

PLANNING PERMIT APPLICATION 2013/214 - NATIVE VEGETATION  
REMOVAL, JUMBUK ROAD

**GENERAL MANAGER**

**Planning and Governance**

**For Decision**

**PURPOSE**

The purpose of this report is to determine Planning Permit Application 2013/214 for the Removal of Native Vegetation on Jumbuk Road, Jeeralang Junction.

The application was previously heard at the Ordinary Council meeting on 24 March 2014, where the following motion was adopted:

**ALTERNATE MOTION**

1. That Council defer the decision to grant a decision on Planning Permit Application 2013/214 – Native Vegetation Removal, Jumbuk Road until the following documentation has been considered and adopted by Council:
  - a) A 10 Year Offset Management Plan and the Compliant Offset Plan.

As a result of the motion, Council's Environmental Planning Team has included an example of the type of offset plan which will be sought if a planning permit is issued; see *Attachment 5*. This Offset Management Plan is indicative as plans of this nature are funded for and obtained once a planning permit is issued; as such an offset plan specific to this project cannot be acquired at this time.

However it is noted that third party offsets currently cost approximately \$120,000 - \$180,000 per Biodiversity Equivalence Units. As identified in the example Offset Management Plan, 0.460 hectares is required at a contributed gain of 0.212 general Biodiversity Equivalence Units.

Therefore the cost of offsetting as per the permit conditions for this removal will be approximately \$25,440 - \$38,160. As mentioned the attached offset plan is an example, and not specific to this project. Offsets have been accounted for in the current program.

Given that the requisite information has been provided, the application is now before Council for a decision to be made.

**DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

## **STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

### Latrobe 2026: The Community Vision for Latrobe Valley

#### *Strategic Objectives – Built Environment*

In 2026, Latrobe Valley benefits from a well-planned built environment that is complimentary to its surroundings and which provides for connected and inclusive community.

### Latrobe City Council Plan 2013 - 2017

#### *Strategic Direction – Planning for the future*

Provide efficient and effective planning services and decision making to encourage development and new investment opportunities.

#### Legal

The discussions and recommendations of this report are consistent with the provisions of the *Planning and Environment Act 1987* (the Act) and the Latrobe Planning Scheme (the Scheme), which apply to this application.

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

## **BACKGROUND**

### **SUMMARY**

Land:	Jumbuk Road, Jeeralang Junction
Proponent:	Latrobe City Council
Zoning:	Rural Living Zone – Schedule 3 Farming Zone
Overlay	Environmental Significance Overlay – Schedule 2 Bushfire Management Overlay

A Planning Permit is required for the removal of native vegetation in accordance with Clause 42.01-2 of the Scheme.

A Planning Permit is required for the removal of native vegetation in accordance with Clause 52.17-2 of the Scheme.

Council is the Responsible Authority for the land; therefore this application is before this Ordinary Council Meeting for decision.

### **SUBJECT LAND:**

The subject sites are located within the road reserves of Jumbuk Road and include up to six (6) corners which are primarily located between the intersections of Jumbuk Road and Junction Road, and 'Richardson's Corner' (chainage: 220 – 3560).

The corners are located approximately 5 kilometres south of the Churchill Township, within Jeeralang Junction. Uses surrounding corners 1 and 2 are of a rural residential nature, whilst the remaining corners are surrounded by large farming zoned lots with minimal agricultural activities and significant native vegetation.

### **PROPOSAL**

The application involves the removal of native vegetation up to six (6) corners within the Jumbuk Road reserve to allow the widening of the subject corners, in accordance with the road safety improvements contained within the *Jumbuk Road, Middle Creek Road, Upper Middle Creek Road Road Safety Audit Report – Final Report April 2009* (the Road Safety Report). More specifically, the vegetation removals required are part of the works within Stage 2 of the Jumbuk Road project.

The native vegetation to be removed is 0.460 hectares of vegetation classed in a low risk-based pathway.

The proposed native vegetation removal will facilitate the completion of the Jumbuk Road project, included in the Better Roads Victoria: Rural Local Timber Roads Program; Vicroads has contributed \$860,200 for the completion of the works on Jumbuk Road.

Detailed plans for each corner can be viewed in *Attachment 1*.

### **HISTORY OF APPLICATION**

A history of assessment of this application is set out in *Attachment 2*.

The provisions of the Scheme that are relevant to the subject application are included in *Attachment 3*.

The zoning of the subject land and surrounds is included in *Attachment 4*.

### **LATROBE PLANNING SCHEME**

#### **State Planning Policy Framework**

The proposal has been considered against the relevant clauses under the SPPF.

The SPPF Clause 20.01-2 'Native Vegetation Management' requires that *'permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity'*.

In order to achieve this policy objective, the assessment guidelines set out in *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013) have been applied, which are:

- *Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.*
- *Minimise impacts on Victoria's biodiversity.*
- *Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.*

The SPPF Clause 11.05-4 'Regional planning strategies and principles' seeks to '*develop regions and settlements which have a strong identity, are prosperous and are environmental sustainable*'.

In order to achieve this policy objective, the following principles have been applied to the assessment of the application:

- *A network of integrated and prosperous regional settlements*
- *Environmental health and productivity*
- *Regional Victoria's competitive advantages*
- *Distinct and diverse regional settlements*

The assessment of the application against these guidelines and principles is included in the *Particular Provisions* Section of this report. The proposal has been considered against the relevant clauses under the State Planning Policy Framework and deemed to comply.

### **Local Planning Policy Framework (LPPF)**

Within the LPPF Clause 21.02 outlines Latrobe City Council's strategic objectives which include '*To promote the responsible and sustainable care of our built and natural environment for the use and enjoyment of the people who make up the vibrant community of Latrobe Valley*' and '*To promote and support social, recreational, cultural and community life by providing both essential and innovative amenities, services and facilities within the municipality*'. Both of these strategic directions promote the care for the environment and the people who reside in it. It also shows the commitment to providing the best services available which includes the safety of people who live in and visit the municipality.

Clause 21.03-3 '*Native Vegetation and Biodiversity*' has objectives to '*protect native flora and fauna species and their habitat across the municipality*', and '*increase the extent and quality of native vegetation and biodiversity across the municipality, and to support the maintenance of*

*bushland reserves*'. The proposal has been considered against the relevant clauses under the Local Planning Policy Framework and deemed to comply.

### **Zoning**

#### Rural Living Zone – Schedule 3

The purpose and decision guidelines of the Rural Living Zone have been taken into account as part of the assessment of this application and it is considered that the application complies with the zoning provisions.

#### Farming Zone

The purpose and decision guidelines of the Farming Zone have been taken into account as part of the assessment of this application and it is considered that the application complies with the zoning provisions.

### **Overlay**

#### Environmental Significance Overlay – Schedule 2

The proposal is considered to be consistent with the purpose of the overlay as the vegetation removal is '*compatible with identified environmental values*' and will not result in a significant disturbance to the biodiversity of the region.

The environmental significance of the area is identified as being as an '*important and reliable source of high quality water providing a potable water supply for a number of urban settlements*'. The permit requirements in the overlay stipulate that a '*permit may only be granted to remove trees from not more than 10% of the land and to clear understorey from not more than 30% of the land*'. It is considered in this instance, as the vegetation is located within a road reserve, the vegetation removal will not impact on the environmental attributes which serve to ensure a high quality water supply to the region.

Based on the nature of the controls contained within the overlay, and the references made in relation to land sizes, it is considered that the intent of the overlay would seek to limit or restrict significant vegetation removal on properties which may result in a significant alteration to the nature of the property; not specifically to restrict vegetation removal for the provision of works to provide a safe road network.

#### Bushfire Management Overlay

The purpose and decision guidelines of the Bushfire Management Overlay have been taken into account as part of the assessment of this application and it is considered that the application complies with the overlay provisions.

### **Particular Provisions**

#### Clause 52.17 Native Vegetation:

The proposal has been assessed having regard to the purpose of the particular provision and has considered in detail the following approach:

- *Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.*

- *Minimise impacts on Victoria's biodiversity from the removal of native vegetation.*
- *Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.*
- *To manage native vegetation to minimise land and water degradation.*

As noted above, the proposed native vegetation removal is required in order to facilitate the works identified in the Road Safety Audit report for Jumbuk Road – Stage 2. The works are considered necessary to allow for the safe manoeuvring of cars and trucks around the subject corners as sight distances are currently impacted by the vegetation located on the inside curves.

It should be noted that the vegetation removal will also reduce the amount of road widening necessary to provide appropriately dimensioned road widths for safe manoeuvres to occur, allowing both cars and trucks to pass simultaneously.

The proposal has been assessed against the decision guidelines of Clause 52.17. In assessing the application, the following elements have been considered in detail:

1. *Biodiversity considerations for all applications:*

- *The contribution that native vegetation to be removed makes to Victoria's biodiversity. This is determined by:*
  - *The extent and condition of the native vegetation.*
  - *The biodiversity value of the native vegetation, including whether the native vegetation is important habitat for rare or threatened species.*
- *Whether the removal of native vegetation is defined as being in the low, moderate or high risk-based pathway, as defined in the Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013) and apply the decision guidelines accordingly.*

It is considered that the proposed vegetation removal is appropriate having regard to the extent of vegetation to be cleared, the biodiversity value which the vegetation serves to the habitat and the risk-based pathway which the vegetation is defined. The vegetation to be removed is within the low risk-based category as defined by the Department of Environment and Primary Industries; this category is the lowest risk-based pathway assessment guideline. The specific vegetation elements relevant for this application will be discussed below in the report.

2. *Other Matters*

- *The role of native vegetation in:*

- *Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway and in special water supply catchment areas listed in the Catchment and Land Protection Act 1994.*
- *Preventing land degradation, including soil erosion, salination, acidity, instability, and water logging, particularly:*
  - *Where ground slopes are more than 20 per cent.*
  - *On land which is subject to soil erosion or slippage.*
  - *In harsh environments, such as coastal or alpine area.*
- *Managing native vegetation to preserve identified landscape values.*

The proposed works located on corners 2-6 are located within the Environmental Significance Overlay Schedule 2 which relates to water catchments; more specifically the controls seek to limit the amount of vegetation removal in order to protect and sustain the environmental attributes which ensure high quality water availability. It is considered that the vegetation removal is appropriate as the works involved maintain a minimum distance of 150 metres from the closest marked waterways.

Furthermore it is not considered that vegetation contained within a road reserve is likely to have an adverse impact in relation to water catchment water quality. No concerns in relation to soil erosion or instability have been highlighted in the report supplied with the application. It is considered that appropriate guidelines in relation to road surfacing will mitigate any potential concerns in relation to landslip.

Offset requirements have been assessed by Council's Environmental Planning Team and the Department of Environment and Primary Industries. The offsets proposed in the report supplied with the application address not only the vegetation to be removed as part of this application, but also provide offsets for the vegetation to be removed in other stages of the project which are exempt from requiring planning approval. It is considered that the vegetation offsets proposed go beyond the mandatory requirements contained within the Scheme, and reflect Council's proactive approach to protecting and enhancing the biodiversity and native vegetation in the Latrobe Valley.

#### **Decision Guidelines (Clause 65):**

The Decision Guidelines contained within Clause 65 of the Scheme have been considered as part of the assessment of the application.

#### **SUBMISSIONS**

The application received three (3) submissions in the form of written objections. The objections are included in *Attachment 5* of this report.

The issues raised were:

- 1 The removal of the vegetation will impact on the koala populations and other protected fauna and lyre birds.

*Officer Comment:*

The report provided with the planning permit application identified one 'possible frequent visitor' in relation to fauna to the subject vegetation removal sites; the *ninox strenue* (Powerful Owl). It is noted that this particular fauna requires a high quality habitat area for the species to be present; it is considered that the disturbance presented by the existing vehicle activity on the road limits the likelihood of the species being present.

Koala populations were not listed as a rare or threatened fauna species within 5 km of the proposed work site; however it is noted that the report sighted a koala species (*Phascolarctos cinereus*) in the report provided with the application. A superb lyrebird (*menura novaehollandiae*) was also sighted but not included in the rare or threatened fauna species list.

- 2 A large strip of an objector's property will be excavated, which is also located within a wildlife management overlay.

