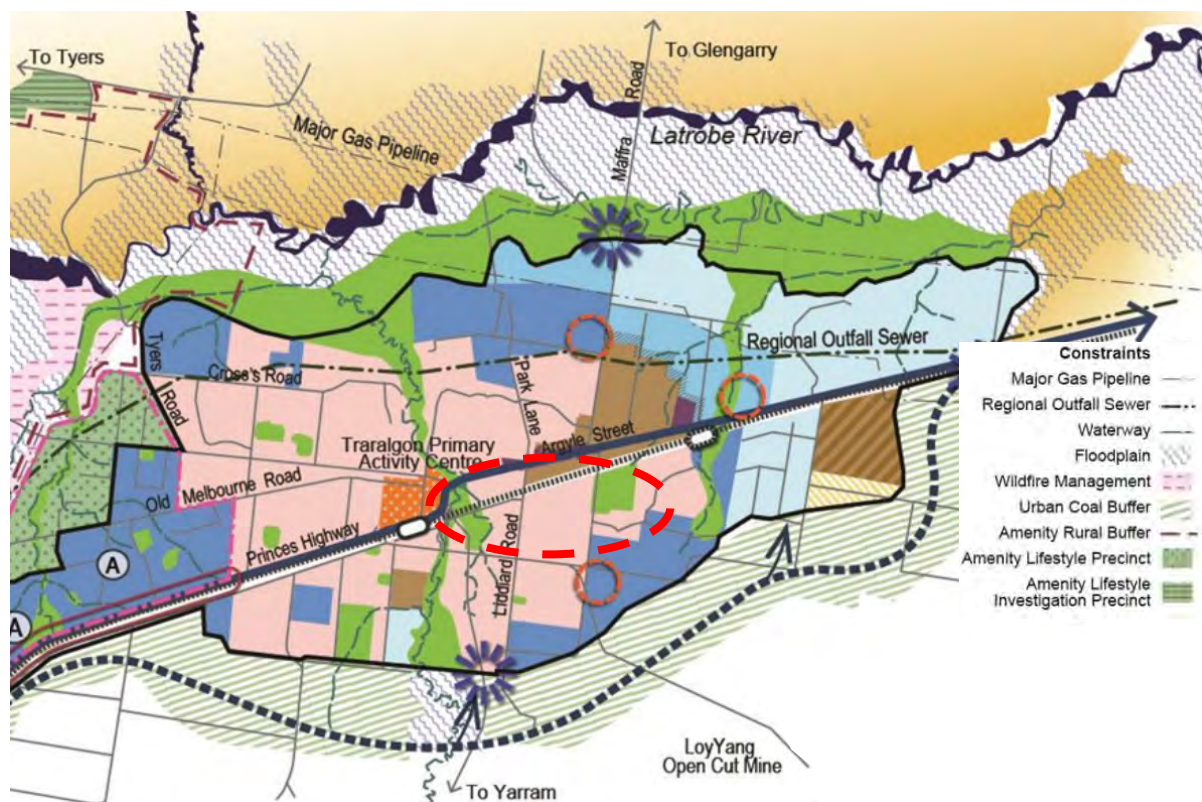


Figure 18: Traralgon-Morwell Growth Framework Plan – land circled with red dash (source: Latrobe Planning Scheme)

Whilst the proposal is in accordance with the intended direction of urban growth in the Traralgon-Morwell Framework Plan, alternative locations are required to be considered under Clause 13.02.

From a regional scale, Traralgon is considered to be an appropriate location for future development in favour of locations that have a more compact urban area and are not located along the main arterial road network such as Churchill, Glengarry and Rosedale.

From a town scale, there are some non-urban areas within the northern and southern parts of the established settlement, however these are contained within the Urban Floodway Zone (UFZ) and not suitable for residential development. The eastern and western interface areas are considered to have a greater bushfire risk than the subject land, due to proximity to rural living areas/detachment from main urban areas for the eastern areas and closer proximity to plantations for the western area. The southern edges of the urban areas generally defined by the Environmental Significance Overlay (ESO1) which identifies the coal buffer and these areas are not appropriate for urban development. There are some patches of Farming Zone outside of the coal buffer that abut existing urban areas and these may be considered as appropriate alternative locations. These areas do however present the same grassland interface as the subject site.

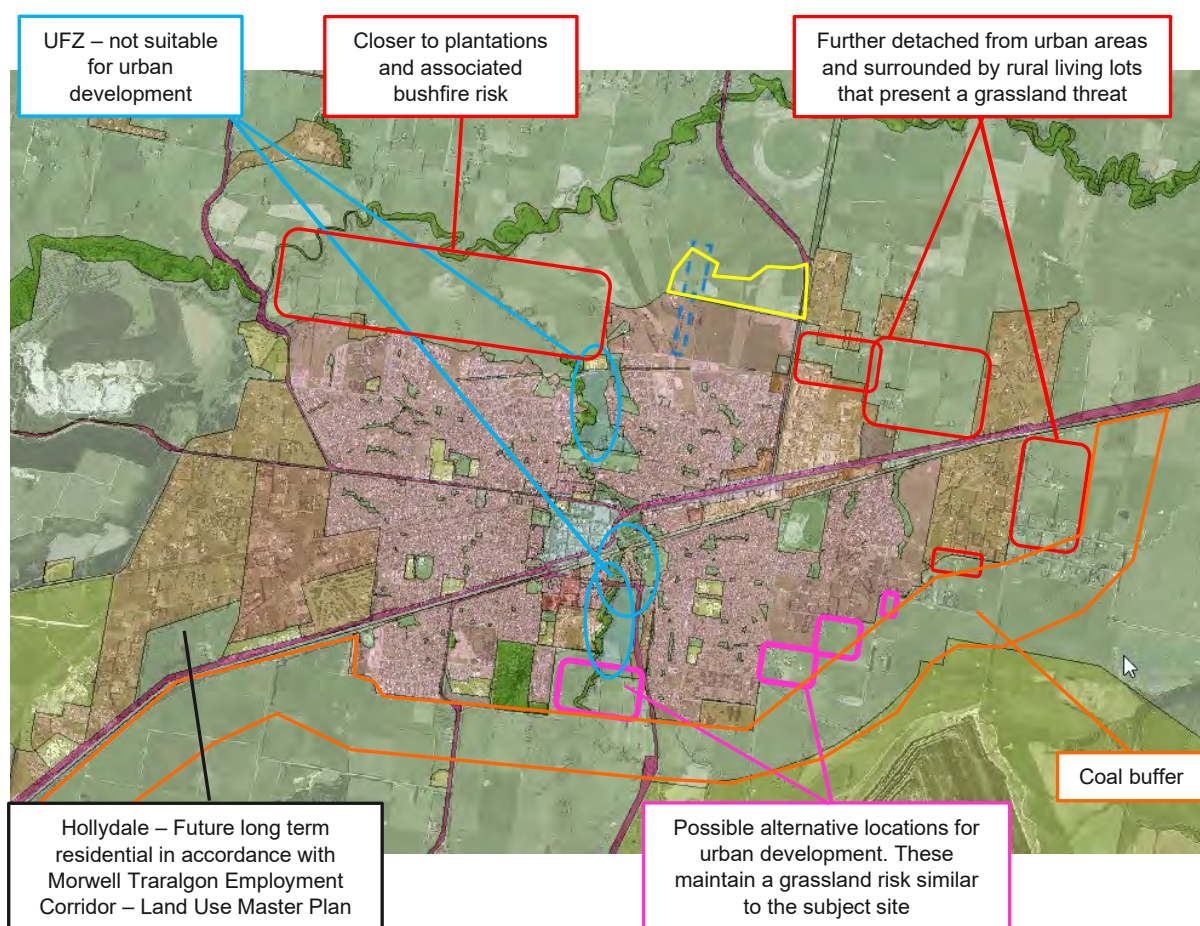


Figure 19: Town Scale - Alternative Locations

It is reasonable to consider the subject land as an area where directing new development at the scale proposed is sensible. It will create the ultimate urban/rural interface for the northern side of Traralgon and with the provision of municipal open space and perimeter roads the existing grassland risk is significantly reduces and where maintained it does so at suitable distance.

