



# The Consulting Surveyor

The Newsletter of the  
Association of Consulting Surveyors (Victoria) Inc

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CSV Board of Directors September 2019/September 2020 & Staff

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ARTICLES WANTED AND FPET POINTS AVAILABLE

SRBV ' Guidelines for FPET ' effective from 1 January 2017 provide for allocation to a Licensed Surveyor of 3 points for writing a substantial article, see 6.5.6 extract below:

*6.5.6 Writing a journal/magazine article and/or presenting a conference paper of direct relevance to the practises of a licensed surveyor - 3 points in the appropriate category for writing/preparing and presenting a substantial article/presentation, up to a maximum of 6 points in each FPET period.*

Articles are accepted at any time and newsletters are collated and published bi-monthly.



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## Stay Strong

Welcome to the June 2020 edition of The Consulting Surveyor. June was to be when some of us were to attend the Consulting Surveyors National (CSN) Surveying Congress 2020 in Western Australia. Unfortunately, like so many other events during the pandemic, this had to be cancelled. Next year's CSN Congress is to be held in Western Australia on 17-18, June 2021. Like many others, I was looking forward to the Congress as a chance to network nationally and have a break. This will have to wait.

Victoria is currently seeing the cautious easing of restrictions. By August, when the next edition of this Newsletter comes out, I suspect many of us will be back at our offices. The recently announced \$688M HomeBuilder program, expected to deliver nationally 25,000 – 30,000 new homes or renovations to be completed by the end of this year, was a good news story and provided a much-needed lift. It is important to grasp onto all positive stories to keep the hope alive. Hope is not a strategy at CSV, neither is prayer but both have their place in tough times. Stay Strong!

### Be Aspirational

CSV aims to be aspirational during these extraordinary times. The importance of remaining positive and aspirational through a crisis cannot be underestimated. Business owners and their employees have been forced to change their behaviour. I believe most would agree they will feel stronger at doing business and working more efficiently after this is all

over. Working from home has been a varied experience for people. Some are enjoying it while others are not. Overall, from my observations of businesses I have connected with, it appears to be working well with the aid of technology and the systems put in place prior. More time with our families and no lost time in travel. Any person or organisation shining with an aspirational attitude, can lift others around them. Business leaders and managers are carrying important responsibilities to maintain continuity of business in a way that respects the safety, mental health and well-being of employees. Employees need to be strong too, to support each other and step up if they can. In my view, it certainly requires a team effort to make it work in this environment, with inclusive business leadership.

Despite the ongoing easing of restrictions, the business community understands that unfortunately the damage has been done to the economy and the property market, and it may take considerable time to recover. Many



businesses are concerned about the prospects short term, what will it be like in a couple of months? And longer term, when will it return to normal?

From conversations had across industry, many business leaders have shared their experiences with respect to impacts on work and how they are responding. The consistent theme coming through is one of concern for the slowing and shrinking market for new work, noting many are still very busy with existing work, but feel the uncertainty heading into FY2021 and beyond. There have been a variety of temporary cost cutting responses: stand downs; leave without



pay; 4 day week; 9 day fortnight; pay reductions (20%) across large businesses; and unfortunately some forced permanent measures - redundancies. These measures are due to COVID-19 and not anyone's fault. The majority of businesses are working from home with limited attendance at their offices. All businesses have a genuine focus on the safety and wellbeing of their employees working under these difficult circumstances and are complying with government restrictions. Most businesses appear to have the technical ability and support in place to ensure employees can safely and efficiently work from home. Overall, the working from home arrangements appear to be working well. However, controlling a workplace culture remotely has its challenges. Returning to work plans appear to be underway too. Refer Safe Work Australia's Checklist for ensuring a COVID -19 safe workplace. Maintaining a healthy and safe workforce through to the other side is paramount.

### Member Engagement

The CSV Board previously approved a member engagement initiative, which started in January this year following the bushfires. This involves our Executive Office, Carmen Olson contacting members directly and asking questions such as, "How has your business been impacted? What new opportunities do you see for CSV? What issues are important to you? The feedback is being collated for reference purposes. Names and details of firms providing information are not attached to the feedback seen by the Board. The Board is only interested in seeing the feedback (divided into rural & urban), as data to work with. This member engagement program has 3 purposes (1) Building relationships with members (2) Information gathering (3) Basis for proactive advocacy. Our Board aims to focus on high level strategic decision making and representation on behalf of membership. The Board will outsource work to its expert advisory and have them report their findings to the Board. We have done work already to source an advisory, as discussed in previous articles by me. We welcome any members that wish to join that group and participate. This is also the succession pathway for entry onto the CSV Board. The Board's advocacy work will promote our members as the surveying resource and profession that underpins a significant sector of our economy. It will raise the profile and relevance of the profession and the role of consulting surveying firms.

### Behind the Scenes

As a Board, it was agreed we adopt an aspirational approach to how we go about our continuity of service to our members. We will continue to provide FPET Training and PTA Training Modules, in a COVID-19 safe format, to ensure the continuity of the education and training component of our service to members. To date the annual FPET requirement for Licensed Surveyors is unchanged.

The approved CSV budget for FY2021 was set with an aspirational mindset to plan for continuity of service to members. For this reason, the Member Evolution Tool for Associations (inclusive of new website), as approved for acquisition previously by the Board, has been included in the budget. A staged purchase of the service will occur, but only if, and when, it is sensible given the current climate.

We have undertaken our annual conversations and performance reviews with our 6 team members. Our team members are enthusiastic and committed to continuing CSV's service to members.

### Professional Development Program

Our Professional Development Program, which includes the FPET Seminars and PTA Training Modules, has moved to a Zoom Webinar

platform, due to social distancing requirements. In late April, we successfully held PTA Module 1 – Victorian Cadastral Surveying and Title Principles (Gerry Shone and Rob Steel). In early June, we held PTA Module 2 – Planning and Subdivision (Michael Loy and Rob Steel). In May, CSV together with ISV held the Joint Webinar Series to replace the usual Joint CSV/ISV May Seminar. The series consisted of 4 Webinars spread over 2 weeks. Each Webinar featured an FPET presentation plus short sponsorship partner segment. Each Webinar was hosted by a representative from CSV / ISV. As this was our first Webinar experience, we sent out a Survey Monkey following each Webinar in the series to obtain feedback with the view to use that to continue to improve. We plan to continue using the Webinar format as it proved to be successful and was well accepted from feedback received.