*Officer Comment:*

The corner in question is identified as Corner 3 in *Attachment 1*. The GIS information available to Council currently illustrates that the proposed vegetation removal is wholly located within the road reserve and does not protrude into any adjoining properties. The Scheme in its current form does not contain a planning control identified as a wildlife management overlay. It is noted that the subject corner is affected by the controls contained within the Bushfire Management Overlay.

- 3 The works will be detrimental to quality of life, privacy and amenity of landowners

*Officer Comment:*

The principles and decisions guidelines contained within Clause 52.17 have been taken into consideration in the assessment of the application. Clause 65 of the Scheme requires consideration to be given to the likely impact the proposal will have on the amenity of the area and the extent and character of native vegetation. Whilst it is recognised that vegetation located within a road reserve does add to the ambience in such rural landscapes, however the removal of vegetation in the interests of maintaining road safety is considered to be a necessary and appropriate measure.

It is noted that at Corner 3, the closest tree to be removed from the dwelling located on the adjoining land is located a minimum of 30 metres away; as a result it is considered that the impact of the removal of vegetation in the road reserve is highly unlikely to impact the privacy of the land and dwelling.



4 Works on the corners are not necessary as the whole road is not being widened

*Officer Comment:*

It must be noted that the application relates to the removal of native vegetation; the proposed road works are exempt from requiring planning approval. The Road Safety Audit report has identified 11 corners along Jumbuk Road which require works, 6 of which also require vegetation removal. The works are proposed to specifically improve sight distances around such corners and to allow cars and trucks to manoeuvre around the corners. The report does not contain recommendations to increase the width of the whole road; rather refers to specific corners.

5 There was no consultation with the objector

*Officer Comment:*

Clause 67.02 stipulates the mandatory notification requirements for applications of this type and as a result, adjoining property owners were notified of the application. In addition, it was requested that a sign be placed on site to notify any other persons of the proposal. The applicant completed all the required notification tasks necessary under the provisions of the Scheme and the Act.

6 Jumbuk road will be unsafe as a result of log truck activity

*Officer Comment:*

It must be noted that the application relates to the removal of native vegetation; the proposed road works are exempt from requiring planning approval. The removal of native vegetation to facilitate the road widening seeks to ensure that any subsequent increases in traffic activity will improve safety for road users.

Councils Senior Project Engineers are anticipating that there may be an increase of logging truck activity on the road and the works are necessary to ensure that any vehicles of a similar size which may utilise the road may do so, without presenting a safety risk to other road users.

7 Public funds are being spent on a project when cheaper alternatives are present

*Officer Comment:*

Based on the information contained within the submission, this objection appears to make reference to arrangements for the proposed routes for log truck activity to be conducted by the

respective logging companies; when the plantations are deemed ready for sourcing.

Alternative routes for logging truck activity would generally be outside of the scope for assessment under the planning scheme for applications for native vegetation removal, however as the application has highlighted that logging truck activity is one of the reasons the corners require certain works, it has been considered as part of the assessment of the application.

Whilst alternative routes may present opportunities in which native vegetation removal can be avoided, which could result in alternative routes being utilised, such alternatives require consideration to be given to the potential social and economic impacts such alternatives can present to the community as per Section 38 of the *Road Management Act 2004* (Vic) requires.

Council's Senior Project Engineer has recommended that the proposed works be performed in the interests of providing a safe road network to allow large trucks and cars to utilise the road.

8 The underlying reason for the vegetation removal does not justify the proposal

*Officer Comment:*

As discussed above, the removal of native vegetation is required in order to facilitate the completion of the works recommended in the Road Safety Audit Report for Stage 2 of the Jumbuk Road project. Listed as an important priority, it is recommended that the width of the pavement at 11 horizontal curves be widened and that the vegetation on the insides of the curves be removed or trimmed at six locations (the locations which are part of this application).

The Road Safety Audit report details that the vegetation removal is necessary as the vegetation currently limits the sight distance; this issue presents a safety risk to vehicles attempting to negotiate the curve. The removal of vegetation will provide an improvement to sight distances, allowing vehicles which are approaching the curve to see further up Jumbuk Road; providing the vehicles additional time to slow down or come to a stop if another vehicle is approaching from the opposite direction whilst negotiating the curve.

It should be noted that Vicroads has contributed \$860,200 for the completion of the works on Jumbuk Road whilst Council has contributed \$925,823 to the project.

9 An alternative solution would enable timber to be carted via an alternative route

*Officer Comment:*

As mentioned above, this proposal relates to native vegetation removal. Whilst it is recognised that the vegetation removal is necessary to facilitate works recommended under the Road Safety Audit Report, the removal of low-risk based vegetation, as defined by the Department of Environment and Primary Industries (and mentioned early in this report), for the purposes of improving the safety of rural roads is considered to be acceptable and appropriate. The development of policies in relation to which routes would be most appropriately suited for logging trucks is not a consideration which can be assessed under the current proposal.

### **FINANCIAL, RISK AND RESOURCES IMPLICATIONS**

Additional resources or financial cost will only be incurred should the planning permit application require determination at the Victorian Civil and Administrative Tribunal (VCAT).

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014.

### **INTERNAL / EXTERNAL CONSULTATION**

*Engagement Method Used:*

#### Notification:

The application was advertised pursuant to Section 52(1)(a) and Section 52(1)(d) of the Planning and Environment Act 1987 (the Act). Notices were sent to all adjoining and adjacent landowners and occupiers and an A3 notice was displayed on each of the corners where the native vegetation is proposed to be removed for a minimum period of 14 days.

At the request of the applicant, a mediation meeting was not held for the application

#### External:

The application was referred to the Department of Environment and Primary Industries pursuant to Section 55 of the Act which was relevant at the time the application was received. However amendment VC105 which came into effect on 20 December 2013 altered the application assessment requirements and altered the authority to being a recommending authority. The Department of Environment and Primary Industries consented to the granting of a planning permit subject to appropriate conditions being included.

It is noted that Council has been holding meetings with the Jumbuk and Yinnar South Timber Traffic Reference Group to discuss matters in relation to time related traffic activity.

#### Internal:

The application was referred internally to Council's Environmental

Planning team for consideration. The team consented to the granting of a planning permit subject to the inclusion of appropriate conditions.

### **OPTIONS**

Council has the following options in regard to this application:

- 1 Issue a Notice of Decision to Grant a Planning Permit; or
- 2 Issue a Notice of Refusal to Grant a Planning Permit.

Council's decision must be based on planning grounds, having regard to the provisions of the Latrobe Planning Scheme.

### **CONCLUSION**

Having evaluated the proposal against the relevant provisions of the Latrobe Planning Scheme, it is considered that the application is consistent with:

- The 'Purpose' and 'Decision Guidelines' of Clause 42.01 (Environmental Significance Overlay) and Schedule 2 of the Overlay
- The 'Purpose' and 'Decision Guidelines' of Clause 52.17 Native Vegetation.
- The 'Decision Guidelines' of Clause 65

The objections received have been considered against the provisions of the Latrobe Planning Scheme. Conditions will be implemented to ensure the works to be undertaken will be managed appropriately and appropriate offsets are required.

It is therefore recommended that a Notice of Decision be issued for the reasons set out in this report.

#### **Attachments**

1. ATTACHMENT 1 - Example Offset Plan
2. ATTACHMENT 2 - Plans for Endorsement
3. ATTACHMENT 3 - History of the Application
4. ATTACHMENT 4 - Zoning and Overlays
5. ATTACHMENT 5 - Objections

### **RECOMMENDATION**

- 1 That Council issue a Notice of Decision to Grant a Planning Permit for the Removal of Native Vegetation at Jumbuk Road, Jeeralang Junction with the following conditions**

- 1. The development as shown on the endorsed plans must not**

be altered without the written consent of the Responsible Authority.

DEPI Conditions:

2. The operator of this permit must comply with the following requirements from the Department of Environment & Primary Industries (DEPI):
  - a) Before works start, the permit holder must advise all persons undertaking the vegetation removal/works of all relevant conditions of this permit.
  - b) Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained on site, which must include the tree protection zones of all native trees to be retained. All tree protection zones must comply with AS 4970-2009 Protection of Trees on Development Sites, to the satisfaction of the responsible authority.
  - c) Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
    - i. Any vehicle or pedestrian access, trenching or soil excavation, and
    - ii. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
    - iii. Entry or exit pits for underground services, and
    - iv. Any other actions or activities that may result in adverse impacts to retained native vegetation.
  - d) To offset the permitted removal of 0.460 hectares of native vegetation under this permit, the permit holder must provide a native vegetation offset that complies with the requirements in Permitted clearing of native vegetation — Biodiversity assessment guidelines (DEPI 2013) and Native vegetation gain scoring manual (DEPI 2013).
  - e) The compliant offset must:
    - i. contribute gain of 0.212 general biodiversity equivalence units
    - ii. be located within the West Gippsland Catchment Management Authority or Latrobe City Council areas, and

- iii. have a strategic biodiversity score of at least 0.418.
- f) Before any native vegetation removal approved under this permit starts, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority. Offset evidence must be:
  - i. a security agreement for the required offset site/s that complies with the *Permitted clearing of native vegetation — Biodiversity assessment guidelines* (DEPI 2013), including a 10 year offset management plan that has been endorsed by the responsible authority, and/or
  - ii. a credit register extract from the Native Vegetation Credit Register.

A copy of the offset evidence provided will then be endorsed by the responsible authority and form part of this permit.

- g) A copy of the endorsed offset evidence must be provided to Regional Planning at the Traralgon office of the Department of Environment and Primary Industries within 30 days of approval.
- h) First and/or third party offset/s not secured on the Native Vegetation Credit Register must be monitored and reported on the offset site/s at the end of each year, for a period of ten years. Details of annual monitoring and reporting must be included in the endorsed offset plan, and must include:
  - i. The name and contact details of the landowner responsible for implementing the endorsed offset management plan, and
  - ii. A detailed description of the management activities undertaken during each twelve month period that provides evidence of offset implementation in accordance with the endorsed offset plan, to the satisfaction of the responsible authority.
  - iii. The annual report must be provided to the responsible authority within 30 days of the anniversary of the date of endorsement of the offset management plan, and continuing for a period of ten years.
- i) The removal of vegetation must only be to the extent permitted to allow the construction of roads in accordance with the endorsed plans to the satisfaction of the Responsible Authority. Note: The minimum extent necessary has been assessed as being the (0.46 hectares) as indicated on the site plans. Clearing in excess of this area may require a planning permit for

vegetation removal.

**Environmental Team Conditions:**

- 3. Vegetation preservation fencing should be erected to protect all remnant native vegetation outside the construction footprint i.e. a protection fence should be located along the Limit of Works line (within 1 m). This will also create the Tree Protection Zones.**
- 4. Orange plastic mesh barrier fencing or similar must be used for the vegetation preservation fencing and secured appropriately. The fence must deter the entry of heavy equipment, vehicles, and the entry of workers and the public into the Vegetation Protection Zone.**
- 5. The fencing must be installed before any construction works occur and only removed once construction works have been fully completed.**
- 6. No excavation, trenching or soil removal may be undertaken within the fenced area**
- 7. No materials are to be stored within the fenced area.**
- 8. No vehicles are to drive or park within the fenced area.**
- 9. Excess soil produced by construction must not be deposited onto native vegetation; rather, be removed from site and transported to a location where disposal or storage has no impact on native vegetation.**
- 10. Noxious weeds on site must be appropriately treated and or removed prior to construction works commencing to avoid the spreading of weeds during works.**
- 11. Immediately prior to construction commencing, a suitably qualified and experienced animal rescuer must be engaged to assess the site for the presence of any wildlife that may be affected by construction works and relocated as deemed necessary. Wildlife Victoria ([www.wildlifelifevictoria.org.au](http://www.wildlifelifevictoria.org.au)) is a source for further contact information.**
- 12. Visible tree hollows must be inspected for wildlife before they are felled. Once felled further checks should occur.**
- 13. All tree roots left exposed by construction must be cut by or under the supervision of an Arborist or suitably qualified person.**
- 14. Trees on the periphery of the footprint must be monitored at regular intervals post- construction for any signs of deterioration in overall health. The timing and length of monitoring is to be determined by a qualified Arborist.**
- 15. If any further vegetation to that indicated on the plans is lost due to works undertaken during the pavement widening then**

appropriate measures must be undertaken to apply Net Gain guidelines and calculate appropriate offsets.