BIODIVERSITY VALUES

This report is not a biodiversity assessment as this goes beyond the scope, however based on a review of site conditions and EVC mapping it appears that there are no biodiversity factors likely to impact on the implementation of bushfire protection measures.

BUSHFIRE PRONE AREA

Any future subdivision application for the land to be rezoned will need to address the requirements of AS3959 under the requirements of the *Building Act 1993* in relation to Bushfire Prone Areas as required by Clause 13.02.

10 RECOMMENDATIONS

In light of the landscape risk and that the area of land to be rezoned is the ultimate extremity of residential development to the north of Traralgon under foreseeable strategic planning documentation, it is considered appropriate to include specific reference to bushfire protection in the Development Plan Overlay (DPO) that is proposed to be applied to the land.

This overlay will inform the future Development Plan and subsequent subdivision of the land.

To initiate discussion, the following recommendations are made for the DPO schedule in relation to bushfire protection measures:

A Bushfire Management Plan that demonstrates how the application will address bushfire risk at the site and implement required bushfire protection measures. The plan must be prepared in accordance with requirements of the DPO, unless otherwise agreed in writing by the Responsible Authority. The plan must include:

- *The design and layout of the subdivision, including lot layout, road design and access points, both vehicular and pedestrian;*
- *The location of any bushfire hazard areas that are to be created within the DPO or areas within a site boundary of any land that is partly covered by the DPO;*
- *The location of any reserves within or adjacent to the DPO;*
- *The details of any required bushfire protection measures;*
- *The identification of any areas to form the setback between a bushfire hazard and built form.*
- *The details of any vegetation management in any area of defendable space including, information on how vegetation will be managed and when the vegetation management will occur i.e. annually, quarterly, during the fire danger period.*
- *Notations that indicate what authority is responsible for managing vegetation within open space areas.*
- *Notations that ensure that the reserves will be managed in a low threat condition.*

Bushfire Protection Measures

- *The subdivision design must appropriately consider publication 'Design Guidelines Settlement Planning at the Bushfire Interface' (Country Fire Authority and Department of Environment, Land and Planning, 2020)*
- *Provision of perimeter roads along any bushfire hazard interface.*
- *All lots to achieve a minimum construction standard of BAL-12.5.*
- *All lots must be setback a minimum of 22m from a bushfire hazard.*
- *Non combustible fencing must be utilised.*

- *The landscape concept plans to demonstrate that all reserves will be developed and maintained to low threat conditions and subsequently no increased bushfire hazard.*
- *Municipal reserves outside the extent of the DPO as shown in the draft concept plan be developed and maintained to low threat conditions and subsequently no increased bushfire hazard.*
- *Measures to manage grassfire hazard interfaces while residential areas remain undeveloped.*
- *A site management plan is required to be prepared to address interim bushfire hazard management for stages of the subdivision. This plan is to identify the likely bushfire risks at each stage, identify how these will be managed, including the provision of a minimum 22m setback between the development edge and non-urban area/bushfire hazards.*

The final content of the DPO Schedule is the responsibility of Council in consultation with CFA.

11 CONCLUSION

Integrated Decision Making (71.02-3) requires planning and responsible authorities to prioritise the protection of human life over all other policy considerations in bushfire affected areas. Bushfire Planning (Clause 13.02) outlines the objective to be achieved and this seeks to strengthen the resilience of settlements and communities to bushfire risk based planning that priorities protection of human life.

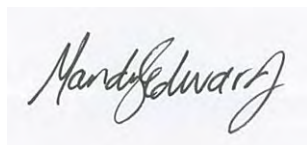
The landscape risk can be mitigated to an acceptable level as a result of the proposed rezoning and the subject site benefits from the existing BAL-LOW areas of Traralgon. Credible shelter options are available in close proximity to the land and provide for an important feature in the aim to protect life. Access to these areas is readily available and there are no biodiversity issues.

The site assessment determines that the land to be rezoned can be developed to BAL-12.5 requirements in accordance with Clause 13.02 and that provision of Municipal reserve and perimeter roads along the urban/farming interface removes direct Grassland threat to residential areas.

The location of the proposed rezoning is consistent with the Traralgon-Morwell Growth Area Framework Plan and there are no alternative locations identified that are considered to have a reduced bushfire risk given the various constraints in the region (ie. coal buffer).

It is recommended that the Development Plan Overlay proposed to be applied to the land includes a section on bushfire protection and that Council undertake liaison with CFA to discuss appropriate wording for the DPO to achieve implementation of bushfire protection measures.

Millar | Merrigan



MANDY EDWARDS

Planning Manager

BAPSc. Town Planning & Urban Design

Development & Building in Bushfire Prone Areas (UTS)

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APPENDIX 1: CONCEPT LAYOUT



APPENDIX 2: DRAFT DPO11





1 Avenue of trees along streetscape



2 Grassed play space with seating and play space



3 Shared walking and cycling track around Lake and along residential/conservation interface



4 Landscaped wetlands to create habitat and ensure good water quality



5 New housing overlooking wetland area



6 Boardwalk through new wetland area



Legend

- Open space
- Proposed Reserve tree
- Proposed street tree
- Wetland
- Reserve sharepath
- Boardwalk/Jetty
- Proposed residential lot
- Proposed road
- Proposed nature strip
- Primary access
- Playground and amenities
- Park Seating
- Area of land subject to rezoning or associated reserves
- Existing tree to be retained

Millar & Merrigan authorize the use of this drawing only for the purpose described by the status stamp shown below. This drawing should be read in conjunction with all relevant contracts, specifications, reports & drawings.
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TO BE APPROVED

No.	Revision Description	Drawn	Checked	Date
2	Amended as per new layout	JG	BB	Feb 2022
1	Prepared for planning purposes	JG		Dec 2020

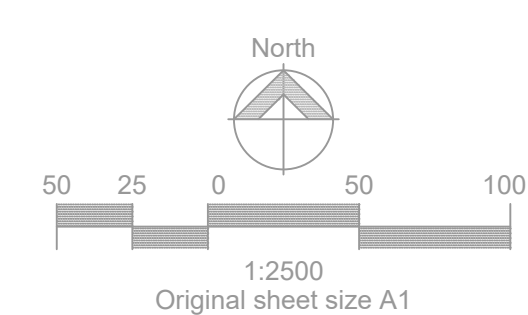
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LANDSCAPE MASTERPLAN PROPOSED REZONING

TRARALGON NORTH
Latrobe City Council

25950 L01
VERSION 2
SHEET 1 OF 1

9 November 2021

Latrobe City Council

Department of Environment, Land, Water and Planning

Local Servicing and Referral Authorities

Esso and Exxon Mobil

To Who it may Concern

I wish to confirm that I, Steve Conway, on behalf of land owned by myself and my family as identified on the attached Development Plan, raise no objection to the proposed rezoning of the proposed land to the north of the existing Gas Pipeline and its relevant easements and buffers from Farming Zone to General Residential Zone.

I can confirm that the subject site includes land owned by my family and I support the proposal on that basis.

I understand the amendment proposes to apply the Development Plan Overlay to my property and this overlay will require future developers to enter into a section 173 agreement to provide for infrastructure contributions prior to the commencement of any development.

I understand and support that the proposal has been submitted as a privately sponsored scheme amendment put forward by my adjoining neighbours Dale Stott, Steve Buhagiar, Pearse Morgan and others.