### Updated Guide for Survey Fees (Deferred)

Due to the pandemic, the Board has decided to defer the publication of an updated Guide for Survey Fees for 12 months. Please use the current guide for FY2021.

### "CSV Peter Tyrrell Award" (Deferred)

The Peter Tyrrell Award is a prestigious CSV award for recognition of excellence that can be made to an individual or a member firm for outstanding service to CSV, or the surveying profession, or the greater community, or surveying in general. Unfortunately, as a result of the pandemic, CSV is unable to proceed with a formal dinner at which this award could be bestowed. As such, all members are advised the call for nominations usually made around this time of year will not be made. I ask if you have any concerns or questions you contact Executive Officer, Carmen Olson, by email [acsv@acsv.com.au](mailto:acsv@acsv.com.au)

### Land Use Victoria

Members will know that LUV employees are working from home. From all reports that I have heard, this has had minimal impact on LUV registration times. The Subdivision Branch is experiencing high workload, with average of 180 lodgements per week during COVID-19. Plans are being registered within the KPI of 15 days and within 5 days for Plans greater than 10 Lots (except for complex plans). From personal experience, my team at Taylors had a Building Subdivision Plan comprising over 100 sheets registered within 11 days from lodgement. I was made aware this required the examiner to drive into the office to build the titles and register the plan. I have also experienced late in the evening plan registrations. With the challenges of an overloaded IT system, limited contact between examiners and surveyors and high rate of plan lodgements, I say "hats off" to all those in the LUV Subdivisions Branch, doing everything they can, including working back late, to support swift registration of plans during these difficult times. On behalf of CSV, I wish to say thank you to LUV for your ongoing co-operation and support to our members.

### CSV Board and Support Team

I wish to thank all Board Members for their ongoing commitment in time and energy in supporting this association and me in my role as President. I also thank the CSV team behind the scenes who are all so very passionate about the work they do and who they do it for. It is a pleasure to see.

**Leo Bateman**  
Taylors

## Permit Exempt Subdivision

While we are all familiar with and have a deep understanding of the subdivision process, the planning permit component can often leave us scratching our heads. The process to obtain a planning permit for a subdivision is often needlessly complex, and the permit that results can sometimes have irrelevant, misleading or conflicting conditions that require further unravelling. Hence a subdivision that can be undertaken without the need for a planning permit means we can take off our 'planner hat' and focus on the technicalities of survey and plan preparation.

Clause 62.04 of the planning scheme lists the 5 types of subdivision that can be undertaken without the need for a planning permit under the Planning and Environment Act 1987. These subdivision types have been numbered for ease of reference (rather than bullet points they are listed in the clause).

### Boundary Re-Alignments.

Both exemptions 4 and 5 relate to the re-alignment of an existing common boundary between two lots.

It is noted that exemption 4 specifies "re-alignment" and exemption 5 specifies "re-alignment" and confusingly also "re-subdivision" in its wording. There are a number of VCAT decisions and rulings on the difference between a re-alignment and a re-subdivision, but this will not be examined in this article. A discussion for another day...

Exemption 4 details what circumstances need to be met with regard to a re-alignment subdivision in an urban zone. It is important to note that the wording specifically states if "any of the following apply".

- a. Minimum lot areas and dimensions specified in the planning scheme or a permit are met.
- b. Where no minimum lot area is specified in the zone and the smaller lot area is  $>230\text{m}^2$ ;
- c. Area of either lot is reduced by  $<5\%$  or  $<30\text{m}^2$ , whichever is lesser.
- d. Where no minimum lot area is specified in the zone and the smaller lot area is  $\leq 230\text{m}^2$ ;
- e. Area of either lot is reduced by  $<5\%$  or  $<30\text{m}^2$ , whichever is lesser.
- f. The new boundary coincides with a boundary fence that is more than five years old, if all the land is not in one ownership.

Exemption 5 details what circumstances need to be met with regard to a re-alignment subdivision in a non-urban zone. A non-urban subdivision must not allow the number of dwellings on the land to increase as a



result. Exemption 5 also specifically states if “any of the following apply”.

- a. Minimum lot areas and dimensions specified in the planning scheme or a permit are met.
- b. Where no minimum lot area is specified in the zone and the boundary is moved by  $\leq 1\text{m}$ , and the lot areas accord with the conditions of any planning permit;
- c. Where no minimum lot area is specified in the zone and the new boundary coincides with a boundary fence that is more than five years old, and no part of the boundary moves by  $>3\text{m}$ .

In summary, non-acquisition / public authority subdivision will only meet the permit exempt requirements for minor changes to an existing boundary between two lots.

Where a 2-lot re-subdivision / re-alignment does not meet these strict conditions, it may be necessary to perform a sequence of permit exempt subdivisions to achieve the desired end result. This will often still be cheaper and faster than the traditional permit process.

The advent of VicSmart has considerably reduced the processing time for some types of subdivisions, but there is still the need to satisfy the conditions of the permit which may also have triggered the need for an Open Space Contribution.

#### Acquisition & Public Authority Subdivisions.

Exemptions 1, 2 and 3 relate solely to “a subdivision by an authority acquiring the land” or “a subdivision by a public authority”.

Exemption 2 allows for a subdivision that can create an additional lot, as long as that additional lot is for “the sole purpose of a minor utility installation”. Depending on the authority in question, such subdivisions are not likely to create an additional lot as the new parcel is often required to be created as a Reserve. When a Reserve parcel only is created, such as subdivision would likely also meet the requirements of Exemption 1 (see below for details).

Exemption 2 specifies that the subdivision needs to be undertaken “by a public authority or utility service provider”. This means that a s.22 *Subdivision Act 1988* Plan of Subdivision could be submitted for land already owned by the authority (with the authority as the applicant) or a s.35 *Subdivision Act 1988* Plan of Subdivision for land the authority is acquiring for their “minor utility installation”.