16. Following the completion of works, the area must be periodically monitored for the emergence of noxious weeds and appropriate treatment undertaken as necessary.
17. In line with Schedule 2 to the Environmental Significance Overlay (ESO2) the following steps must be taken during and after construction works to avoid the contamination of water used for local drinking supplies:
  - a. Filter fence should be erected at regular intervals within roadside drainage channels immediately down-slope from any construction works
  - b. Any excess soil produced by construction should be either removed from site or stored within an area free from native vegetation and surrounded by filter fence or another suitable barrier to erosion of silt from the stockpile.
  - c. All fuels, oils or other potential contaminants should be safely stored on site and decanted in a designated area at least 40 metres from any creeks or drainage channels with appropriate spill retention and clean-up materials available.
  - d. Following construction all bare earth should be sown with a suitable, fast establishing grass such as Ryegrass to avoid the potential for erosion of newly excavated areas and colonization by noxious weeds.

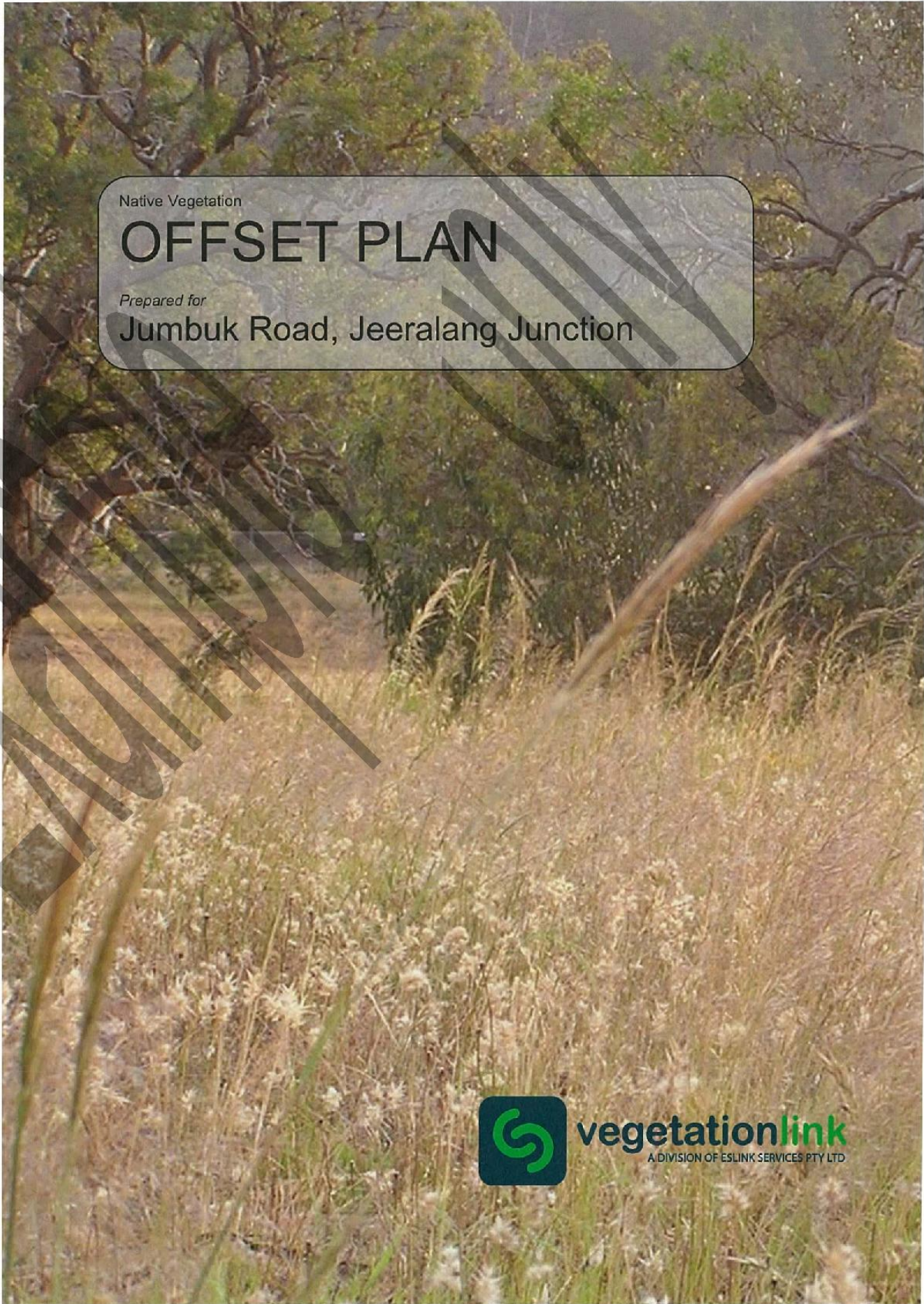
**Expiry of Permit:**

18. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit; or
  - b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of expiry of permit. An extension of time to complete the development or a stage of the development may be requested if—

- the request for an extension of time is made within 12 months after the permit expires; and
- the development or stage started lawfully before the permit expired.





Native Vegetation  
**OFFSET PLAN**  
Prepared for  
Jumbuk Road, Jeeralang Junction



Offset Plan: ESLS-149 Jumbuk Road, Jeeralang Junction

## SUMMARY

This Offset Plan has been prepared on behalf of Ericsson Australia ("The Proponent") for the proposed removal of native vegetation at Jumbuk Road, Jeeralang Junction (L2 PS 602201).

Planning Permit 2012/281 issued by the responsible authority (Latrobe City Council) permits the clearance of 0.01 hectares of high conservation significance vegetation and 2 old trees on the subject land within the Gippsland Plains bioregion, subject to an appropriate offset.

The responsible authority have determined the offset to be the protection and management of 0.06 hectares and 4 trees with a DBH >40cm.

The proponent proposes to achieve the necessary offsets as follows:

- The purchase of Native Vegetation Credits equivalent to:
  - A gain of 0.02 Habitat Hectares and protection of 4 Large Old Trees in very high conservation significance Lowland Forest within the Gippsland Plains Bioregion. This calculation has been determined on the basis that the proposed offset site generates a gain of 6.89 habitat hectares over 20.30 hectares. Thus, the protection of 0.06 hectares (as required) equates to 0.02 habitat hectares of gain.
- The offset site is in the Gippsland Plains bioregion and the purchase will be facilitated through DEPI's BushBroker Program and allocated on the Native Vegetation Credit Register.

Offset Plan: ESLS-149 Jumbuk Road, Jeeralang Junction

## GLOSSARY

<i>Bioregion</i>	Biogeographic areas that capture the patterns of ecological characteristics in the landscape or seascape, providing a natural framework for recognising and responding to biodiversity values.
<i>Bioregional Conservation Status (BCS of an EVC)</i>	A state-wide classification of the degree of depletion in the extent and/or quality of an Ecological Conservation Class (EVC) within a bioregion in comparison to the State's estimation of its pre-1750 extent and condition.
<i>Diameter at Breast Height (DBH)</i>	The diameter of the trunk of a tree measured over bark at 1.3m above ground level.
<i>Ecological Vegetation Class (EVC)</i>	A type of native vegetation classification that is described through a combination of its floristic, life form and ecological characteristics, and through an inferred fidelity to particular environmental attributes. Each EVC includes a collection of floristic communities (i.e. lower level in the classification that is based solely on groups of the same species) that occur across a biogeographic range, and although differing in species, have similar habitat and ecological processes operating.
<i>EVC Benchmark</i>	A standard vegetation-quality reference point relevant to the vegetation type that is applied in habitat hectare assessments. Represents the average characteristics of a mature and apparently long-undisturbed state of the same vegetation type.
<i>Gain target</i>	The amount of gain that needs to be achieved to offset a loss measured in habitat hectares.
<i>Habitat Hectare</i>	A site based measure of quality and quantity of native vegetation that is assessed in the context of the relevant native vegetation type.
<i>Habitat score</i>	The score assigned to a habitat zone that indicates the quality of the vegetation relative to the Ecological Vegetation Class (EVC) benchmark – sum of the site condition score and landscape context score usually expressed as a percentage or on a scale of zero to 1.
<i>Habitat zone</i>	A discrete area of native vegetation consisting of a single vegetation type (EVC) with an assumed similar quality. This is the base spatial unit for conducting a habitat hectare assessment.
<i>High threat weed</i>	Introduced plant species (including non-indigenous 'natives') with the ability to out-compete and substantially reduce one or more indigenous life forms in the longer term, assuming on-going current site characteristics and disturbance regime.
<i>Improvement gain</i>	This is gain resulting from management commitments beyond existing obligations under legislation to improve the current vegetation quality. Achieving improvement gain is predicated on maintenance commitments being already in place. For example, control of any threats such as grazing that could otherwise damage the native vegetation must already be agreed.
<i>Large Old Tree (LOT)</i>	A tree with a Diameter at Breast Height equal to or greater than the large tree diameter as specified in the relevant EVC benchmark.
<i>Like-for-like</i>	These are part of the criteria for the determination of an offset and provide a direct link between the loss and the offset gain, in terms of vegetation type or landscape function. There are more specific requirements for higher conservation significance vegetation and more flexible requirements for lower significance.
<i>Maintenance gain</i>	This is gain from commitments that contribute to the maintenance of the current vegetation quality over time (i.e. avoiding any decline). It includes foregoing certain entitled activities that could otherwise damage or remove native vegetation, such as grazing or firewood collection.

Offset Plan: ESLS-149 Jumbuk Road, Jeeralang Junction

<i>Medium Old Tree (MOT)</i>	A tree with a Diameter at Breast Height (DBH) equal to or greater than 0.75 of the large tree diameter in the relevant EVC benchmark but less than the DBH for a large old tree.
<i>Net outcome</i>	The result of applying conservation significance criteria to protection, investment and offset decisions. This results in a range of outcomes from short term losses for Low conservation significance to substantial net gain for Very High conservation significance. For offsets, the Framework (Table 6) specifies a multiplier on the calculated loss (in habitat hectares) to achieve the net outcome, graded according to conservation significance. Refer to Table 6 (pp. 54-55) of the <i>Framework</i> .
<i>Prior management gain</i>	This gain acknowledges actions to manage vegetation since State-wide planning permit controls for native vegetation removal were introduced in 1989.
<i>Protection (of a tree)</i>	An area with twice the canopy diameter of the tree(s) fenced and protected from adverse impacts: grazing, burning and soil disturbance not permitted, fallen timber retained, weeds controlled, and other intervention and/or management if necessary to ensure adequate natural regeneration or planting can occur.
<i>Recruitment</i>	The production of new generations of plants, either by allowing natural ecological processes to occur (regeneration etc), by facilitating such processes such as regeneration to occur, or by actively revegetation (replanting, reseeded). See revegetation.
<i>Remnant patch</i>	An area of vegetation, with or without trees, where less than 75% of the total understorey plant cover is weeds or non-native plants (bare ground is not included). That is at least 25% of the understorey cover is native; or a group (i.e. three or more) of trees where the tree canopy cover is at least 20%.
<i>Revegetation</i>	Establishment of native vegetation to a minimum standard in formerly cleared areas, outside of a remnant patch.
<i>Scattered trees</i>	Canopy trees within an area where at least 75% of the total understorey plant cover is weeds or non-native plants and the overall canopy cover for a group (ie. Three or more) of trees is less than 20%.
<i>Security gain</i>	This is gain from actions to enhance security of the on-going management and protection of native vegetation at the offset site, either by entering into an on-title agreement (for example under Section 173 of the <i>Planning and Environment Act 1987</i> ), or by locating the offset on land that has greater security than the clearing site, or by transferring private land to a secure public conservation reserve.
<i>Small Tree (ST)</i>	A tree with a Diameter at Breast Height (DBH) equal to or greater than 0.25 of the large tree diameter in the relevant EVC benchmark but less than the DBH for a medium old tree.
<i>Supplementary planting</i>	Establishment of overstorey and/or understorey plants within a remnant patch. Typically includes the planting or direct-seeding of understorey life forms.
<i>Very Large Old Trees (VLOT)</i>	A tree with a Diameter at Breast Height (DBH) of at least 1.5 times that of the large tree DBH as specified in the relevant EVC benchmark.