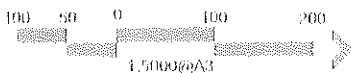
I ask that Council proceed with the Amendment at its earliest convenience.

Regards

A handwritten signature in black ink that reads "Steve Conway". The signature is written in a cursive, flowing style.

Steve Conway

FOR DISCUSSION



Legend

Site

Proposed Residential

Indicative Road Layout



Link with Adjacent Residential Area

Proposed Reserve



Retain Gippsland Red Gum where practicable

Pipeline Easement

0.5m Contours

Drainage Line

Land Subject to Inundation

Area of Aboriginal Heritage Sensitivity



Title Boundary and Property Identification

NOTE: This plan is subject to the approval of various statutory authorities

CONCEPT LAYOUT

Proposed Rezoning
Traralgon-Maffra Road, Traralgon
Latrobe City Council
25950Sk1
Version 4 (October 2021)

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NBA group
M M

4 February 2021

Latrobe City Council

Department of Environment, Land, Water and Planning

Local Servicing and Referral Authorities

Esso and Exxon Mobil

To Who it may Concern

I wish to confirm that I, Len Marshall, raise no objection to the proposed rezoning of land to the north of the existing Gas Pipeline and its relevant easements and buffers from Farming Zone to General Residential Zone.

I can confirm that the subject site includes land I own and I support the proposal on that basis.

I have been represented throughout the design and preparation phases by Michael Sadler of Crowther and Sadler Pty Ltd, who has worked with the lead consultant, the NBA Group Pty Ltd, and other industry experts to ensure my interests are protected.

I understand and support that the proposal is due to be submitted as a privately sponsored scheme amendment put forward by my adjoining neighbours Dale Stott, Steve Buhagiar, Pearse Morgan and others.

I ask that Council proceed with the Amendment at its earliest convenience.

Regards

A handwritten signature in black ink, appearing to read 'Len Marshall', written in a cursive style.

Len Marshall



Preliminary Site Investigation Traralgon-Maffra Road, Traralgon



Millar Merrigan

FINAL V4

20 March 2023

DRC PSI – Traralgon-Maffra Road, Traralgon FINAL 170323

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Preliminary Site Investigation Traralgon-Maffra Road, Traralgon

Millar Merrigan

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Document History

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1 INTRODUCTION

DRC Environmental Pty Ltd (DRC) was commissioned by **Millar Merrigan** to conduct a Preliminary Site Investigation (PSI) for the site located across multiple parcels to the west of Traralgon-Maffra Road, Traralgon. It is understood that the site is currently used for agricultural/grazing purposes and is to be redeveloped for residential use, with associated roadways, reserves, drainage line and a large pipeline easement along the southern boundary of the site. The PSI was undertaken in general accordance with DRC's proposal dated 10 June 2021.

The site location is presented on **Figure 1**.

1.1 Objectives

The objectives of this PSI are to:

- Complete a preliminary site investigation and environmental contamination assessment to determine the potential risks associated with the proposed development of the site; and
- Make recommendations as to the sites condition and further environmental works that may be deemed necessary for the site based on the findings of this report.

1.2 Scope of Works

The works undertaken at the site to facilitate the completion of the PSI were as follows:

- A review of site details with regards to the site's geographical setting and planning information;
- A desktop assessment of the environmental setting of the site, which includes the geological and hydrogeological profile underlying the site;
- A desktop site history review of selected third party and historic environmental records which may have resulted in soil and/or groundwater contamination at or surrounding the site;
- A site inspection, which forms part of the site history review; and
- Compilation of collected data into a PSI report (this report) with conclusions regarding the suitability of the site for the proposed development and categorisation of the site in accordance with the Department of Environment, Land, Water and Planning (DELWP) *Planning Practice Note 30 - Potentially Contaminated Land (PPN30)*, July 2021.

2 SITE DETAILS

The site is located approximately 144 km southeast of the Melbourne CBD and approximately 2.6 km northeast of the Traralgon town centre. Planning information regarding the site and planning property reports were acquired by DRC from the State Government Victoria, a copy of these reports with other planning information is provided in **Appendix A**. A general summary of the information regarding the site and its surrounds is presented in **Table 2-1** below.

Table 2-1 General Site information

Site Location	West of Traralgon-Maffra Road, Traralgon 3844 (Figure 1)	
Current land use zoning and planning overlays	Zone	Farming Zone – Schedule 1 (FZ1) General Residential Zone – Schedule 3 (GRZ3)
	Overlays	Design and Development Overlay – Schedule 1 (DDO1) – zones along northern and southern boundaries only Floodway Overlay (FO) – north western corner only Land subject to Inundation Overlay (LSIO)
	Other	Northern parts of the site are within an Aboriginal Cultural Heritage Sensitivity area. The entirety of the site is within a Designated Bushfire Prone area.
Municipality	Latrobe City Council	
Title and plan information	Lot C PS821062, Lot 1 PS329021, Lot A PS826057, Lot 2 PS835779, Allotment 26F PP3647	
Site Area	Approximately 1.16km ² (116 hectares)	
Current site use	Farming/grazing	
Surrounding land use	Public Park & Recreation Zone (PPRZ) to the east beyond which is Rural Living Zone (RLZ), Farming Zone – schedule 1 (FZ1) to the west, Road – Category 1 (RDZ1) to the north, beyond which is Farming Zone – schedule 1 (FZ1), General Residential Zones (GRZ) to the south.	
Proposed future use	Residential with recreational parks and reserves	

3 ENVIRONMENTAL SETTING

3.1 Topography

The site is located on gently sloping land at an elevation of approximately 24 to 32 m above height datum (m AHD). The site slopes from southeast to northwest, towards the La Trobe River. Multiple irrigation channels exist across the site, which empty into the La Trobe River.

Information regarding the topography at the site, including a figure of the topographical conditions, is provided in **Appendix B**.

3.2 Geology

A search of geological information from the State Government Victoria – Department of Environment, Land, Water & Planning identified that the site is underlain by two different geological units. The north western portion of the site is underlain by Pleistocene to Holocene aged Alluvium formation – Gravel, sand, silt: variably sorted and rounded, generally unconsolidated which includes deposits of low terraces and alluvial floodplain deposits.

The southwestern portion of the site is underlain by Pliocene to Pleistocene aged Haunted Hills Formation – Sand, silt, gravel: various shades of brown, yellow, red and white, variably sorted and rounded, crudely to well-bedded, commonly strongly oxidised with ironstone near the top and also within the formation.

Soil conditions identified in the groundwater database search (see **Section 3.4.2** below) were generally consistent with the above descriptions.

Information regarding the geology underlying the site, including a figure of the geological conditions, is provided in **Appendix B**.

3.3 Surface water

There is a large dam located in the central portion of the site. A secondary dam is located at the northern boundary of parcel 26F\PP3647 and 1\PS329021. Multiple irrigation channels/seasonal creeks or tributaries are present across the entirety of the site. Surface water bodies located in the vicinity of the site are as follows:

- Loy Yang creek irrigation channels feed into the irrigation channels onsite from the north;
- La Trobe River, which is located approximately 10 m to the northwest;
- Unnamed skinny dam and drainage channels, approximately 870 m to the south east;
- Lake Sanctuary used for recreational fishing, approximately 1.17 km to the south; and
- Unnamed lake/dam at the end of Marshalls Road, approximately 810 m to the west.

3.4 Hydrogeology

3.4.1 Beneficial Uses of Groundwater

A search of groundwater conditions at the site from the State Government Victoria – DELWP groundwater resource map (www.depi.vic.gov.au) identified the following:

- The site is underlain by the (QA) Quaternary Aquifer and UTQA Upper Tertiary/Quaternary Aquifer, which consists of sands, gravels, clays and silts;
- The depth to groundwater is expected to be <5m bgl across the entirety of the site; and
- Total Dissolved Solids (TDS) concentrations ranging between 1,000 mg/L and 3,500 mg/L are expected.

