

**Planning
Panels
Victoria**

**Monash Planning Scheme
Talbot Village**

Priority Projects Standing Advisory Committee Referral 41 Report

Planning and Environment Act 1987

10 September 2024

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

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Monash Planning Scheme

Talbot Village

10 September 2024



Sarah Carlisle, Chair



Mandy Elliott, Member

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Glossary and abbreviations

2020 Audit	section 53X environmental audit ¹ of the subject land completed by EHS Support Pty Ltd in May 2020
British Standard	British Standard BS8485:2015 +A1 (2019)
Coffey	Tetra Tech Coffey
Council	Monash City Council
differential settlement	the uneven or unequal settling or sinking of a building's foundations or other infrastructure
DPO6	Development Plan Overlay Schedule 6
EMS	<i>Talbot Village Development Plan Environmental Management Strategy, Coffey, October 2023</i>
EPA	Environment Protection Authority Victoria
EP Act	<i>Environment Protection Act 2017</i>
GDS	<i>Talbot Village, Oakleigh South Geotechnical Development Strategy Report, Coffey, November 2023</i>
LFG	landfill gas
NEIC	National Employment and Innovation Cluster
PE Act	<i>Planning and Environment Act 1987</i>
PFAS	per- and polyfluoroalkyl substances
Landfill BPEM	EPA Publication 788.3 <i>Best practice Environmental Management, Siting Design, Operation and Rehabilitation of Landfills</i> (2015)
Planning Scheme	Monash Planning Scheme
preloading	a process of topping uncontrolled fill with suitable material to induce ground settlement and consolidation ahead of redevelopment of the land
SMO	Site Management Order issued under the EP Act

¹ A section 53X audit is a statutory environmental audit undertaken by an independent auditor appointed under the *Environment Protection Act 1970* to assess the condition of the land and form an opinion about its suitability for beneficial uses. The audit results in either a certificate or statement of environmental audit. A certificate is unconditional, and certifies the auditor's opinion that the land is suitable for any beneficial use. A statement indicates there may be some restrictions on the use of the land (or parts thereof), or conditions to be met. In this case, Statements of Environmental Audit were issued.

Overview

Referral summary	
Referral date	28 May 2024
Referral description	Advice requested on whether technical aspects of the draft Amendment and supporting documentation were sufficient for exhibition
Common name	Talbot Village
Brief description	A proposed draft Amendment to the Monash Planning Scheme to facilitate the residential development of the subject land
Subject land	1221-1249 Centre Road, Oakleigh South
The Proponent	Sterling Global Pty Ltd
Responsible Authority	Monash City Council

Committee process	
The Committee	Sarah Carlisle (Chair) and Mandy Elliott
Supported by	Gabrielle Trowse
Site inspection	Not required
Consultation session	Planning Panels Victoria, 14 August 2024
Parties and authorities consulted	<p>For the Proponent:</p> <ul style="list-style-type: none"> - Alexandra Guild, Barrister instructed by Lloyd Elliot, Director, Urbis - Kim Ly, Senior Development Manager at Sterling Global (landowner) responsible for Talbot Village - David Morgan, Development Director at Sterling Global - Roger Gibbs, Principal Consultant, Tetra Tech – site remediation and remediation advice for Talbot Village - Ian Pedlar, Senior Principal Geotechnical Engineer, Tetra Tech – geotechnical advice for Talbot Village - Tim Stephens, Verve Projects – project management and civil engineering advice for Talbot Village <p>For Monash City Council:</p> <ul style="list-style-type: none"> - Louise Hicks, Barrister - Sherry Hopkins, Coordinator Strategic Planning - Daniel Borton, Senior Strategic Planner - Andrew Green, WSP – expert advice on landfill gas and geotechnical issues <p>Environment Protection Authority Victoria did not participate in the consultation session, but provided a written submission</p>
Citation	Priority Projects Standing Advisory Committee Referral 41 [2023] PPV
Date of this report	10 September 2024

Executive summary

Sterling Global Pty Ltd (the Proponent) proposes to create a master planned, sustainable living, new community on the former Talbot Quarry and landfill site, to be known as Talbot Village. The village would deliver 1,100 new dwellings and various public realm and open space areas.

The Proponent requested the Minister for Planning to prepare an amendment to rezone the land for residential purposes, and to apply Development Plan Overlay Schedule 6 (DPO6) to guide the redevelopment of the land.

The land was used for quarrying (sand extraction) from the early 1950s to the 1990s. The residue from sand washing was deposited in slimes lagoons across the site. Some of the quarry pits were used for municipal landfills that operated in the north west corner of the site and on Talbot Park to the south east of the site from the 1970s to the 1990s. As a result, the site is characterised by a range of unnatural and irregular landforms and topography, unstable ground conditions and contamination including landfill gas (LFG).

An earlier proposal to rezone the land was considered by a Panel in 2017 and 2018. That Panel did not support the rezoning, finding that the land should be comprehensively audited and investigated for environmental and geotechnical risks before consideration of a rezoning. Since then, a number of environmental and geotechnical investigations and some remediation has occurred.

Statements of Environmental Audit have issued, concluding the land is suitable for sensitive (residential) use subject to complex environmental management measures primarily aimed at managing LFG risks. An Environmental Management Strategy (EMS) has been prepared to implement the conditions of the Statements.

Extensive geotechnical investigations and some preliminary ground improvement works have been undertaken. A Geotechnical Development Strategy (GDS) has been prepared to predict future settlement rates across the site and provide various geotechnical solutions tailored to the different ground conditions occurring across the site.

Noting the potential soil degradation, contamination (including LFG) and geotechnical risks associated with the former uses of the site, the Minister referred the amendment request to the Committee for advice as to whether there is sufficient technical information for the draft Amendment to proceed to public exhibition. The referral letter seeks advice and recommendations as to whether the:

- draft Amendment and proposed GDS and EMS will effectively mitigate risks to human health, amenity, and the development
- ongoing measures required within the draft Amendment and EMS and GDS will place an unreasonable burden on future residents and landowners
- proposed environmental management measures and geotechnical solutions within the EMS and GDS represent an acceptable response to the environmental and geotechnical challenges for the development
- potential for conflicts between the EMS and GDS has been adequately considered and addressed
- measures required under the EMS and GDS can be adequately enforced using planning tools.

Key findings

The Committee understood its task was to identify any ‘roadblock’ issues that might prevent the draft Amendment being progressed to exhibition. The Committee was not tasked with undertaking a full merits review of the draft Amendment or the technical solutions proposed in the EMS and GDS.

The Committee is broadly satisfied the level of investigation of environmental and geotechnical risks undertaken to date is appropriate for this stage in the planning process. The technical documentation (including the EMS and GDS) and past and ongoing monitoring of conditions across the site provide a sound basis to understand the issues. Having considered the documentation and the specific issues on which the Minister has sought advice, the Committee sees no impediment to the draft Amendment being progressed to exhibition.

The Committee wishes to emphasise that it has not undertaken a detailed review of the merits of the technical solutions proposed in the EMS and GDS, nor the merits of the draft Amendment documentation and proposed planning controls. This should form part of the next stage in the process.

The Committee concludes:

1. **There is sufficient technical information for the draft Amendment to proceed to public exhibition.**
2. **The EMS should effectively mitigate risks to human health and amenity provided the measures outlined in the EMS are properly designed, constructed and maintained.**
3. **The GDS and EMS should effectively mitigate risks to development provided the measures outlined in those documents are properly designed, constructed and maintained.**
4. **The ongoing environmental management measures and geotechnical solutions do not place an unreasonable burden on future landowners.**
5. **The proposed environmental management measures are acceptable.**
6. **The proposed geotechnical solutions are acceptable.**
7. **There is no obvious conflict between the EMS and the GDS.**
8. **The requirements of the EMS can be effectively enforced through the Development Plan Overlay Schedule 6 and the requirement for a section 173 agreement. This will cover both the developer’s construction obligations and the Owner’s Corporation’s ongoing monitoring (if applicable) and maintenance obligations.**
9. **The requirements of the GDS can effectively be enforced through the Development Plan Overlay Schedule 6 and the requirements for:**
 - a) **development to be generally in accordance with the approved development plan**
 - b) **permit applications to be accompanied by a verified geotechnical report.**

1 Introduction

1.1 The Project

(i) Introduction

Sterling Global Pty Ltd (the Proponent) proposes to create a master planned, sustainable living, new community on the former Talbot Quarry and landfill site, to be known as Talbot Village. The village would deliver 1,100 new dwellings and various public realm and open space areas. The details are set out in a draft development plan (see below).