Offset Plan: ESLS-149 Jumbuk Road, Jeeralang Junction

**Offset Plan**

Planning Permit Number (ID)/Work Authority No: 2012/281  
Proponent: Ericsson Australia Pty Ltd  
Address: Jumbuk Road, Jeeralang Junction (L2 PS 602201)

**Landowner and Permit (Work Authority) Holder Statement****Permit (Work Authority) Holder**

Print Name: NATHAN MOUAT

Signature: 

Date: 11/11/13

**Responsible Authority Approval**

This Offset Plan has been approved by Latrobe City Council. This Offset Plan is now endorsed and forms part of  
Planning Permit No:

Print Name:

Position:

Responsible Authority:

Signature:

Date:

**Date of Commencement:**

No modification variation or amendment of this Offset Plan agreed upon by the parties shall be of any force or  
effect unless such modification, variation or amendment is in writing and has been executed by all parties.

Offset Plan: ESLS-149 Jumbuk Road, Jeeralang Junction

**PART A: Offset Suitability**

CLEARING SITE DETAILS	
Landowner of clearing site	Cheryl Annette Berryman
Location and address of clearing site	Jumbuk Road, Jeeralang Junction (L2 PS 602201)
Local Government Area	Latrobe
Catchment Management Authority	West Gippsland
Responsible Authority	Latrobe CC
Permit applicant	Ericsson Australia Pty Ltd
Planning Permit Number (ID)/Work Authority Number	2012/281
Date approved	31 July 2013

VEGETATION APPROVED FOR REMOVAL	
---------------------------------	--

Table 1 - Summary of approved losses of patches of native vegetation

Habitat Zone		S1
Bioregion		Gippsland Plains
EVC #: Name		16:Lowland Forest
EVC Bioregional Conservation Status		Vulnerable
Habitat Score	100	N/A
Habitat points = #/100	1.00	N/A
Habitat Zone area to be cleared (ha)	(#.##)	0.01
Habitat Hectares of loss	(#.##)	N/A
Conservation Significance	Conservation status x Habitat Score	High
	Threatened Species Rating	N/A
	Other Site Attribute Rating	N/A
	Overall Conservation Significance (highest rating)	High
Net Outcome		6
Gain Target (Ha)		0.06 Ha
No. of Large Old Trees to be removed in each Habitat Zone		2
Tree protection multiplier		2
Large Old Trees to be protected		4

Table 2 - Summary of approved losses of scattered trees

Not applicable

Offset Plan: ESLS-149 Jumbuk Road, Jeeralang Junction

**GAIN TARGETS**

The offset requirement as specified by Latrobe City Council is as follows:

Loss	Conservation Significance	Gain Target	Like-for-like requirements
0.01 Hectares & 2 Old Trees	High	Protect and manage for conservation 0.06 Hectares and 4 Large Old Trees	The same EVC or any Very High Conservation Significance EVC in the bioregion

All gain targets have been met by the proposed offset.

Offset Plan, FSL S-149, Jumbuk Road, Jeeralang Junction

**Table 3 Gain targets for clearing remnant patches**

Target # [1]	Habitat Zones [2]	Bioregion	EVC # Name	Conservation significance	Min. habitat score for target [3]	Other Like-for-Like reqts [4]	Hectares Target		Large Tree Protection Target [5]			
							Total Losses (Ha)	Net Outcome	Gain Target (Ha)	Total LOTS Lost	Protection Multiplier	LOTS to be protected
H1	S1	Gippsland Plains	16. Lowland Forest	High	N/A	N/A	0.01	6	0.06	2	2	4

[1] For losses of very high or high conservation significance vegetation, the losses in different habitat zones can be added together into one Offset Target provided that they meet the same Like-for-Like criteria, e.g. losses are in the same EVC/habitat type etc. For losses of medium or low conservation significance vegetation, losses from different habitat zones can be added together into one Offset Target provided that the losses are in the same bioregion.

[2] Please specify the habitat zones that contribute to the target.

[3] Based on the quality objectives for the offset specified in Table 6 of *Victoria's Native Vegetation Management - A Framework for Action* (NRE 2002).

[4] Please specify any other Like-for-Like requirements. These may include best/remaining habitat for threatened species, ecological function etc.

[5] Please note that by protecting a medium or large tree, either scattered or within a patch it is assumed five recruits will be generated. To be considered protected twice the canopy diameter of a tree must be fenced and protected from adverse impacts (see definition in *Guide for Assessment of Referred Planning Permit Applications* (DSE 2007) for more information). It has therefore been assumed that protection of a tree will generate five recruits and no separate recruitment targets have been calculated.

**Table 4 Gain targets for clearing scattered trees**

Not applicable





Offset Plan: ESLS-149 Jumbuk Road, Jeeralang Junction

### LIKE-FOR-LIKE CRITERIA

The offset is located in the Gippsland Plain bioregion and comprises very high conservation significance Lowland Forest.

The offset zone is of a higher conservation significance as the loss zone and meets all the Like-for-Like criteria as specified in Appendix 4, Table 6, pp.54-55 of *Victoria's Native Vegetation Management: A Framework for Action (DNRE 2002)* and the West Gippsland Native Vegetation Management Plan.

- vegetation type (EVC)
  - For high conservation significance, must be the same EVC or very high conservation significance in the same bioregion.

**YES – Using very high conservation significance in the Gippsland Plain bioregion.**

- bioregion
  - For high conservation significance, offset must be in the same bioregion.

**YES – The offset is located within Gippsland Plain bioregion.**

- landscape role
  - For high conservation significance, similar and more effective land protection functions.

**YES – The offset is located within a large remnant patch with a quality score of 68 which provides a significantly more effective landscape conservation and ecological function and will be protected in perpetuity.**

- quality objectives
  - For medium conservation significance, the offset site quality must be within 75% of that of the loss site.

**YES - The offset area has a high quality score of 68.**

- proportion of revegetation included in the offset
  - For medium conservation significance, 50% of the offset can be revegetation.

**YES – No revegetation is proposed to offset the loss of vegetation.**

Offset Plan, ESLS-149 Jumbuk Road, Jeeralang Junction

**Table 5 Meeting Like-for-Like criteria for clearing a remnant patch**

Clearing site			Offset site										
Target # [1]	Habitat Zones [2]	Bioregion	EVC #: Name	Conservation significance	Min. habitat score for target [3]	Other Like-for-Like reqs [4]	Trading up [5]	Offset Zones [6]	Bioregion	EVC #: Name	Conservation significance	Habitat score	Other Like-for-Like attributes
H1	S1	Gippsland Plain	16: Lowland Forest	High	N/A	N/A	Yes	BBA-1041-001B	Gippsland Plain	16: Lowland Forest	Very High	0.68	N/A

[1] For losses of very high or high conservation significance vegetation, the losses in different habitat zones can be added together into one Offset Target provided that they must match the same Like-for-Like criteria, e.g. losses are in the same EVC/habitat type etc. For losses of medium or low conservation significance vegetation, losses from different habitat zones can be added together into one Offset Target provided that the losses are in the same bioregion.

[2] Please specify the habitat zones that contribute to the target.

[3] Based on the quality objectives for the offset specified in Table 6 of Victoria's Native Vegetation Management - A Framework for Action (DNRE 2002)

[4] Please specify any other Like-for-Like requirements. These may include best/remaining habitat for threatened species, ecological function etc.

[5] Please specify whether trading up

[6] Please specify the offset zones allocated to the target.

**Table 6 Meeting Like-for-Like criteria for clearing scattered trees**

Not applicable



Offset Plan: ESLS-149 Jumbuk Road, Jeeralang Junction

**QUANTIFICATION OF CREDITS ON THE THIRD PARTY OFFSET SITE****Table 7 Quantification of credits available and listed under the name of the permit holder in the Native Vegetation Credit Register**

A requirement to protect 0.06 hectares has been met through the purchase of credits equivalent to a gain of 0.02 Habitat Hectares in very high conservation significance Lowland Forest vegetation, within the Gippsland Plain Bioregion.

This calculation has been determined on the basis that the proposed offset site generates a gain of 6.89 habitat hectares over 20.30 hectares. Thus, 0.02 habitat hectares of gain requires the protection and management of 0.06 hectares, which meets the offset requirement. No further discounting based on 'trading up' to very high conservation significance has been applied. In addition, 4 large old trees will also be permanently protected.

\*\*Attach a current extract from the Register showing credits listed under the permit holder's name

Credit Zone		BBA-1041-001B
Bioregion		Gippsland Plain
EVC #: Name		16: Lowland Forest
Current habitat score of zone		0.68
EVC Bioregional Conservation Status		Vulnerable
Conservation Significance	Conservation status x Habitat Score	Very High
	Threatened Species Rating	N/A
	Other Site Attribute Rating	N/A
	Overall Conservation Significance	Very High
<b>Total credits in credit zone listed under the name of the permit holder (Hha) [1] [2]</b>		<b># ## 0.02</b>
Very large old trees listed under the name of the permit holder		# 0
Large old trees listed under the name of the permit holder		# 4
Medium old trees listed under the name of the permit holder		# 0
Recruits listed under the name of the permit holder		# 0

[1] This excludes any credits already extinguished in the zone

[2] Round to two decimal places

Offset Plan: ESLS-149 Jumbuk Road, Jeeralang Junction

## ALLOCATION OF NATIVE VEGETATION CREDITS

Table 8 Allocation of native vegetation credits for clearing a remnant patch

Gain Target		Trading up	Source of gains to meet the target [3]				Outcome	
Target No.[1]	Target (Ha)	Discount [2]	Offset Zone	Gain (HHa)	Offset Zone	Gain (HHa)	Total gains (HHa)	Surplus/ Deficit (HHa)
H1	0.06 Ha & 4 Old Trees	NA	BBA-1041-001B	0.02 (=0.06 Ha) & 4 LOTS	N/A	N/A	0.02 & 4 LOTS	0

[1] Provide unique identifier for target and list habitat zone(s) that contribute to target

[2] If applicable, specify the trading up discount that applies.

[3] Add or delete columns as necessary

Table 9 - Allocation of tree credits for clearing scattered trees

Not Applicable

Offset Plan: ESLS-149 Jumbuk Road, Jeeralang Junction

**PART B: Offset Implementation**

Please provide the following details:

**Table 1 (Part B) First party (onsite) offset site details**

Not Applicable

**Table 2 (Part A) Third party credit site details**

CREDIT SITE DETAILS	
Landowner of credit site	Michelle Jane Eustice
Location and address of credit site [1]	Old Rosedale Road, Darriman
Volume	09640
Folio	775
Parish	Carrajung
Allotment	Lot 2 on PS201145T
Native vegetation credit zone number(s) and offset site area (ha)	BBA-1041-001B
Area of offset site (ha)	45.60 (Lowland Forest Zone is 20.3 hectares)
Local Government Area	Wellington
Responsible Authority for Monitoring the Offset Plan	Department of Environment and Primary Industries
Bioregion	Gippsland Plain

A copy of the Bushbroker On-title Agreement and Management Plan is attached.