This TDS range places the site within Segments A2, B and C of the groundwater beneficial use segments outlined in the Victoria Government Environmental Reference Standards (ERS) 2021. Based on this classification, the following environmental values to be protected are:

- Segments A2, B and C:
 - Water dependant ecosystems and species
 - Potable mineral water supply
 - Potable water supply (acceptable) – Segment A2 only
 - Agriculture and irrigation (irrigation) – Segment A2 and B only
 - Agriculture and irrigation (stock watering)
 - Industrial and commercial
 - Water-based recreation (primary contact recreation)
 - Traditional Owner cultural values
 - Buildings and structures
 - Geothermal properties

Information relevant to the hydrogeology underlying the site is presented in **Appendix B**.

3.4.2 Groundwater Database Search

A groundwater database search identified a total of 33 registered groundwater bores within an approximate 2 km radius of the site.

Of the 33 groundwater bores, the following 11 groundwater bores were listed as being used for extractive purposes, including:

- Domestic & Stock (7 bores) – the closest being 742 m southwest of the site. Bulk of these bores were drilled to depths of less than 15 m bgl;
- Domestic (1 bore) – drilled to 52.4 m bgl west of the site;
- Stock (2 bores) – 595 m and 1 229 m southwest of the site;
- Irrigation (1 bore) – 777 m southeast of the site drilled to 65.5 m bgl;

The remaining non-extractive groundwater bores were listed as being used for groundwater investigation, observation, coal exploration, non-groundwater, State Electricity Commission (SEC) Bores or purposes that were not listed.

One bore was located on site (329923) and is labelled as a SEC bore which is 90.2 m bgl.

The next closest groundwater bore (96564) is a stock bore which is located 595 m southwest.

Information regarding extractive groundwater bores within a 2 km radius of the site is presented in **Table 3-1** below and information relevant to all nearby groundwater bores is presented in **Appendix B**.

Table 3-1 Registered Bores with extractive uses within a 2km radius of the site

Bore ID	Location from site (approx.)	Bore Depth (mbgl)	Use	Lithology
96564	595 m SW	Unknown	Stock	Unknown
96568	742 m SW	Unknown	Domestic and Stock	Unknown
WRK091652	759 m E	19 m	Domestic and Stock	0 to 0.4 Topsoil 0.4 to 11.5 Clay 11.5 to 12.5 Gravel 12.5 to 18.5 Sand 18.5 to 19 Clay
WRK039515	777 m SW	65.53 m	Irrigation	Unknown
96566	777 m SE	65.53	Domestic	Unknown
96317	1,074 m W	Unknown	Domestic and Stock	Unknown
376222	1076 m W	52.4	Domestic and Stock	Unknown
WRK981475	1,118 m SW	8.8 m	Domestic and Stock	0 to 0.1 Crushed Rock 0.1 to 7.4 Clay with trace sand 7.4 to 8.8 Clayey sand
96563	1,229 m SW	Unknown	Stock	Unknown
96328	1,388 m NW	15.54 m	Domestic and Stock	0 to 1.82 Gravelly clay 1.82 to 10.66 Clay 10.66 to 15.54 Gravel
WRK981474	1,451 m SW	7.1 m	Domestic and Stock	0 to 7.1 Clay with trace sand

4 SITE INSPECTION

A site inspection was undertaken by DRC on 11 October 2021 which comprised a visual inspection of the site from the site boundaries as access was not obtained.

Key features observed during the site inspection comprised the following:

- The site was viewed from Traralgon-Maffra Road, Marshall's Road and Baldwin Roads.
- DRC observed the land sloped from the southeast towards the north and northeast and was generally open cattle grazing land.
- High pressure oil pipelines were observed in the southeastern corner of the site and extended to the east across Traralgon-Maffra Road.
- High pressure gas pipelines were observed in the northeastern corner of the site (offsite) with a gravel driveway and gate access from Traralgon-Maffra Road. The site area in the vicinity of this easement was observed to be boggy and have a cattle loading ramp.
- Generally, the northern portion of the site was observed to be low lying with some drainage channels visible. Two large, grassed hills were also observed near the north east, possibly grassed stockpiled soils.
- New residential development was observed on the southern boundary of the site. One development, Hill Rise, appeared to be mostly developed with some minor building still occurring. A new subdivision further down Marshalls Road was observed to be accepting trucks of clean fill, with excavation occurring at the time of the site visit.
- Loy Yang Creek was observed to the north of the site with a bridge crossing the creek. This appears to be a tributary to La Trobe River. Loy Yang Creek appears to have some seasonal creek lines that extend onto the site.
- No access to residential dwellings at the site was undertaken, therefore no assessment of building materials could be made, however given the age of the dwellings it is possible for them to be made from asbestos containing materials (ACM), and these should be considered prior to demolition.

The **Plates** section of the report details site photographs taken at the time of the site inspection.

No features/items were identified during the site inspection that would pose a potential contamination risk to the site, however DRC does recommend that a hazardous materials assessment be undertaken on buildings onsite prior to demolition to assess the potential of ACM at the site.

5 SITE HISTORY REVIEW

To identify activities that have the potential to cause contamination that may have been undertaken at the site, a review of a range of media likely to provide insight into the history of the site was undertaken.

5.1 Previous Environmental Site Assessments

DRC has not been made aware of any previous environmental site assessments (ESAs) undertaken at the site.

5.2 Historical Aerial Photographs

A search of aerial imagery from Geoscience Australia, Google Imagery, DELWP (Vicmap Topographic Mapping Program) and Aerometrex was undertaken and aerial photographs from the years 1945, 1955, 1967, 1976, 1982, 1987, 1991, 2007, 2012 and 2021 were reviewed. DRC's findings of the review are summarised below in **Table 5-1** and copies of the aerial photographs are presented in **Appendix C**.

Table 5-1: Historical Aerial Photograph Review

Date	Site Description	Surrounding Land Use	Reference
1945	The site is comprised of multiple paddocks used for grazing purposes. A rural residential property exists with sheds/garages along the southern boundary. Half a lake exists within the site's boundary towards the northwest. A handful of animal feed/water troughs are visible across the site with worn tracks radiating from them. A very sparse number of trees are dotted across the site.	<u>South:</u> A property with highly disturbed ground is visible just south of the site. A small dam is noted approx. 100m south of the dwelling along the southern boundary of the site. <u>East:</u> Traralgon-Maffra Road is visible along the eastern boundary of the site. Another road continues north where the road bends to the northwest. A rural property and a dam are found approximately 160m east. <u>North:</u> Only one rural property with a circular structure is noted to the north, surrounded by grazing paddocks. <u>Northwest:</u> La Trobe River surrounded by vegetation and trees.	<u>Department of Environment, Land, Water and Planning (DELWP)</u>
1955	Conditions remain generally the same from 1945 aerial photograph. However, a second residential building with associated sheds is now visible in the south western corner of the site.	<u>North:</u> Multiple dams have been created in close vicinity to a tributary branching from the La Trobe River. <u>South:</u> A number of new residential dwellings have been developed, mostly branching off Marshalls Road. <u>All Directions:</u> Subdivision of paddocks.	<u>Department of Environment, Land, Water and Planning (DELWP)</u>
1967	Conditions remain generally the same from 1955 aerial photograph. A very small dam connecting a drainage channel is noted in the central eastern portion of the site.	Conditions remain generally the same from 1955 aerial photograph. Some disturbed ground is noted at the corner of Traralgon-Maffra Road and Marshalls Road with some newly constructed buildings and a small dam has been created just south of the site boundary, towards the east.	<u>Geoscience Australia</u>
1976	Conditions remain generally the same from 1967 aerial photograph. <u>Gas/oil pipeline easement/area visible to the southeast.</u>	Conditions remain generally the same from 1955 aerial photograph. More disturbed land is noted near the corner of Traralgon-Maffra Road and Marshalls Road.	<u>Department of Environment, Land, Water and Planning (DELWP)</u>
1982	Conditions remain generally the same from 1967 aerial photograph.	<u>South:</u> A wide road appears to have been created running north-south through Marshalls Road and stopping at the property located half inside the site's boundary. Industrial warehouses have been constructed at the Traralgon-Maffra Road and Marshalls Road junction.	<u>Department of Environment, Land, Water and Planning (DELWP)</u>