Additionally, a Plan of Subdivision utilising s.35(8) could also be submitted, where the land is already owned by the authority.

It should be noted that exemption 2 does not apply when an overlay requires a permit for subdivision. E.g. a Land Subject to Inundation Overlay or a Special Building Overlay. To circumvent this restriction, creation of the parcel as a Reserve (or Road) will enable the subdivision to meet the requirements of Exemption 1.

Exemption 3 allows the subdivision to create additional parcels of land, if those lots do not have road frontage and are either:

1. Retained by the authority.
2. Sold to an abutting owner on the condition they will be consolidated with the abutting land.

Exemption 3 envisages situations where an authority has a strip of land that is no longer required, and it wants to sell that part that directly

abuts each adjoining parcel to that land owner. Each new lot has no road frontage and can only be accessed via the abutting land owner’s property. While a NICO subdivision would achieve the subdivision and consolidation in one step, the complexities of a NICO subdivision with multiple different owners would make it impractical; hence the allowance under Exemption 3 to subdivide first, with individual consolidations to follow at a later date.

Exemption 1 specifies that the subdivision must be “by an authority acquiring the land which does not create an additional lot”. Thus, the subdivision could create additional parcels as long as those parcels were either Road or Reserve. Alternatively, the subdivision could be a re-subdivision, whereby the total number of lots does not increase (i.e. re-subdivision to maintain the same number of lots, or partial consolidate to reduce the number of existing lots).

Exemptions 1 & 3 appear to be further constrained when compared to Exemption 2 because they specify that the subdivision must be “by an authority acquiring the land”. This would imply that the subdivision could only be undertaken under s.35 *Subdivision Act 1988* as part of the acquisition of land by an acquiring authority.

s.35(1) *Subdivision Act 1988* specifies that a Plan of Subdivision prepared under this section must be submitted “as if the authority were the owner of all the land to be subdivided by the acquisition”, s.35(3) then specifies what things can be done by the plan, and the timing for these actions (registration, vesting etc.).

s.35(8) *Subdivision Act 1988* provides a mechanism for an acquiring authority to subdivide land it already owns.

(8) An acquiring authority may under this section submit for certification and lodge for registration a plan subdividing or consolidating any land vested in it or registered in its name.

But how then does this meet the Clause 62.04 requirement for the subdivision to be “by an authority acquiring the land”, when the land is already owned by the authority? Enter s.35(9) *Subdivision Act 1988*.

s.35(9)(a) specifies that a plan made under s.35(8) is to be prepared “as if the land in the plan were land acquired by the authority”. This means that even though the Plan of Subdivision is not acquiring the land, a plan prepared under s.35(8) is still considered as an acquisition plan. Consequently, a Plan of Subdivision prepared under s.35(8) would thus meet the requirements of Exemptions 1 and 3 as “a subdivision by an authority acquiring the land”.

The specification under s.35(9) that a plan prepared under s.35(8) is an acquisition plan makes sense in the context of Clause 62.04, Exemptions 1 and 3. There is no benefit or gain to be had from a planning permit in a circumstance where an authority is selling off a surplus parcel of land in small portions to all of the adjoining land owners for consolidation with their land. Additionally, is there any benefit to be had in obtaining a planning permit where an authority subdivides its own land but does not increase the number of lots?

**Paul Murrhly**  
Head & Humphreys P/L



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## Aboriginal Cultural Heritage

**Aboriginal cultural heritage can be described as a place or with tangible or intangible values. Aboriginal cultural heritage can include archaeological sites, such as artefact scatters, scarred trees, middens, stone arrangements or Aboriginal ancestral remains (human remains), historical places such as missions and schools, or places with intangible values such as places of spiritual or ceremonial significance. All Aboriginal cultural heritage is of high significance to Aboriginal people as a connection to the landscape and to ancestors, however it is also important for Australians more generally as a reminder of our shared human history.**

In Victoria, Aboriginal cultural heritage is protected by the Aboriginal Heritage Act 2006 (the Act). Among other things, the Act links the management and protection of Aboriginal cultural heritage with the planning system and establishes the Cultural Heritage Management Plan (CHMP), Cultural Heritage Permit (CHP) and Preliminary Aboriginal Heritage Test (PAHT) processes to manage activities which may impact upon Aboriginal places.

The preparation of a CHMP includes the assessment of a subject site ('activity area') to determine the presence and nature of any Aboriginal places within the activity area, and the preparation of a written report detailing the assessment, the nature of any Aboriginal places present, management conditions designed to meet the requirements of the Act and contingency plans. There are three levels of assessment:

- Desktop assessment (background review);
- Standard assessment (desktop assessment and field survey); and
- Complex Assessment (desktop or standard assessment and sub surface testing).

For projects where a CHMP is required, it must be approved by the relevant authority (either a Registered Aboriginal Party [RAP] or Aboriginal Victoria (AV) (part of the Department of Premier and Cabinet [DPC]) before any statutory authorisation can be issued.

The Act and the Aboriginal Heritage Regulations 2018 (the Regulations) specify when a CHMP is required. CHMPs are required for all developments ('activities') where the Regulations require a CHMP, where an Environmental Effects Statement (EES) is prepared, where the Minister requires a CHMP, or where an Impact Management Plan is required. CHMPs can also be prepared voluntarily as a risk management strategy. Under the Regulations, a CHMP is required when the proposed activity is a high impact activity, and where all or part of the activity area is an area of cultural heritage sensitivity. A variety of high impact activities are defined in the Regulations, including but not limited to:

- Buildings and works for specified uses, including but not limited to child care, education, retail, office, retirement village, warehouse, industry, car park (r.46); however note that if the land was lawfully used for that purpose prior to 28 May 2007 then it is no longer a high impact activity);
- Infrastructure such as roads, rail, walking tracks (size limits apply) (r.47);
- Construction of three or more dwellings on a lot or allotment (r.48) (but only where the lot is greater than 0.11 hectares in size, unless it is located within 200m of the coast or the Murray River in which case the size is irrelevant);
- Subdivision of land into two or more lots in an industrial zone or three or more lots in other zones (r.49); and
- Change of land use (r.58).