(ii) Amendment description

The subject land is currently zoned part General Residential Zone Schedule 3 and part Special Use Zone Schedule 2. The Proponent requested the Minister for Planning to prepare an amendment to the Monash Planning Scheme (the Planning Scheme) to facilitate the proposed development by:

- rezoning the subject land to a combination of Residential Growth Zone and Mixed Use Zone
- applying a new Schedule 6 to the Development Plan Overlay (DPO6) to provide a framework to guide future use and development of the subject land
- amending the Schedule to Clause 53.01 of the Planning Scheme to exempt future subdivisions from the requirement to pay a public open space contribution.

The amendment request also seeks approval of a development plan prepared to meet the requirements of the proposed DPO6.

(iii) The development plan

The development plan envisages:

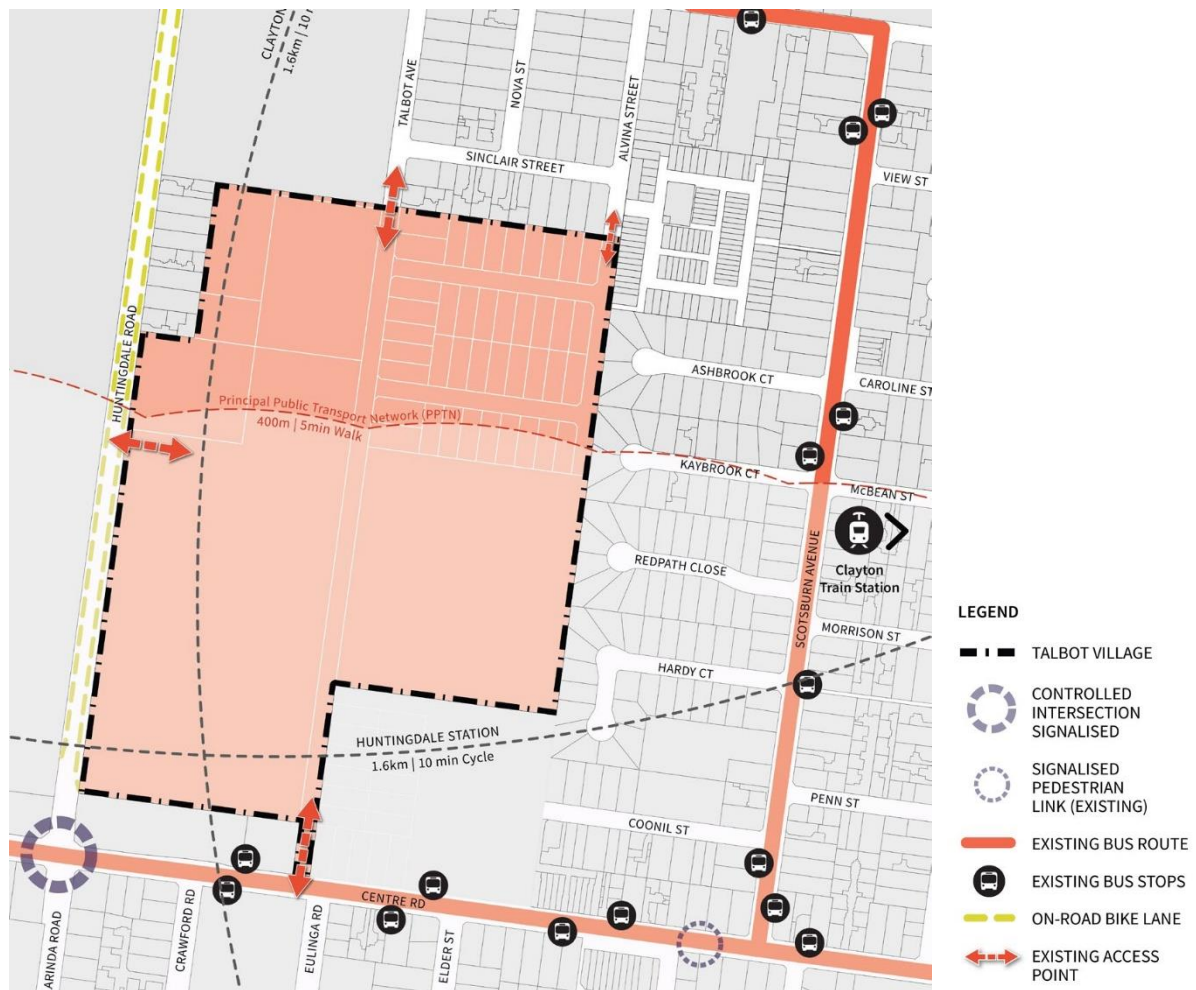
- development of up to 1,100 dwellings, including a commitment to deliver 10 per cent of all dwellings as affordable housing
- building heights of between two and six storeys, with heights tapering down towards the land's more sensitive residential interfaces
- public realm and open space areas totalling 15.3 per cent of the subject land, including a new 9,000 square metre wetland
- a new internal road and laneway network with vehicle access from Centre Road, Huntingdale Road and Talbot Avenue
- development of a new village square in the centre of the subject land, with opportunity for the development of neighbourhood scale office, retail, and childcare uses
- a requirement that an environmental management strategy and geotechnical development strategy form part of any approved development plan, to ensure the subject land is suitably treated before development commences and is managed appropriately post-development.

1.2 The subject land and surrounds

(i) Subject land

The draft Amendment applies to the land at 1221-1249 Centre Road, Oakleigh South (subject land), shown in Figure 1. The subject land is around 16 kilometres from the Melbourne Central Business District.

Figure 1 Subject land



Source: development plan

As a result of the former uses on the subject land, there is a range of unnatural and irregular landforms and topography across the site, as well as contamination including landfill gas (LFG).

(ii) Surrounds

The subject land is immediately surrounded by:

- north – Davies Reserve and standard density residential development
- east – standard density residential development
- south – Talbot Park and medium density residential development
- west – Huntingdale Road and the Huntingdale Golf Course.

The subject land is around 1.2 kilometres from the Clayton Activity Centre which forms part of the Monash National Employment and Innovation Cluster (NEIC). The Activity Centre will house a new

station as part of the Suburban Rail Loop project. Education, health and research facilities in the NEIC include:

- Monash University
- the Australian Synchrotron
- the Melbourne Centre for Nanofabrication
- the Monash Medical Centre
- a new Monash Children’s Hospital
- a proposed Heart Hospital
- CSIRO’s largest Victorian site
- the Monash Enterprise Centre.

The subject land is around 1.2 kilometres from the Huntingdale Neighbourhood Centre which includes commercial uses around the Huntingdale Train Station.

1.3 The referral

Noting the potential soil degradation, contamination (including LFG) and geotechnical risks associated with the former use of the subject land as a quarry and landfill, the Minister referred the amendment request to the Committee on 28 May 2024 for advice as to:

... whether there is sufficient technical information for the proposal to proceed as a draft amendment to public exhibition.

The referral letter seeks advice and recommendations as to whether:

- the draft Amendment and proposed geotechnical development strategy (GDS) and environmental management strategy (EMS) will effectively mitigate risks to human health, amenity, and the development;
- the ongoing measures required within the draft Amendment and EMS and GDS will place unreasonable burden on future residents and landowners;
- the proposed geotechnical solutions within the GDS, and the subsequent settlement predictions, represent an acceptable response to the geotechnical challenges for the development;
- the proposed environmental management measures required under the EMS represent an acceptable response to the environmental challenges for the use and development;
- the potential for conflicts between measures required under the EMS and GDS have been adequately considered and addressed; and
- if and/or how the measures required under the EMS and GDS can be adequately enforced using available planning tools.

A copy of the referral letter is contained in Appendix B. The Committee’s Terms of Reference are contained in Appendix A.

1.4 Information considered

A full list of the information considered by the Committee is contained in Appendix C.

(i) Referred material

The Development Facilitation Program of the Department of Transport and Planning referred the following material to the Committee:

- draft Amendment documentation and draft development plan (Document 3(b))
- a range of supporting background reports (Document 3(a)), including:

- *Talbot Village Development Plan Environmental Management Strategy*, Tetra Tech Coffey (Coffey), October 2023 (the EMS)
- *Talbot Village, Oakleigh South Geotechnical Development Strategy Report*, Coffey, November 2023 (the GDS)
- preliminary stakeholder comments (Document 3(c)) from:
 - Monash City Council (Council)
 - Department of Transport and Planning, Transport Division
 - Environment Protection Authority Victoria (EPA).