Date	Site Description	Surrounding Land Use	Reference
1987	Significant increase in water through the drainage channel and dam in the centre of the site is noted.	<u>North:</u> Significant clearing of land approx. 300m north of the site is visible. <u>Southeast:</u> More warehouses have been added to the Marshall Road junction. Southwest: The clearing of land and development of new roads indicate that residential dwellings are to be built approx. 500m southwest of the site.	<u>Department of Environment, Land, Water and Planning (DELWP)</u>
1991	A dirt track has been created branching off Traralgon-Maffra Road in the north towards the centre of the site.	<u>North:</u> Traralgon-Maffra Road has been altered to run over the La Trobe River with a bridge. The old road has been partially demolished and abandoned. <u>Southeast:</u> Further warehouses have been constructed at the Marshalls Road intersection with Traralgon-Maffra Road, area appears to be used for light industrial/commercial use <u>Southwest and East:</u> Residential properties and new roads have been created. <u>East:</u> <u>Gas easement on the northeastern boundary is now visible.</u>	<u>Department of Environment, Land, Water and Planning (DELWP)</u>
2007	The formerly small dam in the central portion of the site has been excavated to be much larger. Stockpiles are visible in the vicinity of the dam. Dam along the northern border has had an oblong extension branching into the site.	<u>South and East:</u> Continual residential development along with new roads are visible to the south and east of the site, beyond Marshalls Road. <u>North:</u> The land north of Traralgon-Maffra River which used to have multiple waterways/tributaries/drainage channels has mostly been backfilled. The land appears to be cut/subdivided into circular formations.	<u>Google Imagery</u>
2012	No significant changes from 2007 aerial photograph. A row of haybales is visible in the central portion of the site. Some disturbed ground is also noted surrounding the property on the very southwestern corner of the site.	<u>South:</u> Continued residential development. <u>North:</u> Circular subdivision has been further modified with tracks and crops visible.	<u>Google Imagery</u>
2021	Stockpiled soils are visible along the central portion of the site with two large, excavated dams or wetlands now visible. Rows of stockpiles, dirt roads, a drainage channel and piles of soil are visible. Soil appears to be from excavation of the wetlands and drainage channel that runs south towards the south. Multiple livestock water troughs still exist all across the site.	<u>South:</u> Significant residential development continues, including roads right up to the southern boundary of the site. A dirt track leading into the site from the civil works to the site is presumably used to cart excavated soils.	<u>Aerometrex Aerial Imagery</u>

The aerial photograph review indicates the following with regards to the site and surrounding area:

- From at least 1945 to the present the site has been primarily comprised of agricultural/grazing land or open paddocks. Two dams exist on site which are linked to unnamed creek tributaries/drainage channels.
- The surrounding area primarily consisted of agricultural/grazing paddocks from at least 1945 to sometime between 1991 and 2007 when large scale residential developments began to the south and east. Open paddocks are observed to the north and west in present day; and
- La Trobe River flows to the northwest of the site which has multiple tributaries and drainage channels flowing into it.

The aerial photograph review indicated the following with regards to potential contamination risks to the site:

- The site was primarily used as grazing land for all of its history and is still used for such purposes today. Therefore, it is unlikely the site is subject to commercial use of pesticides / herbicides based on the sites use for grazing purposes only; and
- The site has been subject to some excavation and movement of soils during the development of the two dams/wetlands and open drainage channel in the central western portion of the site. Stockpiles and visible disturbed ground are noted in the 2021 aerial photograph. Further information from the site owner has been obtained regarding this soil movement and is provided in **Section 5.11**.

5.3 Historical Certificates of Title

Current and historical certificates of title for the site were obtained from the Landata website (www.landata.vic.gov.au) on 12 October 2021. A summary of the certificates of title review is provided in **Table 5.2** below and copies of the certificates of title are provided in **Appendix A** (in the order presented below).

Table 5-2: Historical Title Search Summary

Lot 1 PS329021			
Volume/Folio Reference	Land Description/Activity	Period of Ownership	Proprietor/Details
10150/467 (Parent titles 07359/771 and 08461/326)	Lot 1 on Plan of Subdivision 329021J, Parish of Traralgon, County of Buln Buln	5 January 1994 to 20 December 2000	Francis James Brady Dorothy Kathleen Brady
		20 December 2000 to 18 May 2006	Francis James Brady
		18 May 2006 to present	Elaine Valerie Swan Denis Howard Brady
Lot 2 PS835779			
Volume/Folio Reference	Land Description/Activity	Period of Ownership	Proprietor/Details
8679/816 (Parent Titles 08074/079)	Crown Allotment A12, Parish of Traralgon, County of Buln Buln	14 November 1966 to 15 June 1971	Country Roads Board
		15 June 1971 to 26 June 1979	Charles Henry Baillie
		26 June 1979 to present	Margaret Rose Baillie (home duties) May Isabelle Plant (home duties) George Albert Marshall (farmer) Roma May Marshall (home duties) Leonard William Marshall (boiler maker) Brian Douglas Marshall (farmer)
		30 October 1989 to present	Bernadette Mary Marshall took over proprietorship from Brian Douglas Marshall who died.
		9 June 1995 to present	Kenneth George Marshall took over proprietorship from George Albert Marshall who died.

Lot 26F PP3647			
Volume/Folio Reference	Land Description/Activity	Period of Ownership	Proprietor/Details
8617/660 (No Parent Titles)	Crown Allotment 26F, Parish of Traralgon, County of Buln Buln	10 October 1966 to 21 February 1967	George William Thompson (farmer)
		21 February 1967 to 4 October 1978	Marcello Antonello (farmer) Maria Antonello (married woman)
		4 October 1978 to 3 April 1984	Giuseppe Tortora (farmer) Maria Tortora (married woman)
		3 April 1984 to 18 September 1986	Rodney Frederick McBride Marion Julia McBride
		18 September 1986 to 13 May 1998	Marion Julia McBride
		13 May 1998 to 6 November 2002	John Peter Fulford
		6 November 2002 to present	Steven John Conway Tracey Anne Ezard
Lot C PS821062			
Volume/Folio Reference	Land Description/Activity	Period of Ownership	Proprietor/Details
12251/794 (Parent Titles 11555/025 to 026 and 028)	Lot C on Plan of Subdivision 821062Y, Parish of Traralgon, County of Buln Buln	25 September 2020 to present	Marshall's Road Developments Pty Ltd
Lot A PS826057			
Volume/Folio Reference	Land Description/Activity	Period of Ownership	Proprietor/Details
12324/522 (Parent Title 10150/468)	Lot A on Plan of Subdivision 826057P, Parish of Traralgon, County of Buln Buln	1 October 2021 to present	Gippsland Development Group Pty Ltd

Given that the review of the title history search revealed that the site(s) have been owned mostly by individuals for the purposes of residential and grazing only, DRC does not consider the sites past uses to cause concern for contamination.

All relevant historical title search information is provided in **Appendix A**.