The Regulations defines a number of areas of cultural heritage sensitivity. It is important to remember that these areas are simply triggers for the requirement of a CHMP, and may or may not constitute areas of actual Aboriginal archaeological potential. The areas of cultural heritage sensitivity which are of most relevance to the Greater Melbourne region include:

- Land within 50 metres of an Aboriginal place recorded on the Victorian Aboriginal Heritage Register (VAHR) (r.25);
- Land within 200 metres of a named waterway (r.26);
- Land within 200 metres of the high water mark of the coast (r.31);
- Land within 200 metres of the Koo Wee Rup Plain (r.34); and
- Sand sheets, including the Cranbourne sand (r.41).

It should be noted that new areas of cultural heritage sensitivity can be created as a result of archaeological investigations that identify Aboriginal places, and change periodically on the basis on State government map data. These areas cease to be areas of cultural heritage sensitivity if they have been subject to previous significant ground disturbance. Under the Regulations, this is defined as "disturbance of the topsoil or surface rock layer of the ground or a waterway by machinery in the course of

grading, excavating, digging, dredging, or deep ripping, but does not include ploughing other than deep ripping". This has been further defined through decisions made by the Victorian Civil and Administrative Tribunal (VCAT) which are reflected in the Practice Note produced by Aboriginal Victoria.

In instances where a applicant ('Sponsor') believes that significant ground disturbance has occurred (and that as a result no CHMP is required), the burden of proof rests on the Sponsor. There are four levels of inquiry:

- Common knowledge;
- Publically available records;
- Further information; and
- Expert advice or opinion.

In most cases a field inspection of an activity area by a Heritage Advisor (HA) is not sufficient to determine whether significant ground disturbance has occurred. The best evidence for significant ground disturbance generally comes from historical aerial photographs and geotechnical testing. A new mechanism now exists whereby an applicant can apply for certification of a Preliminary Aboriginal Heritage Test (PAHT) by AV to obtain State government sign off that there is no requirement for a CHMP on the basis of significant ground disturbance or other factors (e.g. if a proposed activity should not be considered to be high impact).

CHMPs must be prepared by a qualified and experienced HA, who may or may not also be an archaeologist. It is important to bear in mind that all archaeological excavations must be supervised by an archaeologist. Once a CHMP is prepared, it is considered to be approved once the evaluating authority (RAP or AV) has issued an approval notice, and the final CHMP, including the approval notice, has been lodged at AV. The evaluator has 30 calendar days to approve or refuse the CHMP, and the final approved CHMP must be lodged at AV within 14 days of approval.

Consultation with RAPs is crucial to the CHMP process. This usually takes the form of a series of at least two or more meetings, the presence and participation of RAP representatives in all field work, and consultation relating to



significance of identified Aboriginal places and management conditions. In the absence of a RAP, consultation with any applicable RAP applicant group/s or other relevant Aboriginal group/s should occur.

In order to be approved, a CHMP must satisfactorily address Section 61 of the Act, and include conditions which are designed to avoid harm and/or minimise and/or mitigate harm to Aboriginal places. Attempts to avoid or minimise harm must be made in order to gain approval, and if harm cannot be avoided or minimised, it is the responsibility of the Sponsor to explain why. Generally speaking, it is unacceptable to say that a project will suffer financially if harm to heritage is avoided or minimised. Acceptable reasons for harming heritage may include limitations enforced by topography, native vegetation, or engineering requirements. When developing conditions, it is important to think outside the square: small changes can mean the difference between harming Aboriginal cultural heritage and preserving it. These changes can be as simple as changing the way in which revegetation will be carried out, the construction method used to build a path through open space, or engineering solutions such as boring rather than open trenching. If harm cannot be avoided or minimised, the CHMP must include conditions for the mitigation of harm

to Aboriginal places, particularly to Aboriginal places of moderate or high scientific significance.

The requirements of the Act and Regulations can have significant time and cost impacts on projects, and whilst many proponents are well aware of this, others are not. As such, it is best to advise your clients to seek the advice of an Archaeologist/HA at the earliest stage possible to allow appropriate planning. As surveyors are typically engaged close to the beginning of projects, members of this industry are in a unique position to display their knowledge and ask their clients to consider if their project has any requirements relating to Aboriginal heritage.

**Jen Burch**  
Jem Archeology



## In Memoriam of Clifford Leslie Ogleby - by Mark Shortis from RMIT University

### In Memoriam - Clifford Leslie Ogleby

It is with great sadness that the Australian and international communities of photogrammetry and remote sensing note the passing of our colleague Clifford Leslie Ogleby. Cliff, more commonly referred to as 'Og' or 'Oggie' by his friends, died in the third week of May 2020 in his 65th year. Cliff had had a number of health issues over the years, particularly problems with auto-immune disease which compromised his physical resilience and impacted significantly on his quality of life in his later years.

Cliff completed the surveying degree at the University of Melbourne and, after a short period working as a field surveyor, returned to the university in the Department of Surveying as a sessional teacher in 1981. His commitment to student learning and effectiveness in student-centred teaching was quickly recognised and he was appointed as a Lecturer, promoted to Senior Lecturer and designated as a Teaching Specialist toward the end of his career.

Cliff was a passionate and charismatic presenter and as an educator, held in the highest regard by his students and those with whom he worked. He was recognised many times by his students and his academic peers through numerous awards for teaching excellence and many grants to conduct research and development of learning and teaching innovations. He was incredibly popular with the students he taught and the postgraduate students that he supervised. In a world of teaching metrics, Cliff invariably received overwhelmingly positive feedback year after year.

As well as accolades for learning and teaching, he was also a very active applied researcher. In his early career he became involved in the recording of indigenous rock art and other artefacts. A passion for heritage documentation never left him and was extended to archaeological sites throughout Australia, Papua New Guinea, Syria and Georgia. Long before the days of drone surveys, Cliff developed innovative platforms for low altitude mapping based on kites, bipods and balloons, and was an early adopter of 3D recording devices such as image correlators and laser scanners.