(ii) Further information requested by the Committee

To enable it to fulfil its task as outlined in the referral letter, the Committee requested further information from the parties (Document 4):

- a copy of the section 53X audit of the land
- details of what (if any) consultation the Proponent had undertaken to date, in addition to that noted in the preliminary stakeholder comments and the community engagement summary forming part of the background reports
- copies of the Environmental Action Notices issued by the EPA in relation to the subject land²
- a submission from the Proponent addressing:
 - whether the subject land has been subject to any additional LFG risk assessments apart from those included in the referred material
 - how the Proponent has responded to the matters raised in the preliminary stakeholder comments from the EPA and Council
 - the technical matters on which the Committee has been asked to advise
- a submission from the EPA addressing:
 - whether the draft Amendment and development plan meet the requirements of section 8 of EPA Publication 788.3 (the Landfill BEPM)
 - whether the assessments of LFG risk undertaken to date meet relevant EPA requirements, including:
 - EPA Publication 788.3 (2015) *Best practice Environmental Management, Siting Design, Operation and Rehabilitation of Landfills* (the Landfill BEPM)
 - EPA Publication 1642 *Assessing planning proposals within the buffer of a landfill*
 - any concerns the EPA may have in relation to the proposed layout of the uses and elements of the development including the proposed wetland
 - whether the draft development plan, EMS and GDS (if complied with) would enable the Proponent to meet its General Environmental Duty
 - the technical matters on which the Committee has been asked to advise
- a submission from Council addressing:
 - details (if known) of:
 - when the former quarry on the site ceased operating
 - when the former landfill on the site started and ceased operating

² The Committee requested the EPA to provide these notices. EPA advised the information could only be provided through the Freedom of Information process, as it contains potentially sensitive material. The Proponent provided a summary of the notices prepared by Mr Gibbs (Document 17).

- any rehabilitation plans or requirements associated with either the quarry or the landfill
- the technical matters on which the Committee has been asked to advise.

1.5 Issues raised in submissions

(i) Preliminary stakeholder comments

Preliminary stakeholder comments (Document 3(c)) raised a range of issues, many of which are not relevant to the matters on which the Committee has been asked to advise. Relevant matters included:

- appropriateness of a section 173 agreement to address environmental management of the subject land
- appropriate oversight and verification of compliance with monitoring and site management issues
- the need for the planning controls to require an EMS.

Matters that are not relevant to the Committee's task included:

- choice of planning tools
- use of a Site Management Order (SMO) issued under the *Environment Protection Act 2017* (EP Act) as a preferred mechanism to address ongoing monitoring and site management issues
- building heights, tree canopy coverage and setbacks
- drafting issues in relation to the DPO schedule
- capacity of the existing intersection of Centre and Huntingdale Roads to support the increased traffic resulting from the development
- amenity impacts from surrounding traffic, including noise and air quality impacts
- potential for land use conflict with surrounding industrial uses
- form (density) of development in Zone 1 and consistency with the Statements of Environmental Audit
- appropriateness of the proposed wetland.

(ii) Submissions invited by the Committee

Submissions invited by the Committee (Documents 9, 15 and 19) raised the following additional issues:

- burden of ongoing monitoring and site management requirements on Council
- burden of ongoing monitoring and site management requirements on future residents and landowners.

Council raised further technical matters (Document 18) in its submission to the Committee and noted:

... whilst not prohibitive to the rezoning, are considered to be major issues that would need to be addressed more comprehensively than they currently are. These are flagged now for completeness and transparency, noting that Council proposes to address these issues in detail should the site proceed to rezoning via a planning scheme amendment.

The technical questions posed by Mr Green related to:

- LFG and contamination risks:
 - monitoring and (if required) treatment

- prohibitions on digging and excavation on subject land site (both in private back yards and in common areas owned and managed by the Owners Corporation) and how they would be monitored and enforced
- acid sulfate soils
- ongoing environmental monitoring requirements
- odour from LFG vents
- geotechnical risks:
 - settlement risks, including differential settlement (the uneven or unequal settling or sinking of a building's foundations or other infrastructure) and its impact on internal roads and services (as well as dwellings and other structures)
 - sensitivity analysis of the settlement modelling
 - impacts of variable decomposition of landfill material on settlement rates
 - repairs (including funding arrangements) necessitated by future settlement
 - proposed footings for buildings and structures, including whether piled footings could provide a preferential pathway for LFG migration
 - settlement impacts on LFG protection measures such as geomembranes
 - economic feasibility of the geotechnical solutions, including removing uncontrolled fill and the construction techniques required to manage geotechnical risks
- other matters:
 - groundwater inflow and surface water runoff in Domain 4 (the quarry pit)
 - impacts of settlement on surface water runoff.

The Committee has not explored these technical questions in detail, and it is not the Committee's task to undertake a detailed review of the merits of the technical solutions proposed to manage the environmental and geotechnical risks. These questions are, however, important and should be explored through the next stage in the planning process.

(iii) Public submissions

The nature of the referral (seeking advice prior to exhibition of a draft amendment) means that no public submissions about the Project have yet been received or referred to the Committee.

1.6 Process

The referral letter stated:

The Committee may conduct its proceedings in line with its terms of reference, including seeking submissions from City of Monash and the Environment Protection Authority, and conducting a conclave of subject matter experts as relevant.

The Committee wrote to the Proponent, Council and the EPA on 12 June 2024 indicating that it proposed to hold a one day consultation session to allow the Committee to explore the technical issues on which it has been asked to advise with the Proponent, its experts, and other relevant parties. Parties were invited to nominate any additional parties they considered should be invited to the consultation session. No additional parties were nominated.

The consultation session was originally scheduled for 11 July 2024, and was deferred to 8 August 2024 at the Proponent's request, and then to 14 August 2024 at Council's request. The Proponent and Council attended. The EPA did not attend, but provided a written submission to the Committee (Document 9).

2 The risks

2.1 Background

(i) Zones and domains

The subject land is divided into zones and domains. The zones (shown in Figure 2 below) relate to the historical land uses on the different parts of the site and the associated contamination risks (primarily LFG risks). The domains (shown in Figure 3 below) relate to the different geotechnical conditions across the site.

(ii) Historical land uses

The Planning Report accompanying the amendment request (part of Document 3(a)) states that quarrying (sand extraction) took place on the land from the early 1950s to the 1990s. The landfill operated from the 1970s to the 1990s. Key historical activities in the different zones are summarised in Table 1.

Table 1 Historical land uses in the different zones

Zone	Historical activities
Zone 1	Municipal landfill (1972 to 1975)
Zones 2 and 3	Slimes lagoons (from onsite sand washing and processing) Filling predominantly with slimes (completed by the 1990s)
Zone 4	Large (existing) quarry void, which is partially filled with water (quarry lake)
Zone 5	Sand processing plant, concrete batching plant and associated infrastructure (1960s to 1990s)

Talbot Park, to the south of Zone 2, was also used as a slimes lagoon in the 1960s, and a municipal landfill in the 1970s.

Zones 2A and 4A relate primarily to risks associated with LFG migrating into those zones from adjacent areas. The management and geotechnical requirements in these areas differ from the redevelopment requirements for the remainder of Zones 2 and 4.

(iii) Amendment C129

In 2016, Amendment C129 to the Monash Planning Scheme was prepared and exhibited. Amendment C129 proposed to:

- rezone the subject land to Comprehensive Development Zone to facilitate its redevelopment for residential purposes
- extend the Environmental Audit Overlay over the entire site.

Amendment C129 envisaged a staged approach to the environmental assessment and audit process, through preparation of an Overall Development Plan.

Amendment C129 was considered by a Panel over an extended process that started in August 2017 and finished in June 2018. The Panel considered the subject land should be comprehensively audited and investigated for environmental and geotechnical risks before consideration of a

rezoning. The Panel did not support Amendment C129, except the extension of the Environmental Audit Overlay.

In response to the Panel’s recommendations, Amendment C129 was split. Part 1, which proposed rezoning the subject land, was abandoned. Part 2 (approved in July 2019) extended the Environmental Audit Overlay across the whole of the subject land.

Figure 2 Zones on the subject land



Source: EMS

Figure 3 Domains on the subject land



Source: GDS

2.2 Assessments and remediation to date

Since 2004, multiple environmental investigations and reports have been prepared for the subject land. These included:

- a clean up to the extent practicable’ submission prepared by Coffey dated May 2019
- an Environmental Site Assessment prepared by Coffey dated May 2020
- a section 53X environmental audit³ of the subject land completed by EHS Support Pty Ltd in May 2020 (the 2020 Audit).

(i) The 2020 Audit

The 2020 Audit designated the zones shown in Figure 2 above. It found the subject land is suitable for sensitive uses subject to conditions, which vary between the different zones. The conditions are set out in three Statements of Environmental Audit that issued for different parts of the subject land, summarised in Table 2, based on information in Table 4-1 of the EMS.