5.4 Historical Maps

A search of Historical Maps found two maps of the site and surrounding area from 1939 and 1974. DRC's findings of the review are summarised below in **Table 5-2** and copies of the aerial photographs are presented in **Appendix C**.

Table 5-2 Historical Maps

Date	Site Description	Surrounding Land Use	Reference
1939	The site is bisected by a topographic line indicating 100 feet above sea level. A small drain runs the north portion of the site, adjacent to the La Trobe River. A small windmill is noted in the south eastern corner of the site and a house is marked along the southern boundary with a gravel driveway extending from Marshalls Road. A circle is present in the centre of the site, indicating a groundwater well.	Traralgon-Maffra Road and a Railway line are running along the eastern boundary. The town of Traralgon has been labelled and is approximately 2 km to the southwest of the site. Wetlands/swampland within the La Trobe River Valley are located to the north and northwest. Three dirt roads/driveways are visible extending northward from Marshalls Road towards the site. An abattoir and racecourse are located to the southwest, greater than 1.5kms from the site. Multiple dams are found in the vicinity of the site, all within rural properties.	<u>Commonwealth map</u>
1974	The drain now extends further into the middle of the site and flows south. The dam which is connected to the drain that was formerly outside of the site's boundary has now been included within the site. Three dwellings are noted to be partially within the site/at the very edge of the site. They are all located along the southern boundary.	Traralgon-Maffra Road and a Railway line are still located along the eastern boundary. Many more dwellings and structures exist within a 1km radius of the site, predominantly to the south. The same racecourse labelled in the 1939 historical map is also labelled in the 1974 map.	<u>NATMAP</u>

5.5 Historical Business Directories Review

A review of historical businesses within a 150 m radius of the site and historical dry cleaners, motor garages and service stations within a 500 m radius of the site was undertaken using Sands & McDougall directories and Universal Business Directories from 1905 to 1991 (last Sands & McDougall directory produced in 1974).

Multiple businesses with activities that have the potential to cause contamination were identified being linked back to a road corridor). Multiple businesses were identified in the vicinity of the site whose activities may have the potential to cause contamination, however, businesses were linked to a road corridor (Traralgon-Maffra Road) and not a specific address. Considering the aerial photograph review in **Section 5.2** did not identify any potentially contaminating businesses along Traralgon-Maffra Road, it is assumed that historical businesses are located a considerable distance (possibly south, near Marshalls Road light industrial area) from the site and as such do not pose potential contamination risks to the site.

Details regarding the historical business directories search are provided in **Appendix D**.

5.6 Environment Protection Authority

5.6.1 EPA Priority Sites Register, Former EPA Priority Sites & EPA Pollution Notices

A search of the EPA Victoria Priority Sites Register (PSR), former EPA priority sites and EPA pollution notices was undertaken to identify whether the site or any surrounding properties within a 1 km radius of the site were listed as priority sites, former priority sites or have been issued with a pollution notice by the EPA Victoria.

The search identified three sites on the former EPA priority sites and other pollution notices register within a 1 km radius of the site. **Table 5-3** below shows further details of the identified sites.

Table 5-3 Former EPA Priority Sites and Other Pollution Notices within a 1km radius of the site

Notice Type	Address	Company/Owner	Status	Distance and Direction
31B(1)	Crown Allotment 26E of Traralgon Glendale Road	Barry Phillip Hillbrick	Legacy EPA Database Pollution Notice	0m west
Pollution Abatement Notice	57-89 Roda Road, Traralgon East	Crystal Dancer Pty Ltd	Current Pollution Notice	603m south east
62A(1)	230-232 Frankston-Dandenong Road	Caltex Australia Petroleum Pty Ltd	Legacy EPA database Pollution Notice – Current service station. Requires assessment and/or clean up.	631m south east

The property located adjacent to the western site boundary it has the potential to cause a contamination risk to the site due to its proximity to the site. Further information regarding this site was not able to be obtained by DRC. Given the considerable distance between the other two properties and the site (<600m) they are not considered to pose a potential contamination risk.

Information regarding all EPA priority sites and pollution notices is provided in **Appendix E**.

5.6.2 EPA Audit Reports

A search of the EPA Victoria list of Certificates and Statements of Environmental Audit and 53V Audit Reports was undertaken to identify whether the site or any surrounding properties within an a 1km radius of the site were listed as environmental audit sites.

The search indicated that the site and the surrounding area had not been subject to an environmental audit. Environmental audit sites are therefore not considered to pose a potential contamination risk to the site.

Information regarding the environmental audit report search is provided in **Appendix E**.

5.6.3 EPA Victoria Licensed Premises

EPA licenses are required for premises owned by a person, company, statutory corporation or municipal council whose operations may adversely affect the environment (including waste acceptance and treatment, air and water discharges and noise and odour).

A search of the EPA Victoria list of licensed premises and former licensed premises identified one current licensed premises and one EPA Works Approvals within an a 1km radius of the site. Given that both sites in question are >530m distance from the site, the Current EPA licensed premises and EPA Works Approvals sites are therefore not considered to pose a potential contamination risk to the site.

Information regarding the EPA Victoria Licensed Premises search is provided in **Appendix E**.

5.6.4 EPA Groundwater Quality Restricted Use Zones

A search of the EPA Victoria GQRUZs was undertaken to identify historic groundwater pollution as a result of previous industrial activity.

The search did not identify any site within a 1km radius of the site as having an EPA GQRUZ. EPA GQRUZs are therefore not considered to pose a potential contamination risk to the site.

Information regarding the GQRUZ search is provided in **Appendix E**.

5.7 Waste Management Facilities and Landfills

Searches of the following databases were undertaken to identify whether any waste management facilities and/or landfills are located at the site or within a 1 km radius of the site:

- National Waste Management Site Database (National Waste Database);
- Statewide Waste and Resource Recovery Infrastructure Plan Facilities Database (Statewide Waste Database);
- EPA Prescribed Industrial Waste treaters, disposers and permitted transporters (EPA PIW Database);
- EPA Victorian Landfill Register sites (EPA Landfill Register);
- Former waste disposal sites (search from various historical sources); and
- Historical Mining

The search identified one Statewide Waste and Resource Recovery Infrastructure Plan Facility and two EPA Prescribed Industrial Waste Facilities at two addresses within a 1 km radius of the site. Waste related properties are identified in **Table 5-4** in Section 5.12 of this report.

DRC notes that Veolia/SITA which is now run by Veolia/Suez is only licensed to transport waste and therefore are not licensed for the storage, treatment, containment, or disposal of prescribed industrial waste. DRC have confirmed this property use with Suez on 16 August 2022.

Information regarding all waste management facilities and landfill database searches is provided in **Appendix E**.

5.8 National Liquid Fuel Facilities

A search for national liquid fuel facilities within a 1 km radius did not identify any liquid fuel facilities on or in the vicinity of the site.

Information regarding the national liquid fuel facilities search is provided in **Appendix E**.

5.9 Other Government Records Review

Searches of other relevant government records/databases were also undertaken to assess for potential contamination at or surrounding the site as follows:

- EPA Victoria – Works Approvals;
- EPA Victoria – PFAS Site Investigations;
- Department of Defence, Australian Government – Defence PFAS Investigation & Management Program (Investigation Sites and Management Sites);
- Airservices Australia – National PFAS Management Program;
- Department of Defence, Australian Government – Defence 3 Year Regional Contamination Investigation Program;
- Various historical sources – Former Gasworks; and
- State Government Victoria, Department of Economic Development, Jobs, Transport & Resources – Historical Mining Activity, Shafts.

The findings of the above searches did not identify any potential contamination risks at or surrounding the site. Further details regarding the above searches are provided in **Appendix E**.