His engagement with industry and contributions to the profession were also exemplary. He was involved in organisations such as the

International Society for Photogrammetry and Remote Sensing (ISPRS), Comité International de la Photogrammétrie Architecturale (CIPA), Remote Sensing and Photogrammetry Association of Australia (RSPAA) and the (now) Surveying and Spatial Science Institute in Australasia for several decades. Cliff was involved in many working groups as both an active member and an office bearer, and was always an enthusiastic contributor to conferences, seminars and workshops.

However, perhaps his most visible role in the profession was as the Director of the highly successful 22nd ISPRS Congress held in Melbourne in 2012. There is no doubt that his unconditional commitment to bidding for the congress and his leadership of the congress management made a massive contribution to the technical, social and financial success of the congress.

Cliff retired in 2018 after 38 years of dedicated service to the University of Melbourne and the (now) Department of Infrastructure Engineering. His kindness, thoughtfulness and effectiveness are remembered by all. Cliff devoted the major proportion of his career to his students, from the perspective of delivering engaging and enriching educational programs, advancing his students professional development and being a mentor for their self-confidence, ambition and well-being.

We extend our heartfelt condolences to all, and particularly his many colleagues and friends in the photogrammetric and heritage recording communities.

**Mark Shortis**  
RMIT University

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## Planning Scheme Amendments

The following planning scheme amendments may be of interest to some members.

### COVID-19 Omnibus (Emergency Measures) Bill 2020

The COVID-19 Omnibus (Emergency Measures) Bill 2020 makes amendments to the LGA Act, the P&E Act and the O&A Act in order to provide for temporary measures in response to the COVID-19 pandemic. The legislative amendments respond to various requirements to allow for electronic substitutions in regard to council meeting procedures, access to documents, and the witnessing of documents.

In regard to the **Planning and Environment Act 1987**, The Bill inserts a Part 10A into the P&E Act which will be repealed 6 months from the commencement of the Bill. This allows a document to be made available free of charge to the general public on a Designated Entity's internet site, subject to requirements around personal information. It also modifies rules about Planning Panels Victoria hearings and allows these hearings to be carried out through electronic means, subject to certain requirements.

**Amendment GC112 - Approved 20th April, 2020.** The amendment formally recognises the Infrastructure Design Manual (IDM) in the Bass Coast, Baw Baw, Colac Otway, East Gippsland, Glenelg, Greater Bendigo, Greater Geelong, Hepburn, Latrobe, Mitchell, Moorabool, Moyne, South Gippsland, Southern Grampians, Strathbogie, Warrnambool, Wellington and Wodonga Planning Schemes. to recognise the Infrastructure Design Manual in the Municipal Strategic Statements, and introduces the Infrastructure Design Manual as a background document in the Schedules to Clause 72.08.

**Victoria's Planning Provisions - Amendment VC179 Commenced 6th May, 2020.** Changes the Victorian Planning Provisions and all planning schemes in Victoria by inserting a new provision at Clause 52.10 to facilitate rebuilding following the 2019/20 bushfires and amends the Schedule to Clause 72.01 in all planning schemes to designate the Chief Executive Officer as the responsible authority for Clause 52.10.



**Hume Planning Scheme - Amendment C243** proposes to incorporate the final Sunbury South and Lancefield Road Precinct Structure Plan's Infrastructure Contributions Plan and make the associated amendments to the Hume Planning Scheme. Submissions close 9th June, 2020.

**Mitchell Planning Scheme - Amendment C145.** Proposes to introduce the updated final Beveridge Central Infrastructure Contributions Plan by applying the Infrastructure Contributions Overlay (ICO) to land within the Beveridge Central precinct. Submissions close 9th June, 2020.

### Panel Reports of Interest

**Greater Geelong Planning Scheme - Amendment C394.** The Panel Report issued 14th April, 2020 recommends adoption with a number of minor amendments to be made by Council. The Amendment implements the Bellarine Peninsula - Corio Bay Local Coastal Hazard Assessment Dec 2015. It proposes to introduce a new Land Subject to Inundation Overlay (LSIO) Schedule 2 titled "Coastal Inundation and Hazard" (LSIO2) and applies to land being inundated by the combined effects of the 1% Average Event Probability (AEP) flood event plus 0.8 metre sea level rise

**Monash Planning Scheme - Amendment C148** proposes to increase the public open space requirement for subdivisions of 3 lots or more to 10% cash, 10% land, or a mix of both. Currently Council requires a public open space contribution of between 2% and 5% depending on the number of lots. A contribution rate of 10% has been determined by Council as necessary to deliver a reasonable standard of open space provision across the whole of Monash for a growing population, providing an appropriate level of public open space services and recognises a need of 30 square metres per person.

The Interim Panel Report released by Planning Panels Victoria on 5 May 2020 recommended that Council should review the Amendment documents and undertake further work before re-exhibiting the Amendment. The main area of further work requires:-

- Council to justify the calculation of the open space levy, as the basis for the calculation of an open space levy rate in place of the 30 square metre macro-provisioning standard.
- Develop a detailed justification for the application of the same open space levy rate to residential and non-residential subdivisions.
- Clarify the use and meaning of community open space in the Monash Open Space Strategy.
- Review the areas designated as public open space gaps in Map 1 in Clause 22.15.
- Alternatively, Council should abandon the Amendment

Once this work is complete the Amendment should be re-exhibited and The Panel will then reconvene to consider any submissions.

**Members are advised that the above is for information purposes only and is not intended to be a legislation advice service. Members should refer to their own resources to obtain the latest legislative updates.**



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## Remain productive and viable: Top tips for working from home

For businesses across many industries, working from home has become the “new normal” in the face of COVID- 19. As Surveyors, working remotely comes with the territory; but operational staff may face more challenges with this transition. Here’s some top tips on working from home to ensure your surveying business stays productive and viable during these uncertain times.

### For Employers:

- Be transparent with clients – communicate regarding possible office closures, amended opening hours and new ways to contact your business.
- Communicate with your employees the importance of social distancing, especially on sites and out in the field.
- Implement communication tools such as Zoom and instant messaging services to keep up collaboration between teams and clients.
- Implement people and culture initiatives such as virtual games nights or Friday knock-off gatherings – no matter how small your business is, socialising outside of a working setting is key to maintain good team culture.