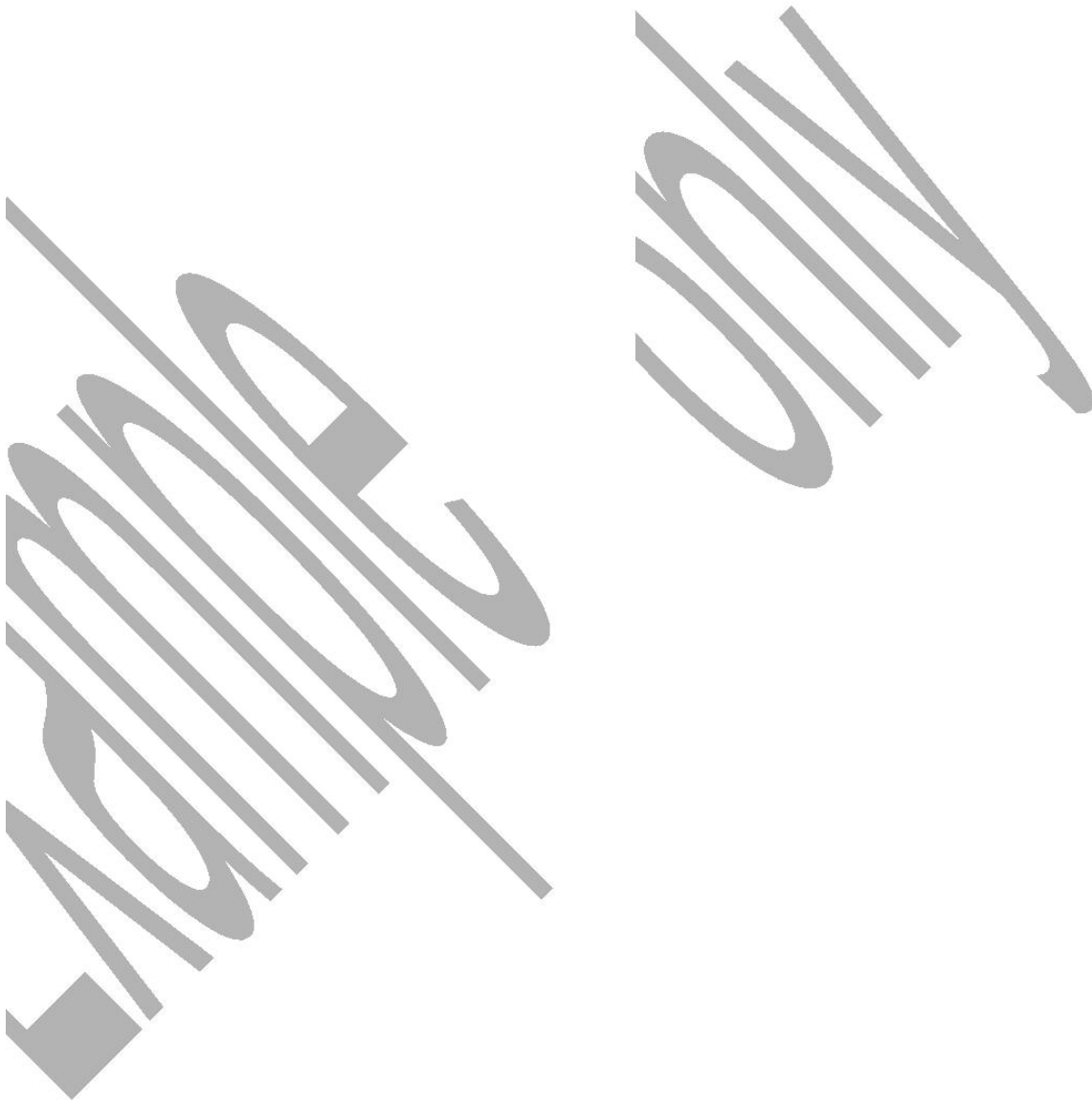
**STRATEGY FOR OFFSET SITE**

The offset site is to be secured and managed for the purposes of conservation in perpetuity.

**OFFSET SECURITY AND MANAGEMENT RESPONSIBILITY**

Who is liable/responsible for meeting offset requirements?	Michelle Jane Eustice (landowner)
Type of security (i.e. Agreement under Section 69 of the <i>Conservation, Forest and Lands Act 1987</i> , Agreement under Section 173 of the <i>Planning and Environment Act 1987</i> or Covenant under the <i>Victorian Conservation Trust Act 1972</i> )	Section 69 of the <i>Conservation, Forest and Lands Act 1987</i>
Date 10-year offset management to commence	25 January 2011
Date 10-year offset management expires	25 January 2011
Date agreement registered on-title	4 February 2011
Offset site management responsibility (i.e. Landowner, Authority Name)	Michelle Jane Eustice (landowner)
Offset Monitoring Responsibility (i.e. Responsible Authority, DEPI)	BushBroker (DEPI)

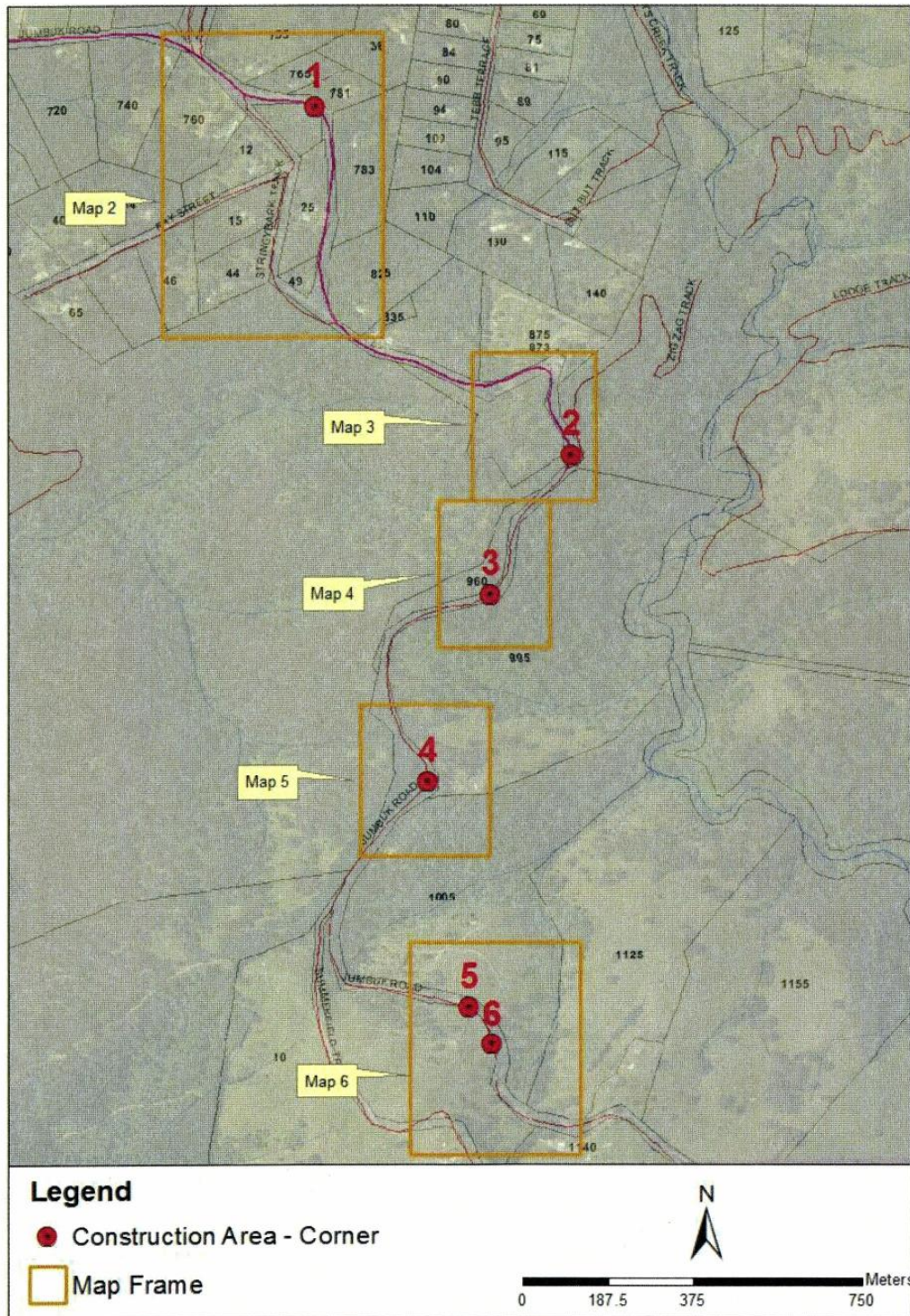
Attach allocated credit extracts for all credit zones included in Tables 8 and 9.



Ecological Assessment with Net Gain, Stage 2 Jumbuk Road Pavement Widening – February 2013

**Maps**

**Map 1 – Project Overview**



Ecological Assessment with Net Gain, Stage 2 Jumbuk Road Pavement Widening – February 2013

Map 2: Corner 1 - Location and type of native vegetation to be removed

Jumbuk Road Corner 1



LEGEND

- Construction Area
- Herb-rich Foothill Forest - Habitat Zone 3
- CH20 Chainage

0m 50m 100m

● Corner centre point = Zone 55H, Easting 447544, Northing 5754495





Ecological Assessment with Net Gain, Stage 2 Jumbuk Road Pavement Widening – February 2013

Map 3: Corner 2 - Location and type of native vegetation to be removed

Jumbuk Road Corner 2



LEGEND

-  Construction Area
-  Herb-rich Foothill Forest - Habitat Zone 2
-  Damp Forest - Habitat Zone 1
-  Large Old Tree (LOT)
-  Very Large Old Tree (VLOT)
- CH1420 Chainage

Corner #	EVC	Habitat Zone	Large / Very Large Trees - Assessed as Lost	Area- Hectares	Area- Habitat Hectares
2	Herb-rich Foothill Forest	HZ3	1	0.06	0.04
2	Damp Forest	HZ1	1	0.01	0.01



Ecological Assessment with Net Gain, Stage 2 Jumbuk Road Pavement Widening – February 2013

Map 4: Corner 3 - Location and type of native vegetation to be removed

Jumbuk Road Corner 3



LEGEND

- Construction Area
- Herb-rich Foothill Forest - Habitat Zone 2
- Large Old Tree (LOT)
- CH2020 Chainage

Corner #	EVC	Habitat Zone	Large / Very Large Trees - Assessed as Lost	Area- Hectares	Area- Habitat Hectares
3	Herb-rich Foothill Forest	HZ2	7	0.11	0.08



Ecological Assessment with Net Gain, Stage 2 Jumbuk Road Pavement Widening – February 2013

Map 5: Corner 4 - Location and type of native vegetation to be removed

Jumbuk Road Corner 4



LEGEND

-  Construction Area
-  Herb-rich Foothill Forest - Habitat Zone 2
-  Large Old Tree (LOT)
-  CH2660 Chainage

Corner #	EVC	Habitat Zone	Large / Very Large Trees - Assessed as Lost	Area- Hectares	Area- Habitat Hectares
4	Herb-rich Foothill Forest	H22	1	0.08	0.03