5.10 Features of Interest

During DRC's review of features of interest in the vicinity of the site the following were listed:

- Longford-Tyres gas pipeline 0m from the site;
- Dutson To Hastings oil pipeline 0m from the site;
- Longford-Dandenong gas pipeline (northern) 0m from the site; and

- Two power substations 81 m southeast and 581 m southwest of the site.

During DRC's site boundary walkover high pressure oil pipeline signage was observed at the site, with a gas pipeline also observed, these appears to correspond with those identified in the features search.

DRC notes that a 100m buffer either side of the southern high pressure oil pipeline is proposed to remain as open space as part of the development. This buffer land is managed by Exxon/Esso and strict safety management standards (SMS) are required if/when the easement needs to be crossed. It is DRC's understanding that Esso supports the rezoning and has no objection to the planning permit application and *"Following Esso's evaluation, it is not anticipated that this development and its construction will physically impact of significantly change the risks being managed for the safe operation of the pipeline(s)"*.

5.11 Interviews With Owners

DRC provided letters to the site owners to confirm if any potential agricultural practices that have the potential to cause contamination to the site have occurred in the past (e.g. biosolid application to land, mass animal burial, commercial use of pesticides and/or farm waste disposal). Letters confirming the lack of these practices are provided in **Appendix F**. The following owners have confirmed that none of these practices have occurred:

- Mr Steve Buhagiar – 145 Traralgon-Maffra Road (eastern portion of the site); and
- Mr Dale Stott – 110 Marshall Road and 50 Glendale Road (western portion of the site).

Additionally, DRC contacted the site owner of land in the western portion of the site to discuss the identified soil movement and dam/wetland works in this portion of the site. Mr Dale Stott, owner of the western portion of the site, has confirmed that no fill has been imported to the site. Works within this portion of the site have only been scraping of topsoil and excavation of soils to create the retarding basin/dam/wetlands facility. The wetland was required as part of development occurring south of the high-pressure oil pipeline. Surplus soils (scraped topsoil and excavated soils from wetland works) from the northern portion of the site were removed and used to fill areas of Stage 2 developments to the south.

5.12 Nearby Industrial Area – Separation Distance and Buffer Review

A preliminary review of specified separation distances and buffers, as detailed by EPA Victoria publication 1949, *Separation distance guideline* was undertaken by DRC. This assessed the distances between known industrial land uses southwest of the subject land and the land subject to future residential land use.

EPA Victoria publication 1949 provides default separation distances or buffers relevant to each land use and activity category that maybe of risk of either air, noise, odour or other emissions that may detrimental impact the amenity of sensitive land use. DRC has reviewed each activity in proximity to the subject land and provides the following assessment detailed in **Table 1** against EPA 1949 default buffer distances.

Table 5-4 below provides a summary of the industries present within the buffer zone and assessed against the criteria.

Table 5-4: Assessment of separation distances and findings for the subject land

Address	Land Use	Industry under EPA 1949	EPA 1949 Separation Distance	Has the Separation Distance been met?
47 Eastern Rd, Traralgon	Mountain Logging	Logging contractor	No buffer allocated	Not applicable
4 Southern Rd, Traralgon	Turnbulls Hire Car Truck And Minibus Rental	Car leasing service	No buffer allocated	Not applicable
53-59 Eastern Rd, Traralgon	Steeline Sheds & Roofing	Supply store	No buffer allocated	Not applicable
43 Eastern Rd, Traralgon	Nak Signs Pty Ltd.	Signwriters	No buffer allocated	Not applicable

Address	Land Use	Industry under EPA 1949	EPA 1949 Separation Distance	Has the Separation Distance been met?
Traralgon	Mayfield Tyre Centre	Tire shop	No buffer allocated	Not applicable
Eastern Rd, Traralgon	24geek!	Computer repair service	No buffer allocated	Not applicable
2 Dodd Ct, Traralgon	Toongabbie Contractors	Construction office	No buffer allocated	Not applicable
5-7 Southern Rd, Traralgon East	Weldtek	Steel construction company	500 m. The site is at a distance of 1.3 km from the boundary of residential land use.	Yes. (Potential adverse impacts are unlikely due to the sites significant distance from this industry being 1.3 km.)
70-74 Eastern Rd, Traralgon	Sims Metal – Traralgon Latrobe Valley Recyclers (It is noted this site is listed by some directories as Cleanaway, whom are the parent company for Latrobe Valley Recyclers)	Materials recovery and recycling facility	500 m	Yes. (Potential adverse impacts are unlikely due to the sites significant distance from this industry being 877 m.)
79-83 Eastern Rd, Traralgon	Veolia Gippsland Resource Recovery Centre (Suez) Previously operated by SITA Australia (Transporter)	Truck and Bin Depot	No buffer allocated	Not applicable ¹
53/55 Rocla Rd, Traralgon	Djn Contracting	Electric motor store	No buffer allocated	Not applicable
45 Eastern Rd, Traralgon	AI&R - Asset Integrity & Reliability	Industrial engineer	No buffer allocated	Not applicable
2/3/43 Eastern Rd, Traralgon	Construction Sciences Traralgon	Soil testing service	No buffer allocated	Not applicable
4 Dodd Ct, Traralgon East	Brentcorp Foodservices & Bulk Barn	<u>Food products supplier</u>	No buffer allocated	Not applicable
38-52 Eastern Rd, Traralgon East	Jelfor Treated Timbers	Lumber store	No buffer allocated	Not applicable
34-36 Eastern Rd, Traralgon	Traralgon Towing	Towing Store	No buffer allocated	Not applicable
82 Eastern Rd, Traralgon	Carllision Bodyworks	Auto body shop	No buffer allocated	Not applicable
68 Eastern Rd, Traralgon East	The Dock Shop Secure & Destruction & Recycling Facility	Storage facility	No buffer allocated	Not applicable

¹ DRC notes that Veolia/SITA which is now run by Veolia/Suez is only licensed to transport waste and therefore are not licensed for the storage, treatment, containment, or disposal of prescribed industrial waste. DRC have confirmed this property use with Suez on 16 August 2022.

Address	Land Use	Industry under EPA 1949	EPA 1949 Separation Distance	Has the Separation Distance been met?
54-56 Eastern Rd, Traralgon	Maffra Trenching & Boring Pty Ltd	Drilling Contractor	No buffer allocated	Not applicable
58-60 Eastern Rd, Traralgon	Fedex Station	Courier service	No buffer allocated	Not applicable
62 Eastern Rd, Traralgon	Jump & Climb Traralgon	Recreation centre	No buffer allocated	Not applicable
84 Eastern Rd, Traralgon	Graham Hobson Refrigeration	supply store	No buffer allocated	Not applicable
65 Eastern Rd, Traralgon East	Trade weld	Fabrication Engineer	No buffer allocated	Not applicable

As stated in Section 5.7, DRC notes that Veolia/SITA which is now run by Veolia/Suez is only licensed to transport waste and therefore are not licensed for the storage, treatment, containment, or disposal of prescribed industrial waste. DRC have confirmed this property use with Suez on 16 August 2022. Based on this land use, DRC note that with reference to EPA publication 1949, no buffer is required for this site given the site's demonstrated land use. The customer service representative for Veolia/Suez confirmed the property is a truck and bin depot and no waste is transported, stored, or treated at the property.

In conclusion, in DRC's opinion the industrial sites located southwest of the proposed development site are unlikely to present a risk of air, noise, odour or other emission risk to the subject land. If further work is required to validate this conclusion, additional assessment can be implemented at a later stage.