### Everyone:

- For operational staff yet to experience a home office set-up – set up a quiet space in your house and bring home personal items from the office such as plants and photos you’ve got on your desk.
- Take regular breaks and make sure you clock-off on time – your computer might be there all the time, but you don’t have to be.
- Surveyors: Share your top tips with everyone in your business – now’s the perfect time to collaborate and share your remote working wisdom

To help stop the spread of COVID- 19, the GlobalX Terrain team are now working from home in line with the GlobalX Group’s Business Continuity Plan. However, the ACSV Search platform remains available 24/7 with uninterrupted support hours (8am – 4:30pm AEST, Monday – Friday).

The team’s still working hard to bring regular enhancements and new features to the ACSV Search platform and as always, we’re open to feedback and suggestions. For support or if you’d like to have a chat about any of the ACSV Search features, contact GlobalX Terrain on 1300 001 560 or via email: [support@globalxterrain.com](mailto:support@globalxterrain.com).



## The CSV Office

As I write this report and look outside, it is cold and drizzly and I am reminded that not only is winter officially here, but we are now six months into 2020, a year we will never forget, no doubt. The CSV staff are still working from home, not having to battle traffic to get to work has enabled us to be more productive. The Victorian Premier is suggesting if we can work from home to continue to do so, this way we limit the number of people moving around and the spread of the virus. Going forward – and in light of new evidence indicating increased activity – the obligation for employers to keep their staff working from home will now be included in the Chief Health Officer's directions. This means there will now be a clear and shared responsibility between workers and their bosses. For employees, this means an obligation to keep working from home and for employers, an obligation to support them in doing so.

In this edition, we have included a Safe Work Australia Checklist: What can I do to keep my workers safe at the workplace and limit the spread of COVID-19? The document has many useful tips for members.

Rob Steel, Gerry Shone and Michael Loy have been running on-line training modules, the numbers were limited to enable interaction, the three sessions booked out very quickly and we have a waiting list. If you would like to book a candidate to attend these sessions, please make contact with us so we can let you know when the next session is running.

We have received some great feedback from the CSV/ISV Joint Webinar Series, we hit the mark with the speakers and feedback tells us to continue to hold webinars, we recorded the following attendance:

- 19 May 2020 – 189 attendees
- 21 May 2020 - 159 attendees
- 26 May 2020 – 161 attendees
- 28 May 2020 - 186 attendees

Our next seminar is scheduled for August at Manningham, we are unsure if this seminar will be held in the traditional way, as soon as



we have more information we will update our LinkedIn page and send out correspondence to advise members. If you haven't had a chance to like our LinkedIn page please go to the following link and like the CSV page - <https://www.linkedin.com/company/13672435/>

This year I had planned on getting out and about to catch up with members, sadly due to COVID-19 this was short lived. I have started the process of calling members to touch base and to ask how they have been going during these turbulent times. To the members I have already spoken to, it was great to chat with you and if at any time you have any ideas or can see new opportunities for CSV please email me and I can always set up a quick Zoom meeting to discuss this with you.

In the next few weeks we will be emailing membership renewals, when you receive your renewals, please update your paperwork and return it to us so we can ensure our records are always up to date.

As always if we can assist in any way please reach out to the CSV staff on 03 9690 6660.

**Carmen Olson**  
Executive Officer



## Eslers Land Consulting

### Our Proud History

Eslers Land Consulting is a well established and highly respected firm in North East Victoria and Southern NSW. It was founded 70 years ago in 1949 by Brian William Esler. The practice commenced in a small office in Albury NSW and as the business grew Eslers moved several times and is currently in Macauley Street Albury where the firm has successfully operated for over 27 years.

During its' early years, most work undertaken by the firm related to title surveys, however, as the firm expanded so did the type of work. Throughout the 1960s and 1970s, as the land development work of the firm grew, the practice became more involved with engineering activities which resulted in the establishment of a Civil Engineering department.

Associated with the economic development of the 1970's in the Albury/Wodonga area was an expansion in the size of the firm. During the 1980s and 1990s the firm expanded into Wangaratta and Wagga, thereby enabling Eslers to better service new and existing clients within these cities.

### Eslers Today

From its early days, Eslers has continued to grow. Today we have offices in Southern New South Wales and Northern Victoria. Eslers is held in high esteem by our many high-profile and long-standing clients, to a large extent our success is due to Eslers decades of experience, high-level technical and project management capabilities and a continual focus on quality, health, safety and environmental impact. Most importantly however, Eslers success is a result of the expertise of our trusted and capable team, who between them have many decades of experience!

With offices in Albury, Wagga Wagga, Cobram and Wangaratta, the firm is well positioned to provide a comprehensive range of innovative surveying and engineering services, both to the private and public sectors. While the range of services varies from project to project, our core services include:

### Surveying:

- Cadastral (title boundary) surveys
- All types of NSW and Vic subdivisions
- Feature and level surveys
- Building and construction surveys
- Drone surveys

### Engineering:

- Urban estate development
- Commercial/ industrial subdivision
- Feasibility studies and reports
- Hydrology and stormwater management
- Hydraulic reticulation design, supervision & project management
- Project/ contract administration
- Road & drainage: design, supervision & project administration

### Environmental Consultants

- Water sensitive urban design
- Project management
- Bushfire assessment reporting for subdivisions

### Town Planning

- Development application report preparation for subdivisions
- Bushfire risk assessments
- Council consultation on behalf of clients
- Consultation with referral authorities and government departments on behalf of clients
- Pre-lodgement advice

### The Surveying Management Team

**Andrew Rotherham** is a Company Director, Licensed Surveyor and the Survey Manager Victoria. Andrew graduated from RMIT in 1988 with a Bachelor of Applied Science (Surveying) and has been with Eslers for 26 years. His expertise is in the areas of Cadastral (urban and rural), engineering, topographical and GNSS surveying, subdivisional planning,



design and construction set out and drone surveys.

**Glendyn Groves** is a Company Director, Registered Surveyor and the Surveying Manager NSW. Glendyn graduated from the University of Newcastle with a Bachelor of Surveying (Hons.) and has been with Eslers for 22 years. His experience includes all aspects of Cadastral surveying, estate layout and design, development feasibility studies and project supervision.