Table 2 Permitted sensitive uses in the different zones

Statement area	Suitable land uses, subject to site management measures
Zone 1 and Zone 2A	<ul style="list-style-type: none"> - sensitive uses limited to medium or high-density residential use - recreation/open space - commercial and/or industrial use
Zones 2, Zone 3 and Zone 5	<ul style="list-style-type: none"> - sensitive uses limited to medium or high-density residential use and low-density residential use confined to the northern boundary of Zone 3 and the eastern boundaries of Zones 2, 3 and 5 - recreation/open space - commercial and/or industrial use
Zone 4 and Zone 4A	<ul style="list-style-type: none"> - sensitive uses limited to medium or high-density residential use in Zone 4A; low, medium and high-density residential use in Zone 4; and childcare/kindergarten use in Zone 4 but not Zone 4A - recreation/open space - commercial and/or industrial use

Source: EMS

The Statements of Environmental Audit are in Appendix A to the EMS. The Statements, as well as the three assessments listed above, have informed the preparation of the EMS, which is essentially designed to implement the conditions of the Statements.

(ii) Geotechnical investigations

Geotechnical investigations have been undertaken since the completion of the 2020 Audit. The investigations are documented in two reports prepared by Coffey:

- Settlement Predictions Report (October 2023)
- Geotechnical Development Strategy Report (November 2023) (the GDS).

The GDS splits the subject land into six domains (see Figure 3) which define areas of similar geotechnical characteristics. The domains also account for the progressive rehabilitation works

³ A section 53X audit is a statutory environmental audit undertaken by an independent auditor appointed under the *Environment Protection Act 1970* to assess the condition of the land and form an opinion about its suitability for beneficial uses. The audit results in either a certificate or statement of environmental audit. A certificate is unconditional, and certifies the auditor’s opinion that the land is suitable for any beneficial use. A statement indicates there may be some restrictions on the use of the land (or parts thereof), or conditions to be met. In this case, Statements of Environmental Audit were issued.

that have been implemented to date. The geotechnical conditions in each domain are summarised in Table 3, based on information at page xiii of the GDS.

Table 3 Historical land uses and current ground conditions in the different domains

Domain	Historical activities and current ground conditions
Domain 1	Former landfill that is producing LFG. The subsurface soils generally comprise uncontrolled fill and landfill materials extending to depths of up to 20 metres
Domains 2a and 2b	Two areas of an ex-quarry pit backfilled with very soft to soft, highly compressible clay slimes up to 20 metres deep: <ul style="list-style-type: none"> - Domain 2a – slimes are typically covered by sandy and clayey fill up to about 10 metres thick including ‘preload’ fill that was applied in recent years to accelerate the consolidation of the slimes - Domain 2b – slimes are covered by clayey fill and some inert demolition waste
Domains 3a and 3b	Ex-quarry pit generally comprising up to 9 metres of uncontrolled fill over slimes up to about 20 metres deep
Domain 4	Existing quarry void up to 20 metres deep. Clay slimes are located in the northwestern area of Domain 4 and water is present in the lower parts of the pit at the southern end
Domain 5	Part of the area that formerly supported the processing plant and concrete batching plant. Slimes are not present to any significant thickness but uncontrolled fill up to 10 metres thick exists within the western portion
Domain 6	Ex-quarry that has been backfilled with very soft to soft, highly compressible clay slimes, uncontrolled fill and inert demolition waste. The southern edge of Domain 6 includes a parcel of Council land which is included in the GDS as the slimes extends across the site boundary

(iii) Landfill gas investigations

As part of its Environmental Site Assessment (May 2020), Coffey undertook a detailed assessment of LFG risks at the subject land (a ‘tier 2’ LFG risk assessment), adopting the ‘Gas Screening Value’ approach detailed in British Standard BS8485:2015 +A1 (2019) (the British Standard) and CIRIA Publication C665 (2007).⁴ These standards are widely recognised and applied in Victoria. The LFG risk assessment informed the 2020 Audit, the EMS and the GDS.

(iv) Remediation works to date

Some remediation works have been undertaken on parts of the subject land, including:

- stockpiling and backfilling works
- preloading works (a process of topping uncontrolled fill with suitable material to induce ground settlement and consolidation ahead of redevelopment of the land)
- LFG venting.

Permits were granted in 2015 for stockpiling and backfilling works, including treatment of onsite slimes, sediments and uncontrolled fill material and associated earthworks to facilitate the

⁴ *Assessing risks posed by hazardous ground gases to buildings*, Publication C665, December 2007, Construction Industry Research and Information Association.

backfilling of the former quarry. Stockpiling works were carried out on the eastern part of the site (Domains 2a, 3a and 5) from 2017 to 2019. The backfilling of the quarry void in the south west part of the site (Domain 4) was not commenced, and the permits expired in 2019.

A permit was granted in September 2023 for preloading works and a temporary LFG venting trench in the north west part of the subject land. The works involved importing stockpiles to preload the former quarry pit (Domain 4), and LFG venting measures along the north west boundary of the subject land (in Zone 1).

Council is currently considering a permit application to backfill the old quarry pit (Domain 4). The works are estimated at \$50 million.

2.3 Environmental risks

(i) Risks to human health and amenity

Soil contamination

Soil contamination can present risks to the health and safety of construction workers, onsite residents and offsite receptors if they are exposed to the contamination.

Over 170 locations were sampled for soil contamination as part of the 2020 Audit. The 2020 Audit found that while there is some soil contamination present on the subject land, it is relatively minor and contained generally to the former landfill area (Zone 1). Adopted human health investigation levels were exceeded at:

- 2 locations for benzene
- 1 location for naphthalene
- 3 locations for TRH C₁₀-C₁₆ (F2)
- 3 locations for arsenic.

The adopted levels were based on (the most conservative) low density residential use.

Asbestos was found in some locations near the surface in Zone 1. Construction and demolition waste was found in some locations in Zone 2 and sound protection mounds in the eastern part of the subject land. There is a risk that more asbestos may be present at deeper levels within the landfill and historically filled areas.

Groundwater contamination

Groundwater contamination can present risks to the health and safety of construction workers, onsite residents and offsite receptors if they are exposed to the contamination.

The 2020 Audit found the groundwater beneath the subject land is contaminated primarily due to historical landfilling activities on the subject land and the adjacent Talbot Park. According to the EMS, the groundwater quality is not likely to be suitable for drinking water for humans or animals or irrigation of edible food crops.

In some areas groundwater contamination extends offsite or may do so in the future.

Contaminants include:

- nitrogen species (ammonia and nitrate) and per- and polyfluoroalkyl substances (PFAS) – these are the main concern
- localised heavy metals, chlorinated hydrocarbons and petroleum hydrocarbons.

Ammonia is present in landfill leachate and in groundwater. Given the concentrations and the unlined nature of landfilled areas, there is potential for further migration of ammonia in groundwater, including offsite. There is also the potential for ammonia to convert to nitrate.

PFAS is present in groundwater at the subject land. Elevated PFAS concentrations are common in soil, groundwater and landfill leachate at landfill sites. PFAS (sometimes referred to as 'forever chemicals') can persist in the environment for a very long time.

Notwithstanding the presence of contaminants in the groundwater, risks to human health are not considered significant, because human exposure to groundwater contamination is considered unlikely. This is because:

- the Statements of Environmental Audit include a condition that groundwater should not be extracted for use without prior testing and verification by an appointed environmental auditor to confirm its suitability (this will be enforced through Owners Corporation rules)
- the subject land and offsite areas are located within a groundwater quality restricted use zone where EPA recommends groundwater not be used for beneficial uses.

Landfill gas

In large concentrations, LFG presents risks to human health and amenity because it can cause odours. Methane is a potent greenhouse gas that contributes to climate change. In extreme cases, LFG can present explosion and asphyxiation risks if concentrations are allowed to build up in enclosed spaces.

The LFG risk assessment identified:

- Zones 1 and 2A have a 'moderate to high' gas hazard potential
- Zones 2, 3, 4A and 5 have a 'low' gas hazard potential
- Zone 4 has a 'very low' gas hazard potential.

(ii) Risks to the development

Soil and groundwater contamination can pose risks to structures and services infrastructure that come into contact with the contamination. Some contaminants are corrosive and can weaken the structural integrity of foundations and services infrastructure. LFG can pose risks to structures if it is allowed to accumulate in confined spaces, presenting explosion risks.

2.4 Geotechnical risks

(i) Risks to human health and amenity

The geotechnical conditions on site present risks to future development rather than risks to human health and amenity.

(ii) Risks to the development

The former sand quarry pits at the site have been backfilled with slimes, uncontrolled fill and/or putrescible waste of significant thickness, which have not been compacted to any engineering specification or controls.

Due to the nature of the material on-site (quarry slimes) and the uncontrolled backfilling of the quarry void, there are geotechnical concerns regarding the bearing capacity of the ground and long-term settlements of buildings, road pavements and services and utilities proposed for the

development. The geotechnical risks for each domain are identified in the GDS in Table A. In summary, the uncontrolled fill, landfill and slimes present on the subject land could result in the risk of damage to structures and infrastructure due to:

- low bearing capacity
- variable ongoing settlement across the domains due to the variation in thickness of the fill and slimes
- excessive differential settlement that could damage footings of future dwellings and infrastructure such as roads and paths.