5.13 Summary of Site History Review

The site history review identified the following with regards to the site:

- The site is comprised of multiple paddocks and has been used for grazing purposes since at least 1945 up until present. Two dams exist on site which are linked to unnamed creek tributaries/drainage channels;
- Two large dams/wetlands were constructed in 2021 with an open drainage channel running south. These were built as part of the development permit for residential development occurring to the south of the high-pressure oil pipeline. As part of these works, excavated soils were stockpiled and then surplus soils removed to the southern development site;
- The site has remained relatively unchanged over the years, however a small dam connected to a drainage channel was constructed between 1955 and 1967. Aside from a few scattered animal/cattle troughs, the vast majority of the site is grassed paddocks;
- Several oil and gas pipelines exist beneath the site surface generally running east-west; these have large easements on either side of them that are proposed to remain undeveloped open space;
- The surrounding area primarily consisted of agricultural/grazing paddocks from at least 1945 to sometime between 1991 and 2007 when large scale residential developments began to the south and east. Vacant and/or grazing paddocks are observed to the north and west in present day; and
- La Trobe River flows to the northwest of the site which has multiple tributaries and drainage channels flowing into it.

The aerial photograph review indicated the following with regards to potential contamination risks to the site:

- The site was primarily used as grazing land for all of its history and is still used for such purposes today. Therefore, it is unlikely the site is subject to commercial use of pesticides / herbicides based on the sites use for grazing purposes only;
- During excavation earthworks of the dam/wetlands in the central west of the site, stockpiling of excavated soil was visible. These stockpiles and visible disturbed ground are noted in the 2021 aerial

photograph, however the soils are not considered to pose a contamination risk to the site as they are site derived.

The site history review indicated the following with regards to potential contamination risks to the site:

- The site history review has not identified any commercial use of pesticides or herbicides at the land;
- Current and historical features/businesses identified in the area surrounding the site are not considered to pose a potential contamination risk to the site;
- No previous ESAs with regards to contamination were identified to have been undertaken at the site;
- The review of historical directories (including historical mining activities) did not identify any infrastructure/features or businesses at or surrounding the site with the potential to cause contamination to the site;
- A search of the EPA's current and former priority sites and pollution notices identified one property within a 1 km radius of the site that would pose a contamination risk to the site;
- A search of current and former waste management facilities and landfills did not identify any properties within an approximate 1 km radius of the site with the potential to cause contamination to the site;
- A search of EPA licensed sites did not identify any licensed sites within an approximate 1 km radius of the site with the potential to cause contamination to the site;
- A search of the EPA's list of Certificates and Statements of Environmental Audit and 53V Audit Reports did not identify any audit sites within the vicinity of the site with the potential to pose a contamination risk to the site;
- A search of EPA GQRUZs did not identify any GQRUZs within a 1 km radius of the site with the potential to cause contamination to the site; and
- A search of other government records/databases did not identify any properties within a 1 km radius that would pose a contamination risk to the site.

6 CONTAMINANTS OF POTENTIAL CONCERN (COPC)

Based on the findings of the site inspection and site history review, COPCs identified for the site are presented in **Table 6-1** below. It should be noted that the identified COPCs presented below are based on DRCs previous experience with similar properties and may not be applicable to the site.

Table 6-1: Contaminants of Potential Concern Applicable to this Site

Site Use	Contaminants of Potential Concern	Likely media in which COPCs may be identified at the subject site
Grazing	Pesticides (organochlorine pesticides) and metals	Shallow soils
Potential historical treatment of buildings for pests (onsite)	Organochlorine pesticides (OCPs)	Surface soils around historical buildings/infrastructure
Potential use of ACM for construction materials (onsite)	Asbestos	ACM in surface soils if demolition works occurred
Subsurface oil and gas pipelines	Petroleum Hydrocarbons	Soils and groundwater (if a leak occurred)

Based on the findings of the site history review it is considered unlikely that past on- and off-site activities would have impacted groundwater or be drivers for soil/groundwater vapour issues, with the possible exception of the onsite oil and gas pipelines. Oil and gas pipelines pose a high to medium potential contamination risk. However, DRC notes that these pipelines have large easements associated with them and are managed by Esso. The easements are proposed to remain as open space land use, which based on the PPN30 Table 3, only requires this PSI to inform if the need for an audit is required.

7 CONCLUSIONS AND RECOMMENDATIONS

The site identified as encompassing multiple parcels to the west of Traralgon-Maffra Road, Traralgon has been subjected to a preliminary site investigation (PSI), which included a desktop review of site planning information, a desktop review of the environmental setting of the site and a desktop review of the site's history.

With regards to the findings of the PSI, the following conclusions have been made:

- The site has historically been used for grazing since at least the 1940s and a small portion of the site use for residential use from 1945;
- No evidence of commercial pesticide use has been identified at the site;
- The site's history review has not identified any potential contaminating land uses;
- Major oil and gas pipelines run beneath the site. These have the potential to cause contamination should a leak occur and are considered a high to medium contamination risk, however based on PPN30 and given the large easement of open space land use, a PSI is required to assess the potential risk and to inform the need for an environmental audit;
- Although stockpiles were observed at the site, these have been confirmed to be excavated soils from the central western dam/wetland and drainage channel construction and have not been imported to the site;
- Site owners have confirmed that no agriculture and animal production uses, as listed on Table 2 of the PPN30, have occurred at the site;
- A review of historical maps, directories and EPA databases identified one property immediately west, listed as having a Legacy EPA Database Pollution Notice with the potential to pose a contamination risk to the site; and
- The nearby light industrial estate located along Eastern Road, southwest of the proposed development site are unlikely to present a risk of air, noise, odour or other emission risk to the subject land.

In accordance with the DELWP PPN30, the site does not meet the definition of 'potentially contaminated land' as no land uses listed in Table 2 of PPN30 as having a high or medium potential for contamination were identified for this site. Therefore the site is not considered to be 'potentially contaminated land' and thus on this basis the site is not subject to provisions made by Ministerial Direction No.1 under Section 12(1A) of the *Planning and Environment Act 1987*.

DRC does note that a high-pressure oil pipeline does run along the southern boundary of the site, however based on the PPN30, and the proposed development plan, this area is proposed to be open space. As such, based on Table 3 of the PPN30, a PSI is required to inform if an Audit is required (this PSI).

DRC recommends the following:

- Based on DRC's findings, an environmental audit is **not required** for this site as the land **is not** defined as potentially contaminated land.
- A hazardous materials assessment should be undertaken prior to the demolition of any buildings as there is potential for asbestos containing material within the buildings based on their age;
- Any soils that may be brought onto the site in future should be tested to assess potential for contamination prior to placement; and
- During development/other works at the site, any soils surplus to requirements are required to be tested prior to offsite disposal in accordance with EPA Victoria Publications IVRG822.4 and 1828.2; and
- DRC supports the easement consistent with advice from Exxon/Esso to facilitate the pipeline corridor, is required by the planning overlay DPO11.

8 STATEMENT OF LIMITATIONS

This document has been prepared based on a specific brief provided to DRC Environmental by Millar Merrigan. This document has been prepared with care and consideration to acceptable standards and current industry practice. This document is based on sub-surface conditions that may be variable which may result in changes to procedures, advice, recommendations, or professional conclusions established by this document. DRC Environmental therefore reserve the right to change or withdraw this report.

DRC Environmental recommends only suitably qualified and experienced contractors and consultants should undertake technical assessment of this document and attempt contaminated land remediation projects.

Report prepared by:

Report reviewed and approved by:



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Renee Prochazka
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DRC Environmental Pty Ltd
20 March 2023

FIGURES

PLATES

APPENDIX A – PLANNING INFORMATION AND HISTORICAL TITLES

APPENDIX B – ENVIRONMENTAL BACKGROUND

APPENDIX C – AERIAL PHOTOGRAPHS AND HISTORICAL MAPS

APPENDIX D – HISTORICAL BUSINESS REVIEW

APPENDIX E – EPA & GOVERNMENT DATABASE SEARCH INFORMATION

APPENDIX F – FURTHER DETAILS