**Anthony (Tony) O'Neill** is a Company Director and Project Manager, has been with Eslers for 47 years. Tony is experienced with Cadastral (urban and rural), engineering, topographical and GNSS surveying, subdivisional planning and design, construction set out and management of survey projects.

**Richard Mutape** is a Senior Registered Surveyor with 19 years' experience, he graduated with a Bachelor of Surveying (Hons.) from the University of Zimbabwe in 2001. Richard has been with Eslers since 2016 and specialises in subdivisional surveys (urban and rural) and high precision construction surveys.

### The Engineering Management Team

**Ian Bignell** is Eslers Managing Director and Engineering Manager. Ian graduated from the University of Western Australia with a Bachelor of Engineering in 1992 and joined Eslers in 2012. Ian's experience includes engineering design, project management, contract administration and project quality control.

**Stephen Altmeier** is a Company Director and the Engineering Design Manager, he has been with Eslers for 46 years. Stephen's expertise includes residential and municipal works such as detail design, provision of inspection services and contract administration associated with roads, drainage, sewerage reticulation and water supply

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## CHECKLIST:

[swa.gov.au/coronavirus](http://swa.gov.au/coronavirus)

# What can I do to keep my workers safe at the workplace and limit the spread of COVID-19?

## 1. Working from home

- Assess who can do their jobs from home. Give those workers the option to do so.
- Provide guidance to your workers on how to set up a safe home work environment (see, for example, [SWA's working from home information and diagrams](#)).
- Require workers to complete a self-assessment checklist to ensure they comply with good ergonomic practices (an example is [Comcare's Working from home checklist](#)).
- Appoint a contact person in your business that workers can talk to about any concerns.
- Set up ways to communicate with workers online (e.g. through Skype or Zoom) and communicate with them daily.
- Provide information to workers about the supports available to them, for example through an employee assistance program.

## 2. Physical distancing

- Put up posters around the workplace on keeping at least 1.5 metres distance between everyone at the workplace.
- Erect signs at the entrances to lifts and meeting rooms to ensure the maximum safe capacity is not exceeded.
- Move work stations, desks and tables in staffrooms further apart to comply with social distancing.
- If possible, bring in shift arrangements so less staff are in the workplace at once.
- Instruct workers to have meetings by phone or online instead of in person. If not possible, require they meet in a large space and keep meetings short.

- Review regular deliveries and request contactless delivery. Check systems for e-invoicing are in place.
- Provide social distancing markers on the floor in areas where customers line up or where workers perform tasks.
- Nominate a person on the work floor to be responsible for keeping everyone the required 1.5 metre distance apart in accordance with the latest government requirements.

## 3. Handwashing and hygiene

- Have hand sanitiser stations at entry and exit points and around the workplace.
- Ensure bathrooms are well stocked with hand wash and paper towel.
- [Put up posters with instructions on how to hand wash/hand rub.](#)
- Instruct workers on other ways to limit the spread of germs, including by not touching their face, sneezing into their elbow, and staying home if feeling sick.
- Have automatic alerts set up on computer systems to remind workers about washing hands and not touching eyes, nose and face
- Instruct your workers to limit contact with others- no shaking hands or touching objects unless necessary.
- If possible, accept only cashless transactions.
- Increase access to closed bins in your workplace.
- Put up signs to request customers only touch objects they are going to buy.



## CHECKLIST:

# What can I do to keep my workers safe at the workplace and limit the spread of COVID-19?

### 4. Cleaning

- Ensure any areas frequented by workers or others (e.g. visitors to your premises) are cleaned at least daily with detergent or disinfectant.
- Instruct workers to wear gloves when cleaning and wash their hands thoroughly with soap or use an alcohol-based hand sanitiser before and after wearing gloves.
- Clean frequently touched areas and surfaces several times a day with a detergent or disinfectant solution or wipe. This includes Eftpos equipment, elevator buttons, handrails, tables, counter tops, door knobs, sinks and keyboards.
- Instruct workers to clean personal property that comes to work, such as sunglasses, mobile phones and iPads with disinfectant, such as disinfectant wipes.

### 5. Monitor symptoms

- Put up signs about the symptoms of COVID-19 in the workplace.
- Direct workers to stay home if they are sick, and if they are displaying symptoms of COVID-19 ask them to call the National Coronavirus hotline (1800 020 080).
- Instruct workers to tell you if they are displaying symptoms of COVID-19, have been in close contact with a person who has COVID-19 or have been tested for COVID-19.
- Remind staff of their leave entitlements if they are sick or required to self-quarantine.
- Treat personal information about individual workers' health carefully, in line with privacy laws.

- Facilitate working from home, if possible, for staff who are required to self-quarantine but are not displaying symptoms of COVID-19.

### 6. Plan ahead

- Nominate a worker or a team of workers to champion safe practices in the workplace and teach their colleagues the proper procedures listed above.
- Develop a plan to ensure business continuity if there is a suspected or confirmed outbreak of COVID-19 in your workplace.
- Consider what you will do if one of your workers is suspected or confirmed to have COVID-19, including how you will support that worker and what you need to do to ensure the workplace remains safe for other workers.
- Consider if you have appropriate cleaning products and personal protective equipment available to disinfect your workplace following an outbreak. If you do not, consider options for hiring a cleaning company to do this work.
- Put a protocol in place for reopening your workplace after an outbreak or quarantine period.

### Stay informed

Download the official government "Coronavirus Australia" app, or join the [WhatsApp channel](#) and frequently check for updates.



## 2020 -The Vision We Never Expected

Twelve months ago the Federal election have just been completed with a surprise result. Richmond won the AFL grand final against GWS 8 months ago. Hong Kong protests, Brexit, Donald Trump's impeachment - as with Captain Cook and the Victorian goldrushes, it all seems like another era. The irony is that in 2020 with the implication of clarity of vision, we are in the most baffling and confused times.

But history has a way of repeating itself. The 1919 Spanish Flu (which didn't start in Spain) had many parallels with our current circumstances.