The potential LFG seepage poses a further risk to structures, primarily in Domain 1.

2.5 How the risks are proposed to be managed

The EMS describes how the environmental risks are proposed to be managed. These are discussed further in Chapter 3.2.

The GDS describes how the geotechnical risks are proposed to be managed. These are discussed further in Chapter 4.2.

3 The Environmental Management Strategy

3.1 Overview

Clause 4.0 of the proposed DPO6 includes a requirement that the development plan include an environmental management strategy that:

... identifies how the conditions of the Statements of Environmental Audit applying to the land will be implemented for the site redevelopment. This includes measures to mitigate potential landfill gas risks associated with historical landfilling activities.

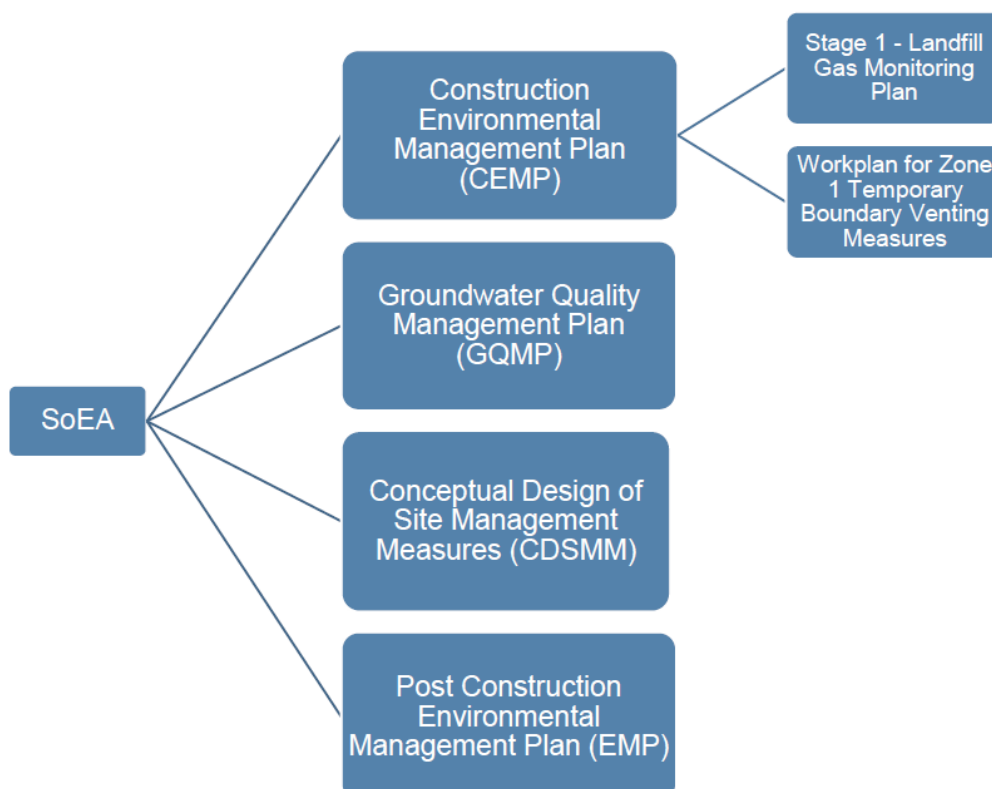
The Proponent engaged Coffey to:

- summarise relevant site contamination information (including the Statements of Environmental Audit)
- prepare an environmental management strategy to support the redevelopment of the subject land.

This led to the production of the EMS.

The EMS states that the Statements of Environmental Audit “are highly prescriptive in recognition of the site constraints and broad range of management measures to be implemented as part of the site redevelopment”. They require a suite of environmental site management documents to be prepared and implemented (see Figure 4). The site management documents have been prepared and are included as appendices of the EMS.

Figure 4 Environmental site management documents



Source: EMS

3.2 Proposed environmental solutions – construction measures

(i) The Construction Environmental Management Plan

Most of the active measures proposed to manage LFG risks will be undertaken during construction. These include capping the former landfill. The cap will help manage soil contamination as well, because the former landfill is where most of the soil contamination on the subject land is located. Groundwater contamination has already been cleaned up to the extent practicable.

The primary tool for managing LFG risks is the Construction Environmental Management Plan (CEMP). A CEMP has been prepared and is contained in Appendix B of the EMS. It is comprehensive (at 135 pages), and includes the two sub-plans required under the Statements of Environmental Audit (the Stage 1 LFG monitoring plan and the Workplan for the temporary boundary venting system in Zone 1). An environmental auditor has verified that the CEMP is appropriate and meets the requirements of the Statements of Environmental Audit.

The CEMP envisages construction works on the subject land being carried out in four stages:

- Stage 1 – site rehabilitation work (namely, preloading activities in Zone 1 and filling the quarry void in Zone 4)
- Stage 2 – detailed design works
- Stage 3 – civil works
- Stage 4 – house building works.

The Proponent confirmed at the consultation session that all works in all four stages, including house building, will be undertaken by the developer or its contractors. In other words, purchasers will not be undertaking any design or construction works including house building. All construction measures to manage environmental risks will be undertaken by the Proponent and verified by an environmental auditor, before dwellings are sold and people move in.

The CEMP sets out:

- Key Environmental Management Measures in section 4 that deal with the particular environmental conditions of the site (primarily LFG)
- General Environmental Management Measures in section 5 that deal with general construction impacts such as traffic management, dust suppression, training of personnel and the like.

In addition, the CEMP includes:

- environmental monitoring requirements including LFG, odour and groundwater monitoring (in section 6)
- measures to protect the existing environmental monitoring systems already in place (in section 7)
- review and reporting requirements (in section 8).

The Key Environmental Management Measures and the LFG monitoring requirements are the most relevant to the Committee's task, and the Committee has considered these in detail. It has only briefly reviewed the measures and requirements in sections 5, 7 and 8.

(ii) Landfill gas

The EMS and Statements of Environmental Audit propose several LFG management measures, identified through Coffey’s tier 2 LFG risk assessment and built into the CEMP. The measures are designed to manage LFG risks both onsite and offsite, during and post construction. Three main techniques are proposed:

- pathway intervention (capping and venting the high LFG risk areas, Zones 1 and 2A)
- LFG monitoring
- gas protection systems incorporated into all buildings and underground services constructed on the subject land.

The measures vary depending on the Zone and the attendant level of risk. The proposed measures are summarised in Table 4, based on information contained in Table 5-1 of the EMS.

Table 4 Summary of proposed gas protection measures for onsite buildings

Zone	Gas hazard potential	Gas protection measures required	Summary
Zone 1 and 2A	Moderate to High (Characteristic Gas Situation CS4)	<ul style="list-style-type: none"> - Pathway intervention (landfill cap and venting system) - CS4 building protection measures - Owners Corporation inspection and maintenance procedure for gas protection measures 	<p>Pathway intervention will comprise a constructed landfill cap and horizontal venting layer connected to a passive vertical boundary venting system</p> <p>Buildings will be constructed with individual gas protection measures (membranes and venting) that achieve the minimum gas protection score required in the British Standard for a moderate to high hazard potential and the particular building type</p> <p>There is a level of redundancy with this approach. The cap is the primary barrier, directing LFG to a boundary venting system. The gas protection measures proposed for individual buildings would provide secondary and tertiary layers of protection</p>
Zones 2, 3, 4A and 5	Low (Characteristic Gas Situation CS2)	<ul style="list-style-type: none"> - CS2 building protection measures - Owners Corporation inspection and maintenance procedure for gas protection measures 	<p>Buildings in CS2 areas (low risk) will be constructed to achieve the minimum gas protection score required in the British Standard for CS3 (moderate hazard potential) gas risks</p> <p>Concept design building protection measures include a passive ventilation system and a vapour barrier (membrane). This design:</p> <ul style="list-style-type: none"> - allows for standard building slab construction - provides greater redundancy (higher level of gas protection – CS3 rather than CS2)
Zone 4	Very Low (Characteristic Gas Situation CS1)	<ul style="list-style-type: none"> - Precautionary building ventilation measures 	<p>As a precautionary measure, Zone 4 buildings will include ventilation measures (such as pressure relief pathway, passive slab dispersal layer or ventilated car park)</p>

Pathway intervention

The pathway intervention techniques control LFG migration. They include:

- a landfill cap and boundary venting system in Zones 1 and 2A (the highest risk areas)
- a precautionary boundary venting system between zones where there is any risk of lateral migration of LFG (between Zones 2 and 4, and between Zone 2 and Talbot Park).

The boundary venting system in Zone 1 must be installed before the cap, and the cap must be installed before Stage 4 (house building) works start. The cap and boundary venting system must be verified by an environmental auditor.