0m 50m 100m

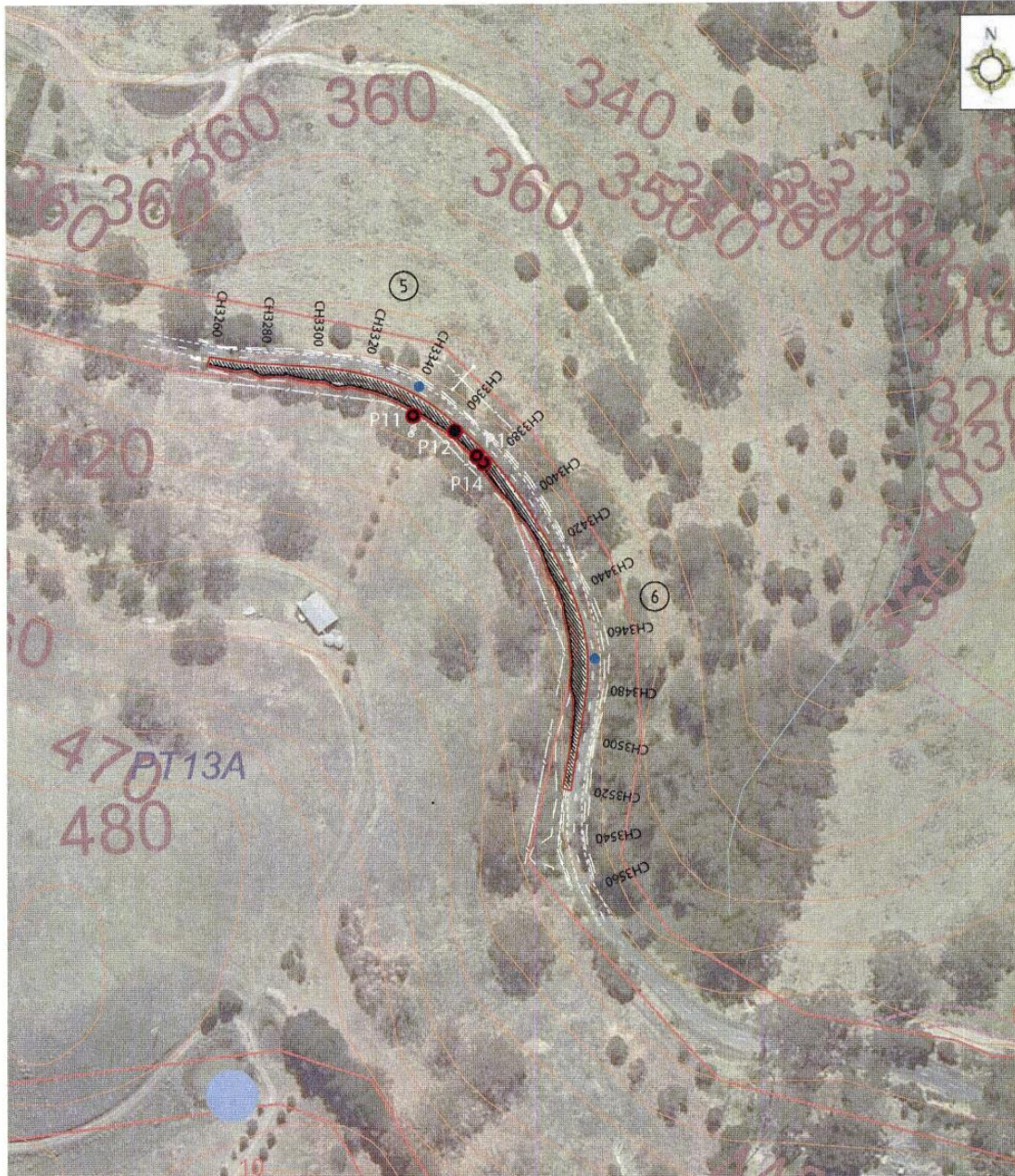
● Corner centre point = Zone 55H, Easting 447795, Northing 5753003



Ecological Assessment with Net Gain, Stage 2 Jumbuk Road Pavement Widening – February 2013

Map 6: Corner 5 & 6 - Location and type of native vegetation to be removed

Jumbuk Road Corner 5 & 6



- LEGEND**
- Construction Area
  - Damp Forest - Habitat Zone 1
  - Large Old Tree (LOT)
  - VLOT
  - CH2020 Chainage

Corner #	EVC	Habitat Zone	Large / Very Large Trees - Assessed as Lost	Area- Hectares	Area- Habitat Hectares
5 & 6	Herb-rich Foothill Forest	HZ1	4	0.12	0.04



- Corner 5 centre point = Zone 55H, Easting 447884, Northing 5752500
- Corner 6 centre point = Zone 55H, Easting 447935, Northing 5752418



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**History of the Application**

19 September 2013	Application received by Council.
23 October 2013	Notification Package Sent
7 November 2013	Objection Received from Dan McCarten and Melissa Serton
11 November 2013	Objection Received from Brian Kilday, Rex McGowan and Bill Roberts
12 November 2013	Objection received from Alan and Gillian Young
21 November 2013	Request for Delay of Decision of Permit received from DEPI
6 January 2014	Further Information Request received from DEPI
15 January 2014	Further Information Request Sent – As per DEPI Request
13 February 2014	Further Information Response Received and Forwarded to DEPI
19 February 2014	Response from DEPI Received
27 February 2014	Statutory Declaration for Notification Received









Alan and Gillian Young  
781 Jumbuk Road  
Jeeralang Junction  
Victoria. 3840

The Planning Department  
Latrobe City Council  
PO Box 264  
Morwell  
Victoria. 3840

<b>LATROBE CITY COUNCIL</b>			
<b>INFORMATION MANAGEMENT</b>			
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Dear Sir,

I wish to object to your application for a planning permit to remove native vegetation – reference number, 2013/214, on the following grounds.

1. The removal of very old large old trees, and also large trees, many of which are preferred trees for the koalas to feed in, will affect the koala population in the area.
2. The presence of many large log trucks using the road will endanger the koala population, in the area, which is recognized as being a significant "relic" population in the country.
3. The fact that so many trees are being removed to widen corners does not make the road safe as the "straighter" sections still do not make the road meet the standards set by Latrobe city council.
4. The presence of many large log trucks and the removal of large trees will also endanger a colony of lyre birds which inhabit the area.
5. Allowing the removal of native vegetation, which will then allow the log trucks to use Jumbuk Road will destroy the lifestyle of people who have resided here for many years. The noise created by these trucks as they progress down Jumbuk Road and then turn onto Junction Road with their exhaust brakes on, creates an amazing amount of noise, which even with all windows closed in the house, is extremely noisy and very stressful as found the

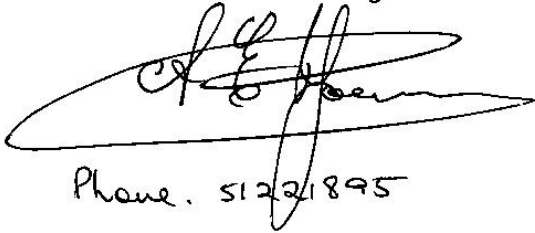
last time log trucks used the road for a time. Latrobe City Council promotes the lifestyle component of rural areas, but in this area appears to seek to destroy it.

6. It is not necessary for the trucks to use this road at all as there is another route, which affects far less people than the number living in the Jumbuk Road, Junction Road as well as the roads leading off those, with a straighter road which is also much stronger in construction.

Yours sincerely,



Alan and Gillian Young



Phone. 51221895

28 October 2013  
Re: application for planning permit 2013/214

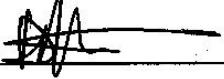
To the Responsible Authority,

We the residents of 960 Jumbuk Rd Yinnar South Vic 3869, also known as 960 Jumbuk Rd Jeeralang Junction Vic 3840, hereby formally ~~object to the clearing~~ and removal of native vegetation as proposed in the aforementioned planning permit number 2013/214. The reasons for this objection are as follows:


<b>LATROBE CITY COUNCIL</b>	
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1. 960 Jumbuk Rd and its road frontage are crucial to maintaining two sections of the Morwell National Park, which are linked by a thin wildlife corridor of native vegetation. The environmental impact on the native flora and fauna that uses this strip of land to cross safely between sections of the park will be negative and detrimental to say the least. Especially to the native Koala population.
2. The Strzelecki Koala is unique and protected. Part of the native vegetation to be removed includes a number of eucalypts, which serve as habitat for the koalas. We fear that removal of these trees will adversely impact on the koalas and other protected fauna.
3. This is our home. You propose to excavate a large strip of our property along the road frontage. Our title shows that there is a wildlife management overlay that is supposed to protect this narrow strip of crucial vegetation so that fauna may cross between the two parts of the park safely. We are not allowed to cut down trees so why are you? These works will be detrimental to our quality of life, our privacy and the natural beauty of our home. How would you like someone coming in and tearing up a section of your front yard?
4. We understand this is part of a larger project to widen PARTS of Jumbuk Rd. We understand the background and the political rhetoric of Latrobe City Council and HVP. We understand the overall local resident objections to these works and echo their concerns. We **do not** understand why you cannot leave this strip alone when you are not widening the whole road anyway. It is only two to three hundred metres in length. Either side of this the vegetation thins out. If you just left the strip of land along the road frontage of 960 Jumbuk Rd alone the fauna would at least have this one remaining crossing point.
5. Our family and indeed many residents and non-residents utilise the road for recreation because of the natural bush. We are privileged. We are custodians of this land. This place is special and one of the few remaining of its types in the Latrobe Valley.
6. In all the planning and process and works to date, not one individual from any council or environmental agency has approached us for consultation. Why have my enquiries to date to council and Indigenous design been met with buck passing? Why have you ignored my invitation, request and even demand for consultation on this matter?

Dan McCarten



Melissa Sexton



**NOTICE OF AN APPLICATION FOR A PLANNING PERMIT**

The land affected by the application is located at:	<b>Jumbuk Road, JEERALANG JUNCTION</b>
The application is for a permit to:	<b>Native Vegetation Removal</b>
The applicant for the permit is:	<b>L McKay</b>
The application reference number is:	<b>2013/214</b>
You may look at the application and any other documents that support the application at the office of the Responsible Authority at:	<b>Corporate HQ, 141 Commercial Road, Morwell</b> This can be done during office hours and is free of charge.

Any person who may be affected by the granting of the permit may object or make other submissions to the Responsible Authority

- An objection must:**
- . be sent to the Responsible Authority in writing (Latrobe City Council, PO Box 264, Morwell, 3840)
  - . include the reasons for the objection, and
  - . state how the objector would be affected

<b>The Responsible Authority will not decide on the application before:</b>	<b>Wednesday, 13 November 2013</b>
---	------------------------------------

**If you object, the Responsible Authority will tell you its decision.**

Any objection or submission and the personal information on it is collected by Latrobe City Council for the purposes of the planning process as set out in the *Planning and Environment Act 1987* (PE Act). If you do not provide your name and address, Latrobe City Council will not be able to consider your objection/submission. Any objection/submission will be available at the Latrobe City Council office for any person to inspect and copies may be made available on request to any person for the relevant period set out in the PE Act.

You must not submit any personal information or copyright material of third parties without their informed consent. By submitting the material, you agree that the use of the material as detailed above does not breach any third party's right to privacy and copyright.

You can request access to your personal information by contacting the Information Management Team at Latrobe City Council.

### JUMBUK ROAD, JEERALANG JUNCTION

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**One of fifteen large old trees that Planning Permit 2013/214 seeks to remove.**

## **OBJECTION TO LATROBE CITY PLANNING PERMIT 2013/214**

## OBJECTION TO APPLICATION FOR PLANNING PERMIT 2013/214

This objection is made by:

Brian Kilday, 12 Stringybark Track, Jeeralang Junction 3840  
Rex McGowan, Trews Road, Jeeralang Junction (PO Box 502 Morwell 3840)  
Bill Roberts, 875 Jumbuk Road, Jeeralang Junction 3840

The reasons for the objection are:

The removal of native vegetation is readily avoidable and is therefore prohibited under clause 52.17 of the Latrobe Planning Scheme.

The planning permit application affects the objectors because the native vegetation is to be removed to enable certain bends on Jumbuk Road to be widened to accommodate loaded log trucks on the road. The objectors are frequent users of Jumbuk Road. Despite the proposed roadworks, the road will be unsafe once loaded log trucks are introduced. The objectors, in their capacity as ratepayers and taxpayers, will also be affected and disadvantaged by the expenditure of scarce public funds in the manner proposed when a better and cheaper alternative exists.

Section 60 of the *Planning and Environment Act 1987* requires Latrobe City Council (Council) to consider the Latrobe Planning Scheme before it grants itself a permit to remove native vegetation adjacent to Jumbuk Road. Clause 52.17.5 of that scheme requires Council to consider DNRE guidelines (Victoria's Native Vegetation Management – A Framework for Action).

Council has an obligation under Clause 52.17 of the Planning Scheme and the DNRE guidelines to avoid the removal of native vegetation. Clause 52.17 states that minimization and offsetting may only be resorted to if removal is unavoidable. Council is therefore required to assess whether the removal of native vegetation is avoidable in the circumstances. A proper assessment requires Council to consider whether the *underlying* reason for the removal of native vegetation justifies the removal.

The removal of native vegetation stems from Council's decision on 6 April 2010 to allow timber to be carted on upper Jumbuk Road, subject to the widening of eleven corners. That decision implicitly incorporates a decision to remove native vegetation because the corner widening will inevitably cause native vegetation to be removed. It would not be legitimate to argue that the removal is necessary in order to give effect to Council's decision on 6 April 2010. That would be an extreme case of the tail wagging the dog.

This submission will demonstrate:

- that Council is under no obligation to HVP Plantations to allow loaded log trucks to use Jumbuk Road;
- that there is an alternative solution which is far cheaper, far safer and much quicker to implement and which avoids the need to remove native vegetation;
- that the community interest is better served by the alternative solution.