Yet another written opinion about COVID19 has echos of Groundhog Day so I wont major on that. I had intended to research the Spanish Flu and its effect on the Land Surveying industry at the time but this information (and my time to research) was extremely scarce with minimal references in papers and periodical publications at the time.

A paper by Humphrey McQueen "The 'Spanish' Influenza Pandemic in Australia", has provided some of the information described below.

The Spanish flu began as a pandemic in

Europe possibly originating as a milder form of influenza in the USA in 1918 but growing into a more dangerous form in Europe on the battlefields of WW1. Given the events at the time it spread rapidly but didn't reach Australia until 1919 with troops returning from Europe. It gave Australia some valuable warning and the impact here was less than elsewhere. This correlates with our experience today and ability to regulate visitors.

It reached a climax in Australia during 1919 especially the first half of the year. The statistics are sobering. About 500 million people (one third of the worlds population at the time) were affected with fatalities of around 20-30 million. The fatality number in Australia was around 12,000. Compare this with COVID19 which at the time of writing has affected 5.3



million people worldwide with fatalities of 341,000. Australia has had 7106 infected and 102 fatalities. COVID19 is a foothills event in comparison with the Spanish Flu. The highest rate of infection in contrast to today was among 25-40 year old males.

The effect on the Australian Federation was dire with a collapse of cooperation and chaotic wrangling between the Commonwealth and various State Governments, with NSW and Victoria especially in disagreement. WA unilaterally impounded trains on the Trans Continental Railway to the eastern states. The steamer service to Tasmania was under threat of closure by the Federal Government. This was during a time when troops were trying to return home after WW1 and it was every state for themselves. This contrasts to a large extent with todays National Cabinet. National character was at its best in 1919 in opposing an external threat, but at its weakest in opposing an internal threat. This to me would also appear to be the opposite of what we face today.

The Institute of Surveyors in NSW cancelled all meetings between January - August 1919. Also during this time, all libraries, schools, churches, theatres, public halls, hotels, racecourses were closed. The wearing of masks was contentious as it is today with one detractor noting that it was as effective as "using barbed wire fencing to shut out flies". Others promoted a full face covering with eye openings as necessary. A variety of questionable remedies offered preventative powers to the gullible. Inoculation was popular with "Melbourne socialites reputedly arranging inoculation parties where the guests got the needle in turn to slow music with prizes being awarded to the shapeliest arm".



Home schooling and supervision of socially-distanced children was a challenge then as it is today. The economic effect was severe as for today with an Influenza Economic Relief Act providing the unusual sight (for entertainment starved citizens) of seeing bookmakers and publicans queuing for food vouchers.

An account from Alberta Canada in 1918-9 is probably indicative of what may have taken place in Australian states with Surveyor-General Deville offering to discharge workers and abandon surveys within the province if influenza epidemics or quarantine made them impossible. Others pressed on successfully with parties of surveyors kept in strict isolation for months with no time off allowed for public holidays. However, there were influenza fatalities within the profession, some of the more unfortunate cases having survived the Western Front in France and Belgium before succumbing to the pandemic.

One of the outcomes of the Spanish flu was the establishment of properly resourced ambulance services which until that time (in Sydney) has been voluntary and autonomous, and infectious disease wards built. Schools were closed and used temporarily as hospitals partly staffed by salaried but out of work teachers. This is unlikely to have any modern equivalent. However, crises do provide opportunities for long term reforms.

There are three ways that businesses will emerge from the current COVID19. Some will not make it. Others will just scrape through and others will emerge more strongly than before. Businesses that come out stronger will probably have these leadership traits in common in that they will be people who can respond, protect, adapt and lead. I've heard it said that a pandemic is one situation where it is better to panic early.

A wider use of working from home is a possible outcome, particularly in our industry where many employees work remotely, though there are downsides. There will be the OHS considerations around people injuring themselves at home on their own furniture or tripping over their own carpet to be weighed up against people travelling to their places of work and risking exposure on public transport, buying lunch or in the workplace. This will be a high litigation risk. There will be a lot more road traffic as usage of public transport will have to be drastically reduced to achieve social distancing. I believe partial retention of working remotely (if not always from home) is here to stay for the medium term as the less risky option and with potential savings in office rentals, travel time and carparking. Staggered working hours are highly likely.

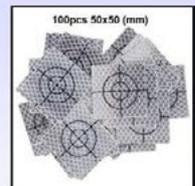
There is the potential for conflict with staff as return to work requirements are enacted. The experience of many introverts is a high degree of comfort working from home and anxiety about its winding up, but the opposite is true of extroverts who are missing the social interaction of the workplace and likely to respond poorly if a return is deferred. However, it should be pointed out that it is not the responsibility of an employer to provide a social life for their staff. I think we will see this whole issue become a major point of contention during the next twelve months.

CSV will be very happy to provide advice around the issues that arise in the next twelve months and welcome enquiries.

**Michael Wilson**  
CardnoTGM

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2020 SOCIAL EVENTS:

Date	Event Name
Thursday, 10 September	Industry Network Evening Venue: Grand Hyatt, Melbourne
Friday, 23 October	30th Allan Van Tennis Challenge Venue: Kooyong Lawn Tennis Club
Friday, 27 November	CSV Golf Day Venue: Woodlands Golf Club

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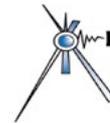
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## 2020 FPET EVENTS:

At least one month's notice will be given on any changes made. Every effort will be made to keep to the draft

Date	TOPIC/FPET POINTS
Friday, 13 March	<b>2020 Vision Full Day Seminar</b> Venue: Caulfield Race Course, Caulfield
May 2020 – 19 May 2020 – 21 May 2020 – 26 May 2020 – 28 May 2020	<b>CSV ISV Webinar Series</b> <ul style="list-style-type: none"> <li>– Complex Mised Use Subdivisions</li> <li>– Sustainability in the Planning Process - Why is it needed? What is Required? What are the Benefits</li> <li>– Overview of Aboriginal Cultural Heritage and Project Related Requirements</li> <li>– Major Transport Projects Facilitation Act dealing</li> </ul>
August 2020	Webinar Series TBA
Friday, 09 October	<b>Afternoon Seminar &amp; AGM</b> Venue: Sandhurst Club, Sandhurst



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