Landfill cap

The landfill cap in Zones 1 and 2A will incorporate a three layered geomembrane liner topped with at least two metres of soil. The cap is intended to direct LFG movements laterally, toward the boundary venting systems, and prevent any vertical migration of LFG toward future buildings, structures and infrastructure that will be built on the subject land.

The CEMP recognises that the cap may need to be penetrated to allow construction of future dwellings and structures on the subject land (for example, where future buildings require deep foundations or pilings, these may need to extend through the cap). The CEMP requires infrastructure that penetrates the cap to be installed before the cap is constructed, so it can be appropriately sealed to prevent LFG migrating through the gap.

Boundary venting systems

A temporary boundary venting system is proposed in Zone 1 on the north west boundary of the subject land. The boundary venting system must be installed before preloading works start. This is because the preloading or capping in Zone 1 may increase the potential for lateral LFG migration.

The boundary venting system will be located on what will eventually be private lots (back yards). Access arrangements (for example an easement) must be provided to allow future installation of a permanent boundary venting system if required.

The CEMP also refers to boundary venting systems:

- in Zone 2A, which (like the Zone 1 boundary venting system) must be installed before the cap
- between Zones 2 and 4, and around the boundary with Talbot Park (between Zone 2 and Talbot Park).

These systems must be installed before Stage 4 (house building) works start, and as early as possible in Stage 3 (civil works). The design and installation must be verified by the appointed environmental auditor.

The EMS and CEMP contemplate the possibility of a boundary venting system on the north east boundary of the subject land (in Zone 3), although the Proponent's expert Mr Gibbs explained at the consultation session that he thinks this is very unlikely to be required. Nevertheless, the CEMP requires ongoing access (for example an easement) to be maintained along this boundary to allow for the installation of a future boundary venting system if required.

Monitoring

LFG monitoring is required for the duration of construction works, to ensure no unacceptable risks to site personnel or surrounding neighbours. Monitoring is required in Zone 1 (at the boundary

venting system on the north west boundary) and Zone 4 (the quarry void). Specific monitoring requirements for these two zones are included in Appendix C of the CEMP.

Coffey has prepared the following LFG plans, which are sub-plans of the CEMP:

- Zone 1 – a workplan for the temporary boundary venting system, which requires monitoring during preloading activities
- Zone 4 – a LFG Monitoring Plan which requires LFG monitoring under current site conditions (every six months) and during Stage 1 works (filling the quarry void).

Monitoring results are to be verified by the appointed environmental auditor and reported to EPA annually. The results will inform future decisions in relation to how long monitoring needs to be continued, but the EMS anticipates LFG monitoring will not be required after Stage 4 (house building) works are complete.

Gas protection systems

Gas protection systems are subject to detailed design, but are likely to involve:⁵

- for medium density dwellings, a gas barrier and passive venting system that would need to be checked annually to confirm inlet and outlet vents are not blocked or damaged
- for high density dwellings (apartments), an active system (ventilation in basement parking areas) which would need to be checked annually.

Any LFG infrastructure located within private or common property will need to be monitored by the Owners Corporation to confirm ventilation systems are not blocked or damaged and are functioning as required.

The CEMP reflects these requirements. It states detailed design of the gas protection measures must:

- reference the concept design prepared by Coffey in 2020 (that is described in the EMS and summarised above)
- be undertaken by a suitably qualified person
- include (as a minimum) the recommended components outlined in the British Standard.

The CEMP requires underground services to include gas protection measures as well.

The EMS and CEMP require a construction quality assurance plan to be prepared for the installation of the gas protection systems. It must include a detailed LFG monitoring plan outlining the required monitoring to be implemented during Stages 3 and 4 of construction (civil and house building works), based on the systems actually installed. Monitoring results are to be verified by the appointed environmental auditor. The construction quality assurance plan must reference the Landfill BPEM.

(iii) Soil contamination

Soil contamination risks are expected to be fully managed through construction. The CEMP includes measures to protect the health and safety of construction workers and offsite receptors during construction works.

⁵ These concept designs are detailed in section 5.5 of the EMS and the Concept Design Site Management Measures prepared by Coffey dated May 2020 (EMS Appendix D).

The LFG cap in Zones 1 and 2A and engineered fill in other zones (domains) will provide protection against casual exposure of future occupants to soil contamination. No ongoing (post construction) soil contamination monitoring or management measures are likely to be required, although some restrictions on excavation are proposed (these are discussed in the next section).

Groundwater contamination

EPA determined as part of the 2020 Audit that contaminated groundwater at the subject land had been 'cleaned up to the extent practicable'. Notwithstanding, groundwater will need to be managed and monitored during construction, and possibly monitored post-construction, to ensure risks are acceptable.

The Statements of Environmental Audit require the preparation of a groundwater quality management plan (GQMP). Coffey prepared a GQMP dated August 2019, which is contained in Appendix C of the EMS.

During construction, water within the quarry lake and any subsequent groundwater seepage will need to be managed. The groundwater and surface water has been tested and seepage rates have been modelled. The results indicate the water quality is acceptable for discharge to sewer under a trade waste agreement, which is likely to be the way groundwater is disposed of during construction.

The quarry lake in Zone 4 has drawn groundwater from the subject land and Talbot Park. When the quarry is backfilled, regional groundwater flow (south westerly) will gradually be restored, but this will take years (potentially decades).

Groundwater will be monitored to validate the results of the modelling to ensure the assumptions made in relation to groundwater movement and contamination risks remain appropriate. The EMS and GQMP propose groundwater monitoring as follows:

- at a minimum, during the backfilling of Zone 4 (expected to take two years) and for two to three years following filling
- annual monitoring and reporting of groundwater conditions, verified by an environmental auditor and reported to EPA, until an environmental auditor verifies it is no longer required.

Monitoring of groundwater is not expected to be required post construction.

3.3 Proposed environmental solutions – post construction measures

(i) The Post Construction Environmental Management Plan

A Post Construction Environmental Management Plan (PCEMP) has been prepared and is contained in Appendix E of the EMS. The PCEMP includes information and guidance relating to:

- implementing the conditions of the Statements of Environmental Audit relating to ongoing monitoring and management of residual soil, groundwater and LFG contamination (if required)
- identifying measures to minimise potential risks associated with residual site contamination
- ceasing environmental monitoring when no longer required.

An environmental auditor has verified that the PCEMP is appropriate and meets the requirements of the Statements of Environmental Audit. The PCEMP will need to be reviewed and potentially

updated once construction is complete and the detailed design of the gas protection systems is known. Any changes must be reviewed and verified by an environmental auditor.

(ii) Landfill gas

The PCEMP requires the Owners Corporation to:

- engage suitably qualified contractors to:
 - undertake annual inspections of the building venting systems and any remaining boundary venting systems to check they have not been blocked or damaged
 - repair any gas protection systems as required
- ensure confined space protocols are applied when underground service inspection or maintenance is required (whether on a lot or common property).

It also requires the Owners Corporation to develop and enforce Owners Corporation rules that include the following requirements for future landowners and occupants:

- the Owners Corporation and members or occupiers of a lot must not:
 - penetrate or breach the floor slab or basement slab of a building (as these will contain LFG membranes)
 - interfere with, block, penetrate or breach sub-slab or inground gas venting systems or ventilation infrastructure attached to dwellings (inlets, outlets and vent pipes)
 - dig, drill or excavate greater than 0.5 metres below the surface of landscaped areas and gardens on an individual lot or common property (this will be well clear of the LFG membrane at the bottom of the cap in Zone 1, which will be at least 2 metres deep)
 - use any basement parking area for anything other than as a parking facility, including installing storage units or facilities without the consent of the Owners Corporation
 - occupy basement areas other than for parking or permitted storage activities
 - demolish the building on a lot or any improvements on common property
 - obstruct the lawful use of common property by any person
- all basement forced (active) ventilation systems (where installed) must operate continuously 24 hours a day, 7 days a week.

(iii) Soil contamination

Ongoing management of soil contamination exposure risks will be primarily managed through the prohibition in the Owners Corporation rules on digging, drilling or excavating deeper than 0.5 metres. No further soil contamination testing or monitoring is likely to be required.

(iv) Groundwater contamination

The PCEMP states that the Owners Corporation rules must restrict members or occupiers of a lot from extracting or using groundwater without prior testing to confirm it is suitable for the proposed use. Ongoing monitoring of groundwater is not anticipated but if it is required, the PCEMP states it must be carried out by the Owners Corporation, in accordance with the GQMP, and the PCEMP must be updated accordingly.

4 The Geotechnical Development Strategy

4.1 Overview

Clause 4.0 of the DPO6 includes a requirement that the development plan include a geotechnical strategy that:

... [outlines] the proposed design response for site preparation works associated with the geotechnical ground improvement works required for the land and geotechnical design solutions for future development.