## OBJECTION TO APPLICATION FOR PLANNING PERMIT 2013/214

## ALLEGED AGREEMENT

Council and HVP Plantations have repeatedly claimed that there is an agreement that entitles HVP to cart timber on Jumbuk Road, but neither party has produced any evidence to support the claim. The following extracts are taken from a Council report dated 19 October 2009.

A meeting between Officers of the former Shire of Morwell and APM Forests Pty Ltd in 1990, agreed on ten routes for timber traffic and APM Forests Pty Ltd followed up that meeting with a confirmation letter on the 1 June 1990 (Attachment 7). (page 18)

An informal agreement between the former Shire of Morwell and APM Forests Pty Ltd in 1990, agreed on ten routes for timber traffic and Jumbuk and Junction Roads were included in this agreement. (page 41)

If the informal agreement between the former Shire of Morwell and APM Forests Pty Ltd. is deemed to form a contract and logging trucks are not allowed to use Jumbuk and Junction Roads then that could potentially expose Council to legal action. (page 42)

The letter that was exhibited as Attachment 7 actually proves the very opposite to Council's claim; it clearly shows that discussions concerning the use of the Jumbuk/ Junction Roads route had failed to produce agreement. The sole reference in the letter to these roads (indicated as routes 8 & 9 on an attached map) read as follows:

8/9. Jumbuk & Jeeralang West Roads (North Ends)

There is a reasonable area of plantation fronting onto both these sections. Due to steepness little thinning has taken place. However we will need to harvest wood from both these sites within 5 years and should discuss cartage problems before this time.

The reference to cartage problems clearly shows that the parties had not reached agreement regarding the use of the proposed route. The cartage problems could only have related to their respective contributions to the cost of roadworks to upgrade the route for timber cartage and ongoing maintenance. In marked contrast to the assertions in the 2009 report, Council's 07 May 2007 report correctly stated (on page 13) that:

This letter indicated that there would need to be further discussions about timber cartage along the north end of Jumbuk Road.

The fact that the parties had not agreed to the use of the *northbound* Jumbuk/Junction Roads route is reinforced by the arrangement concerning routes 6/7 set out in the APM letter:

The arrangement for truck movement is:

Jumbuk Road – No trucks around O'Reilly's Hill; all wood movement to the south.

A later paragraph in the APM letter indicates that a cost sharing practice was customary at that time:

Due to the substantial roadmaking contribution already made by APMF on Shire roads, we would greatly appreciate Council's confirmation of the haul routes detailed here.

## OBJECTION TO APPLICATION FOR PLANNING PERMIT 2013/214

The Jumbuk/Junction Safety Action Group wrote to the Council CEO, objecting to the misleading misrepresentation of the APM letter as an agreement. His response (dated 30 June 2010, Ref: 524889) centred on the following statement:

You fail to recognise that agreement may well have been reached, and that part of this agreement involved a future discussion about cartage problems.

First, it is ridiculous to suggest that 'agreement may well have been reached' whilst cartage problems remained unresolved; second, he provided no evidence that the 'future discussion' ever occurred, or that the cartage problems were ever resolved. If such evidence existed, HVP would surely have produced it rather than the APM letter which actually torpedoed their claim. The onus to prove the claim is squarely on HVP and Council.

Council stated (as reported in an article in the 9 January 2012 edition of the *Latrobe Valley Express*) that it believed there was an agreement because there was correspondence that referred to the agreement. Leaving aside the ridiculous notion that correspondence about a subject is sufficient to prove its existence, Council had previously affirmed by letter dated 26 February 2010 in response to an FOI request that it had no such correspondence.

Only one of these statements can be true, and the FOI response is probably the true one. The nonexistence of correspondence would mean that HVP's agreement claim was not made in writing, and that Council did not see fit to require HVP to substantiate its claim. This is completely unacceptable because Council has assumed a responsibility to spend millions of dollars to upgrade two roads without a shred of supporting evidence that it was obliged to do so.

It is notable that HVP did not produce evidence of the agreement, nor did it resort to legal action, when Council unanimously rejected its request to cart timber on Jumbuk Road on 7 May 2007. That decision was reversed by a 5/4 vote on 6 April 2010, ostensibly because of the existence of the alleged agreement.

If the alleged agreement existed, HVP would be obliged to contribute to the cost of the roadworks on the Jumbuk/Junction Roads route, in accordance with the custom in place at the time when the agreement was supposedly made. This custom is referred to in *Central Gippsland Region Timber Roads Needs* 1990 report and the above mentioned APM letter. Council claimed (in the article in the 9 January 2012 edition of the *Latrobe Valley Express*) that both parties must honour the 'agreement', but it has never bothered to ascertain what obligations the so called agreement imposed on HVP.

Council's Chief Executive Officer ignored a ratepayer's written request dated 8 February 2012 that Council should require HVP to produce evidence of the agreement *and its terms*. His refusal fails to safeguard ratepayers' interests: if there is no agreement there is no need to undertake expensive roadworks; if there is an agreement, the cost to ratepayers would be substantially reduced by HVP's contribution.

The foregoing demonstrates that the claim that there is an agreement that entitles HVP to cart timber on upper Jumbuk Road is completely unsubstantiated. This matter must be judged on the available evidence, not on the basis of reckless speculation about what might have happened



## OBJECTION TO APPLICATION FOR PLANNING PERMIT 2013/214

## ALTERNATIVE SOLUTION

The final version of the Road Safety Audit Report was based on all the timber being carted out along Vagg's Creek Track, Upper Middle Creek Road, Middle Creek Road, and Jumbuk Road to Monash Way with unloaded log trucks using the Jumbuk/Junction Roads route to access the plantation. However, Council officers recommended the scenario that was outlined in the *draft* version of the report: that loaded and unloaded log trucks would use Jumbuk and Junction Roads and all timber would be carted out on that route.

The alternative solution proposed by this submission is to adopt the final audit report scenario, but to also allow loaded trucks to travel along the section of Jumbuk Road between Bolgers Road and Healeys Road. Item 4.6.3 of a letter dated 30 June 2010 from Latrobe City to Jumbuk/Junction Safety Action Group indicated that access to that section of road was required to overcome a potential timber harvesting problem.

The alternative solution would enable all timber to be harvested and carted whilst avoiding the need to remove any native vegetation. It would utilise the most suitable public roads and would share the timber traffic burden between the Jeeralang/Jumbuk community and the Yinnar South community. The alternative solution would be quicker to implement and far cheaper than two-way timber traffic on the Junction/Jumbuk Roads route.

Council has recently upgraded Upper Middle Creek Road, Middle Creek Road and the section of Jumbuk Road between Middle Creek Road and Monash Way to timber cartage specifications at significant cost, and HVP has begun to cart timber from the plantation on that route. Middle Creek Road and the relevant section of Jumbuk Road are approved B-Double routes.

Vagg's Creek Track traverses the plantation on land owned or leased by HVP Plantations. Council's 19 October 2009 report (*Timber Cartage routes at Jumbuk and Yinnar South*) suggested that Council could acquire Vagg's Creek Track in order to attract state funding for the upgrading of that track, but that it would be a time-consuming and expensive process. HVP will use the track during harvesting operations in any event, so there is no valid reason for a track on private land to be upgraded at public expense.

Council's suggestion regarding the acquisition of Vagg's Creek Track probably derives from HVP's professed belief, reported in the minutes of a stakeholders' meeting held 26 October 2009, that there is a contract that entitles HVP to cart timber on upper Jumbuk Road. As already shown, the claim is completely unsubstantiated, so no compensatory arrangement is necessary.

The Council report dated 19 October 2009 indicated (on page 35) that roadworks costing \$1,301,350 would be necessary before *unloaded* log trucks (only) could travel south along Jumbuk Road between Junction Road and the Jumbuk Hall, and that the roadworks would include the widening of bends to enable a car and a semi-trailer to pass. The cost of widening the 11 bends was in excess of \$1,000,000. That portion of the cost could be avoided by requiring the unloaded semi-trailers to travel with their jinker retracted. A truck with jinker retracted has a much narrower tracking pattern around corners than a semi-trailer, and therefore the major expense of corner widening would not be necessary.

## OBJECTION TO APPLICATION FOR PLANNING PERMIT 2013/214

This suggestion is consistent with the Council report dated 7 May 2007 which stated:

"If Jumbuk Road is not able to be upgraded it would be sensible to allow unloaded log trucks, with the jinker retracted, to access the plantations via Junction Road and Jumbuk Road. The vehicles would be a similar size to other vehicles utilising the road such as the school bus, delivery trucks and garbage trucks."

In fact the garbage trucks do not travel on the narrower, more dangerous section of road south of Roberts' corner. There is a dangerous bend where a Jumbuk resident's vehicle was forced right off the road to avoid the school bus some years ago. That corner is not specified for improvement in the proposed roadworks. The distance between a very large tree on one side of the road and the gutter beside a steep batter on the other is only 5 metres. The corner requires modification but the amelioration cost need not be large and would not require the removal of the tree.

The alternative solution proposed by this submission would also eliminate:

- the need for further road works on Junction Road, estimated to cost \$479,000;
- the cost of stage 2 of proposed road works on Jumbuk Road;
- the costs associated with extensive tree removal on both roads.

It will also reduce maintenance costs as loaded log trucks would only travel 6 kilometres on sealed municipal roads compared to 9 kilometres on the Jumbuk/Junction Roads route. Furthermore, it would also eliminate a substantial cost which was concealed from the cost estimates in the draft version of the Road Safety Audit.

R. W. Stamp & Associates, consultants, estimated that the log and construction traffic would double the design traffic loading on Jumbuk Road between Junction Road and O' Reilly's Hill Road in the northbound lane, and that the cumulative damage factor would increase to 1.58. Section 3.5.4 of the draft road safety audit report found that the pavement in the northbound lane would require strengthening by an increase of at least 50mm in thickness to cater for the additional traffic loading.

Table 6.2 included the recommendation (6.4.4) to 'Construct a minimum depth granular resheet to strengthen the pavement in the northbound lane', but that recommendation was omitted from table 10.2, Estimated Costs of Safety Improvements. The explanation provided by Council that the report only requires pavement strengthening to be carried out where there are curve widening works (item 5.5, Public Question Time 6 April 2010) is not credible because:

- The contention, implied by the explanation, that the additional log and construction traffic would only double the loading on selected curves is implausible;
- The auditor was obviously reporting on the design loading and impact on pavement condition on the whole section of Jumbuk Road between Junction Road and Jumbuk Hall;
- A cumulative damage factor of 1.58 is a clear indication that pavement strengthening would be required because a factor greater than 1.00 indicates inadequate pavement strength.

The Council explanation is also inconsistent with the following assessment on page 26 of the Council report dated 7 May 2007:

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The estimated cost of the road widening on Jumbuk Road is \$1.5M and there would be a detrimental impact on roadside vegetation. It is also likely that the northern end of Jumbuk Road would need to be strengthened, at a significant cost.

(The northern end of Jumbuk Road referred to in the report means the 6 km section of pavement between Junction Road and O' Reilly's Hill Road; the southern end of Jumbuk Road is unsealed and runs south-easterly from Jumbuk Hall).

It would be irresponsible to ignore the need to strengthen the pavement to withstand the traffic associated with timber harvesting. The July 2013 issue of Latrobe City's "Link" publication indicates that asphalt patching is 21 times more expensive than preventative road reseal. The omission of the need for pavement strengthening from table 10.2 is contrary to Latrobe City's economic and budgetary interests because it massively understates the true cost of two-way timber traffic on Jumbuk Road.

Based on the cost of similar treatment on Middle Creek Road, the cost to strengthen the 6 km of pavement between Junction Road and O' Reilly's Hill Road would be approximately \$1,500,000. That would increase the cost of the Jumbuk Road project to approximately \$2,800,000. That expenditure cannot be justified given that the primary reason for the road works is to reduce HVP Plantations' timber cartage costs by a relatively insignificant amount. Schedule 3 to the *Road Management Act 2004* provides that council must have regard to economic and budgetary constraints when it is determining the standard of road construction.