The GDS was prepared by Coffey in November 2023, informed by the Settlement Predictions Report referred to in Chapter 2.2(ii). The GDS describes the complex and varying subsurface conditions across the site, comprising slimes, landfill and uncontrolled fill. The slimes are highly compressible with high moisture content and can be subject to significant settlement when external fill or structural loading occurs. See Table 3 for more detail.

The GDS then presents geotechnical design solutions to address the key geotechnical issues across the subject land to enable the proposed mixed-use redevelopment of the site. These are discussed in the following section.

An earlier version of the GDS was peer reviewed by Senversa for Council. A copy of Senversa's review is included in the referred materials.⁶ Senversa found that due to the nature of the material on site (slimes), and the uncontrolled backfilling of the quarry void, geotechnical concerns remained regarding the bearing capacity and long-term settlements of buildings, road pavements and services and utilities.

Senversa concluded (based on the earlier draft GDS):

- there is a risk of long-term settlement in Domains 1, 3A, 3B, and 5 where no wick drains are proposed to be used (Senversa noted it was understandable that wick drains cannot be used in Domain 1 due to the presence of LFG, and as a result, deep foundations may be the safest option for all building types in Domain 1)
- details of the structural platform fills should be prepared and presented to Council for review
- testing should be undertaken of soil and groundwater aggressivity towards concrete and metal
- the Proponent should detail how differential settlement will be addressed.

4.2 Proposed geotechnical solutions

In its submission to the consultation session (Document 15(a)), the Proponent suggested that the most important aspect of the management of geotechnical issues is for a prescribed amount of settlement (or other ground improvement) to occur before development can proceed, and suitable foundations are determined. Preloading will be conducted across all of the domains to reduce differential settlement. In some areas, additional or alternative ground improvements may be required to reduce the risk of differential settlement.

⁶ Council advised (Document 7) that Senversa reviewed earlier versions of the Settlement Report and the GDS, but did not review the final versions.

Once preloading has occurred and the ground has settled, the developer will determine what foundations will be required for buildings, depending on the geotechnical conditions present – either shallow rigid footing systems or piled footings.

Table 5 below summarises the geotechnical solutions proposed across the various domains. It is based on information presented by Ian Pedlar at the consultation session (Document 22).

The GDS also presents the results of modelling that predicts the settlement rates across the site into the future. For example, in Domain 1 the total settlement over 30 years after dwelling construction is predicted to be 10 to 100 millimetres, and after 100 years settlement is predicted to be 10 to 145 millimetres.

Table 5 Summary of proposed geotechnical solutions

Geotechnical issues	Impact	Proposed solution
Low bearing capacity	Low strength of slimes may cause footing failure Uncontrolled fill may have variable bearing capacity	Increase strength capacity of slimes by preload or other ground improvement methods Remove upper two metres of fill and replace with structural fill
Soft compressible slimes may experience significant settlement and can cause significant differential settlement	Differential settlement could damage dwelling foundations, lead to failure of services and result in roads cracking and ponding water	Reduce post-construction settlement by preloading or other ground improvement methods Use piled foundations where settlement cannot be reduced to design criteria and for higher rise buildings with tighter settlement limits Use flexible service connections and allow steeper grades for roads and services
Hydro consolidation Saturation of low density fill may lead to significant settlement	Significant settlement may damage foundations, services/service connections and road	Engineered fill in Domain 4 compacted to 98 per cent Standard Compaction will limit potential amount of settlement upon saturation Groundwater will rise during construction and impact will be measured. Some reduction anticipated by the time of Stage 2 (civil) and Stage 4 (house building) construction works
Liquefaction Low density silty and sandy soils may liquify during strong ground motions.	Laboratory testing indicates clay materials not likely to be susceptible Other parts of site including Domain 6 could be susceptible	Apply typical design criteria for piled structures
LFG	Need to intercept and collect	Adopt capping layers and venting systems to intercept any gas production

Table 9 from the GDS provides more detail on the proposed mitigation measures to manage geotechnical risks. For example, the primary conceptual geotechnical solution for Domain 1 is preloading, construction of an engineered fill 'platform' for roads and services, constructing two to three storey lightweight dwellings with shallow rigid raft foundation systems, and constructing four to six storey buildings and buildings in the transition zone adjacent to the quarry boundary with piled foundation systems.

Importantly, the GDS provides (and the Proponent confirmed this during the consultation session) that all the geotechnical solutions need to be constructed and/or installed prior to the start of any Stage 4 construction (house building). Accordingly, similar to the environmental management measures to manage LFG set out in the EMS, responsibility for geotechnical risks and solutions falls to the Proponent and not to individual property owners or Council.

5 Advice and recommendations

5.1 Sufficiency for exhibition

The Minister seeks advice on whether there is sufficient technical information for the draft Amendment to proceed to public exhibition.

(i) Discussion

The level of technical information supporting the amendment request is more detailed than would ordinarily be expected for an amendment of this nature. That said, the historical uses on the subject land and the current condition of the land present potentially significant environmental and geotechnical challenges.

The Committee is broadly satisfied that the level of investigation of the risks undertaken to date is appropriate for this stage in the planning process. The investigations are broadly responsive to the risks, issues and information gaps identified by the C129 Panel.

Generally speaking, the Committee finds the technical information is sound. The methodologies used for the technical studies are appropriate, and the Committee has identified no major gaps in the studies.

The EMS and the supporting site management documents have been certified by an independent environmental auditor as meeting the requirements of the Statements of Environmental Audit. The measures proposed to manage environmental risks (predominantly LFG) are standard industry practice and reference the appropriate technical guidance and standards.

The GDS has been peer reviewed by Senversa and found to be generally appropriate. Mr Green undertook a further review for Council in preparation for the consultation session. While Mr Green raised a number of questions about both the EMS and GDS, he did not identify any fundamental concerns with either document.

On that basis, the Committee considers the EMS and GDS can be relied upon to inform the next stage of the planning process. The technical solutions proposed in both the EMS and GDS are complex, but not novel. Provided they are appropriately designed, implemented, monitored (where required) and maintained, they should provide solutions to managing the environmental and geotechnical challenges to allow the site to be redeveloped for residential purposes.

In reaching this conclusion (and in addressing the technical questions listed in the following section), the Committee wishes to emphasise that it has not undertaken a detailed review of the merits of the technical solutions proposed in the EMS and the GDS. Rather, it has sought to identify any 'roadblock' issues that might prevent the draft Amendment being progressed to exhibition.

A more detailed review of the merits of the technical solutions should form part of the next stage of the process, once the draft Amendment is exhibited. The Committee considers the questions raised by Mr Green in Council's technical material (Document 18) will usefully inform that more detailed consideration, and it encourages the Proponent to address those questions in any further material it prepares in support of the next stage of the planning process.

(ii) Conclusion

The Committee concludes:

- 1. There is sufficient technical information for the draft Amendment to proceed to public exhibition.**

5.2 Technical questions

The Minister seeks the Committee's advice and recommendations on the following technical questions (summarised and paraphrased):

- Will the EMS and GDS effectively mitigate risks to human health and amenity?
- Will the EMS and GDS effectively mitigate risks to the development?
- Will the measures required in the draft Amendment and EMS and GDS place an unreasonable burden on future residents?
- Are the proposed environmental management measures in the EMS acceptable?
- Are the proposed geotechnical solutions in the GDS acceptable?
- Are there potential conflicts between the EMS and the GDS?
- Can the EMS and GDS be effectively enforced using planning tools?

In understanding the Committee's answers to these questions set out in the following sections, it is important to note that the Committee's task was not to undertake a detailed review or assessment of the technical merits of the EMS or GDS, or of the geotechnical solutions and environmental mitigation measures proposed in these documents. Nor was it the Committee's task to undertake a detailed review of the proposed DPO6. These should form part of the next stage of the planning process.

5.2.1 Will the EMS and GDS effectively mitigate risks to human health and amenity?**(i) Discussion**

The Committee does not see any fundamental flaws with the measures outlined in the EMS to mitigate risks to human health and amenity.

The key risks to human health and amenity are posed by LFG. As noted in Chapter 2.3, LFG risks, if not properly managed, can result in very serious consequences.

The proposed LFG management techniques outlined in the EMS (capping, boundary venting systems, and gas protection systems in buildings, structures and underground services) are common practice for developing on former landfills. While they can be technically complex, the EMS and accompanying site management documents provide sufficient guidance as to what is required, and include references to accepted standards including CIRIA, the British Standard and the Landfill BPEM. Provided the LFG measures are properly implemented and maintained, there is no reason to consider the measures will not be effective in the long term to mitigate risks posed by LFG.

Importantly, the more complex technical measures required to manage LFG will be incorporated into the design of the development, and will be constructed by the developer (Proponent) and checked and verified by an independent accredited environmental auditor before the land is sold off or any buildings on the land are occupied. This is a practical approach that provides some comfort that the measures will be properly designed and constructed. Leaving the design and construction of these measures to individual future landowners would be less practical.