The Council report dated 7 May 2007 advised (on page 16) that the Vagg's Creek Track/Middle Creek Road route was 15.5 kilometres longer than the Jumbuk/Junction Roads route, and that Grand Ridge Plantations had calculated that they would incur additional cartage costs of approximately \$550,000 on the longer route. The alternative solution would halve the distance differential, and reduce the net additional cartage costs to approximately \$200,000 (cartage cost being a deductible expense at the corporate tax rate of 30%).

## SAFETY

Council's application to Vicroads for funding stated that the minimum seal width for Jumbuk Road on completion of the proposed works would be 5.5 metres. This is incorrect. Bill Roberts and Gary Matthews measured the sealed width of the road at approximate 50 metre intervals in 2007. The measurements for the 4.6 kilometre section of road between Jumbuk Hall and Roberts' corner are reproduced in the attached annexure with necessary modifications for road works done or proposed since 2007. As indicated by the annexure, significant stretches of the road will still be narrower than 5.5 metres upon completion of the works.

The Council report dated 19 October 2009 advised that road safety risk had to be balanced against the cost of widening works and that a seal width of 5.5 metres was acceptable for a road such as Jumbuk Road. As noted above, a seal width of 5.5 metres will not be provided anyway. The following extract is taken from section 4.4 of R. W. Stamp & Associates safety audit report:

The design standards to be adopted for the rural access and rural collector roads were discussed with Les Hilton of the Latrobe City Council.

## OBJECTION TO APPLICATION FOR PLANNING PERMIT 2013/214

The standards adopted for the roads depend on the *type of traffic* which will use them. On roads used predominantly by cars, a sealed width of 5.5 metres with a formation width of 6.5 metres would be adopted. On roads used by *timber traffic*, a seal width of seven metres with a formation width of eight metres would be used.

Despite this, the auditor did not recommend any widening of the straight sections, nor did he express an independent opinion as to the appropriate minimum width. The Council report dated 19 October 2009 reveals (on page 37) that the consultant applied the curve widening table developed by Council Officers to assess the amount of widening needed for the bends on Jumbuk Road, rather than making an independent assessment.

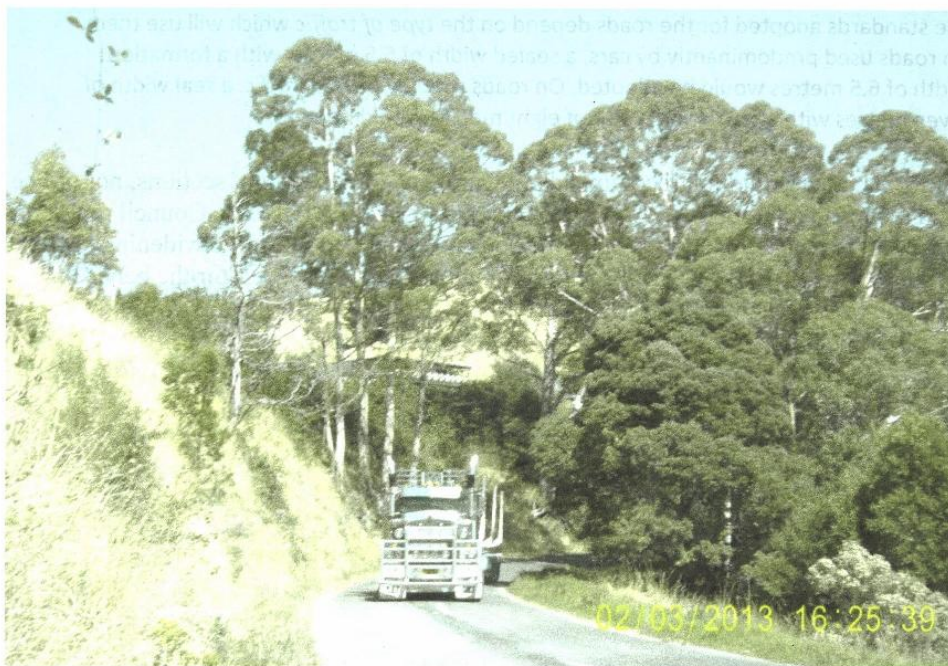


*The log truck had to put its wheels in the unsealed gutter to squeeze past the school bus. A rear wheel of the bus is on the narrow, unstable verge beside a drop-off.  
(Jumbuk Road, just below Roberts' corner)*

The Central Gippsland Timber Roads Needs Study of 1990 sets out an independent expert assessment of minimum safety standards for timber roads. It concluded that the *minimum* safe standard for a timber road in a hilly winding terrain such as Jumbuk Road was a 6.2 metre seal width widened to 8.0 metres on bends.

There might be a case for compromising safety standards for reasons of cost in a situation where a particular road provides the sole means of access to a timber plantation, or where Council is legally bound to provide access, but neither of these situations applies to Jumbuk Road. Therefore, there is no valid reason in this particular case to disregard the minimum safe standard recommended in the 1990 study, and it would be irresponsible to do so. Council has a duty of care under section 101 of the *Road Management Act 2004* to provide safe municipal roads.

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*This is a typical section of Jumbuk Road. This section will not be widened as part of the programmed works. The position of the rear wheels show that the truck is keeping as far to the left as possible. If an oncoming vehicle met this truck on the bend behind the truck, the vehicles would have nowhere to go and no time to stop.*

## PERMIT APPLICATION

The Permit Application reveals that 15 large old trees would need to be removed to enable stage 2 of the Jumbuk Road works program to proceed.

Section 5.2.1 of the report by Indigenous Design Land Management advises that two alternate timber traffic routes were considered in order to avoid impacts on native vegetation. The routes considered were:

- (1) the Vagg's Creek Track/ Middle Creek Road route, and
- (2) a Jumbuk Road/Jeeralang West/ Jeeralang North Road route.

According to the report, the alternate timber traffic routes "would require the removal of native vegetation as well as impacting on the viability of timber harvesting operations", and would also "create an unviable impact to both the Maryvale Paper Mill and the Carter Holt Harvey Timber Mill".

The Jumbuk Road/Jeeralang West/ Jeeralang North Road route requires no comment here because it is not relevant for the purpose of this submission. However, the other alternate route, via Vaggs Creek Track/ Middle Creek Road/ Middle Creek Road/ Jumbuk Road to Monash Way forms part of the alternative solution as proposed by this submission.

## OBJECTION TO APPLICATION FOR PLANNING PERMIT 2013/214

The statements in the report by Indigenous Design Land Management, insofar as they relate to the Vaggs Creek Track/ Upper Middle Creek Road/ Middle Creek Road/ Jumbuk Road to Monash Way option, are entirely incorrect. The facts are:

- This option would not require the removal of native vegetation. This option would allow direct access to the plantation from Upper Middle Creek Road at one end and from Summerfield Track, Bolgers Road and Healeys Road at the southern end without the need for any removal of native vegetation. If removal of native vegetation was necessary within the plantation it would be permitted by the exemption relating to timber harvesting carried out under licence from the Secretary to the Department of Sustainability and Environment (now DEPI), (refer to VCAT Order dated 31 March 2006 in the matter of *Friends of Gippsland Bush Inc. v Grand Ridge Plantations Pty Ltd.*).
- This option would not impact on the viability of timber harvesting operations because it allows for access to Jumbuk Road between Bolgers Road and Healeys Road. Access to that section of road was the potential timber harvesting problem, as advised at item 4.6.3 of Latrobe City letter dated 30 June 2010 to Jumbuk/Junction Safety Action Group.
- This option would not create an unviable impact to the Maryvale Paper Mill or the Carter Holt Harvey Timber Mill. This furphy stems from a Dorothy Dixier served up by a Councillor to HVP representatives at the LCC Timber Traffic Councillor Working Group Meeting held on 26 October 2009. The exchange was reported in the minutes of meeting as follows:

**Question from Cr:**

What is the downstream consequence of not being able to harvest the wood?

**Response from HVP Representatives:**

Approximately 250,000 tonnes of product, equates to around 35% of the Morwell mill, 20% of the pulp mill work. Harvesting contractors job losses, about 30 people. Significant reduction in output from Carter Holt Harvey and APM. Would not result in industry closing down but it would result in significant job losses in the near future, maybe need to stop one shift.

The intention was to indicate that HVP would not be able to “harvest the wood”, resulting in catastrophic job losses, unless it got its preferred cartage option. It is an absurd proposition which belongs in the red herring basket, along with the ‘agreement’ claim. It suggests that it would not be worthwhile to harvest any part of a plantation, valued by HVP at \$13-14M, unless the wood could be carted down the Jumbuk Road shortcut. HVP carts timber to the Morwell mills from plantations in the Yarram and Foster areas, over much greater distances than the Vaggs Creek Track/Middle Creek Road option.

An additional cartage cost of \$200,000 represents 1.54% of the value of a \$13M plantation. It is ludicrous to suggest that HVP expected its investment to yield a profit of less than 2% when it bought the plantation in 2001. Yet that is the logical extension of a claim that the plantation would not be viable if HVP was precluded from using the Jumbuk Road shortcut.

## OBJECTION TO APPLICATION FOR PLANNING PERMIT 2013/214

## CONCLUSION

Council has an obligation under Clause 52.17 of the Planning Scheme and the DNRE guidelines to avoid the removal of native vegetation. Removal of native vegetation can be readily avoided by adopting the alternative solution outlined in this submission. The alternative solution would allow all of HVP's timber to be harvested and transported in greater safety on public roads at less cost to the public purse. Approval of Planning Permit 2013/214 would contravene the Latrobe Planning Scheme and the DNRE guidelines; therefore it must be refused.

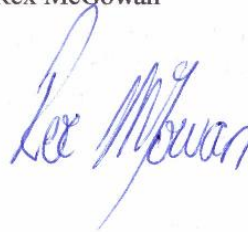
Dated this 11<sup>th</sup> day of November 2013

Signed by the Objectors:

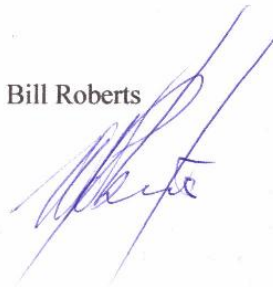


Brian Kilday

Rex McGowan



Bill Roberts



## ANNEXURE to Objection to Planning Permit 2013/214

TOTAL road width, as measured at every 4<sup>th</sup> white line by residents

Start	End of bitumen, Jumbuk Hall
5530mm	
5370mm	
Stage 1 of roadworks	
Stage 1 of roadworks	
Stage 1 of roadworks	
Stage 1 of roadworks	
5450mm	
5400mm	
5300mm	
5400mm	P. Body's gate
5300mm	
5200mm	
5130mm	
Stage 1 of roadworks	
Stage 1 of roadworks	
Stage 1 of roadworks	
Stage 1 of roadworks	
Stage 1 of roadworks	
4900mm	
4400mm	
5400mm	
5250mm	
5450mm	D. Richardson's rear gate

(Red indicates less than 5.5 metres in width)



ANNEXURE to Objection to Planning Permit 2013/214



D. Richardson's rear gate

5400mm	Proposed stage 2	5500mm
5500mm	Proposed stage 2	5100mm
5005mm	Proposed stage 2	5640mm
4900mm	Proposed stage 2	Proposed stage 2
5100mm	5120mm	Proposed stage 2
5210mm	5340mm	Proposed stage 2
5400mm	5700mm	Proposed stage 2
5200mm	4820mm	Proposed stage 2
Stage 1 of roadworks	5140mm	5390mm
Stage 1 of roadworks	5460mm	5300mm
Stage 1 of roadworks	5440mmm	5360mm
Stage 1 of roadworks	6120mm	5550mm
Stage 1 of roadworks	5600mm	Proposed stage 2
Stage 1 of roadworks	5300mm	Proposed stage 2
Stage 1 of roadworks	5590mm	Proposed stage 2
Stage 1 of roadworks	5500mm	5450mm
Stage 1 of roadworks	Proposed stage 2	5880mm
5500mm	Proposed stage 2	5690mm
5070mm	Proposed stage 2	6000mm
5400mm	Proposed stage 2	Painted island
5090mm	5600mm	Roberts' corner
5790mm	4860mm	
5160mm	5230mm	
Proposed stage 2	5400mm	End

(Red indicates less than 5.5 metres in width)