The EMS and the PCEMP state that if ongoing monitoring is required for LFG or groundwater contamination (which is considered unlikely), responsibility for that monitoring will be transferred from the developer to the Owners Corporation. Council queried whether there are enough Owners Corporation administrators with the skillset to manage this site on an ongoing basis. The Committee does not consider this is likely to be a problem. The scope of ongoing management and maintenance responsibilities (discussed in more detail in section 5.2.3) is limited, and the Owners Corporation can retain specialised assistance if required.

The risk of exposure to any residual soil or groundwater contamination is low, as the contamination will be located beneath the landfill cap (in Zone 1) or the imported clean fill (in other zones). The restriction in the Owners Corporation rules on excavation of more than 0.5 metres deep will ensure that any residual soil contamination that may be present beneath the cap or imported fill is not accidentally exposed. It is highly unlikely that future occupants would seek to extract or use groundwater in an urban setting such as this, and the Owners Corporation rules will serve as a reminder that this should not be done.

The Proponent tabled a revised DPO6 at the consultation session (Document 15(b)), which included additional application requirements for a permit for development of the subject land. These include verification from an environmental auditor that the proposed use and development is in accordance with the requirements of the Statements of Environmental Audit. This provides additional comfort that a suitably qualified professional will have assessed any development proposals and formed the view that the proposed use and development is appropriate and any environmental risks will be appropriately managed.

The GDS is primarily about managing risks to development rather than risks to human health and amenity. It is addressed in the next section.

(ii) Conclusion

The Committee concludes:

- 2. The EMS should effectively mitigate risks to human health and amenity provided the measures outlined in the EMS are properly designed, constructed and maintained.**

5.2.2 Will the EMS and GDS effectively mitigate risks to the development?

(i) Discussion

The EMS is primarily about managing risks to human health and amenity rather than risks to the development. That said, soil and groundwater conditions (particularly LFG) can pose a risk to structures as discussed in Chapter 2.3.

The Committee is broadly satisfied that pathway intervention is an appropriate way to manage LFG risks to structures. It will ensure that LFG is directed laterally, away from structures that will be located above the cap, and vented through the proposed boundary venting systems. The gas protection measures proposed to be built into dwellings provide a level of redundancy in the unlikely event that the cap fails, and should ensure that there is minimal risk of LFG accumulating in basements and enclosed spaces.

The Committee is satisfied the GDS should provide an appropriate framework and level of detail to ensure geotechnical risks are effectively mitigated.

The GDS reflects the requirements of the EMS and Statements of Environmental Audit relating to LFG management (section 8.3 addresses landfill cap and piling requirements and structural fill requirements, and section 8.6 addresses the boundary venting system in Zone/Domain 1).

Mr Pedlar presented a useful summary (in Document 22) of the interaction between LFG risks and geotechnical risks, noting that geotechnical and LFG requirements are complimentary in each stage of development. For example:

- Stage 1 construction (site rehabilitation) incorporates LFG mitigation as part of the preload works (through the Zone 1 Workplan and Stage 1 LFG monitoring plan which form part of the CEMP), including:
 - the temporary boundary venting system design must include a stability analysis
 - the design and staging of the Zone 4 backfilling must consider dewatering requirements, excavation, treatment and re- use of slimes, and re-use of concrete
- Stage 2 (detailed design) must consider structural and geotechnical limitations when selecting the final gas protection measures to be employed in buildings, in conjunction with pathway intervention measures and measures to protect underground services
- Stage 3 (civil construction) includes the landfill cap, and piling and other structures that may penetrate the cap must be installed before the cap to allow appropriate sealing to ensure no preferential pathways are created for LFG migration through any gaps
- Stage 4 (house building) includes requirements in relation to foundation design and the installation of gas protection systems in buildings.

The Committee is satisfied the proposed strategies identified in the GDS and summarised in Table 5 are broadly appropriate to manage the geotechnical risks to development. Preload tests will be undertaken across the subject land which should reduce post-construction total and differential settlement. Predicted design settlement criteria will be used to determine the types of foundations required for future dwellings and structures on the site. Differential settlement risks have been considered, including assessment across the quarry boundary. Differential settlement risks will be factored into the detailed design stage (Stage 3), including consideration of whether steeper service and road gradients need to be implemented to allow for differential settlement. The GDS provides for maintenance of infrastructure on the site such as roads, and monitoring and maintenance by the Owners Corporation.

The Proponent's revised DPO6 (Document 15(b)) included additional application requirements for a permit for development of the subject land. These include:

- A report prepared by a suitably qualified consultant confirming that:
 - in accordance with the GDS, either the measured settlement demonstrates the land is satisfying the predicted settlement criterion or that alternative ground improvement works have been carried out, and
 - the foundations proposed in the application are in accordance with the GDS.
- If required by the responsible authority, an independent peer review of the above report, with the costs of such review to be met by the permit applicant.

These requirements provide additional comfort that a suitably qualified geotechnical professional will have assessed any development proposals and formed the view that the measures adopted to manage geotechnical risks are appropriate.

Council's further technical matters (Document 18) included questions around shallow footings, the practicalities of removing all uncontrolled fill from the boundary of Domain 4, management of

groundwater inflow and stormwater runoff across the site. These matters can (and should) be addressed in the next stage of the planning process.

(ii) Conclusion

The Committee concludes:

- 3. The GDS and EMS should effectively mitigate risks to development provided the measures outlined in those documents are properly designed, constructed and maintained.**

5.2.3 Is the burden on future landowners reasonable?

(i) Discussion

The burden on future landowners is more a question in relation to the EMS than the GDS, as the proposed geotechnical measures must be implemented prior to or as part of the house building stage (Stage 4) and therefore there will be no burden on future land owners. Ongoing monitoring and maintenance requirements in relation to geotechnical issues (for example, maintaining internal roads) are minimal, and will be the responsibility of the Owners Corporation, not individual landowners.

The EMS recognises (in section 5.4) there is a degree of uncertainty about ongoing environmental management measures that will need to be implemented. That said, the EMS states that ongoing (post-construction) measures are not likely to be onerous and will be largely implemented by an Owners Corporation. They are expected to be confined to:

- routine inspection and maintenance of the boundary venting systems and gas protection systems installed in buildings
- enforcement of the Owners Corporation rules.

Some of these obligations will be implemented through a section 173 agreement (discussed in more detail in Chapter 5.2.7). The revised DPO6 provides that the section 173 agreement will end in relation to individual lots once the lots are fully subdivided, meaning these obligations would not be inadvertently passed on to individual landowners or occupants.

The burden placed on future landowners and occupants is largely confined to the Owners Corporation rules, which will compel them to:

- make sure basement active LFG ventilation systems (where installed) operate continuously and are not interfered with
- not interfere with any passive ventilation infrastructure attached to individual buildings (such as LFG vents and pipes)
- not use basement carparks for any other purpose including storage
- not breach slabs or demolish buildings on a lot.

In addition, future landowners in some parts of the site may need to maintain access to any permanent boundary venting systems that need to be installed, which may restrict their ability to construct additional structures in their back yards.

These restrictions do not, in the Committee's view, place an unreasonable burden on future landowners and occupants.

(ii) Conclusion

The Committee concludes:

- 4. The ongoing environmental management measures and geotechnical solutions do not place an unreasonable burden on future landowners.**

5.2.4 Are the proposed environmental management measures acceptable?

(i) Discussion

For the reasons set out in the sections 5.2.1 and 5.2.3, the Committee considers the proposed environmental measures that must be implemented under the EMS by both the Owners Corporation and individual landowners and occupants are reasonable. It follows that they are acceptable.

(ii) Conclusion

The Committee concludes:

- 5. The proposed environmental management measures are acceptable.**

5.2.5 Are the proposed geotechnical solutions acceptable?

(i) Discussion

For the reasons set out in sections 5.2.1 and 5.2.2, the Committee considers the proposed geotechnical measures in the GDS are reasonable. These include the construction techniques that must be implemented by the developer in the construction phase of the development, and the maintenance obligations of the Owners Corporation in relation to infrastructure such as roads and paths located on common property. Given the Committee considers these obligations are reasonable, it follows that they are acceptable.

(ii) Conclusion

The Committee concludes:

- 6. The proposed geotechnical solutions are acceptable.**

5.2.6 Are there potential conflicts between the EMS and GDS?

(i) Discussion

The Committee does not consider there to be a conflict between the EMS and GDS – rather the two documents are complimentary. Section 5.2.2 sets out in some detail how the geotechnical solutions in the GDS compliment the LFG management measures set out in the EMS.

The EMS is a much larger framework for environmental management of the site and is very much tied into the conditions of the Statements of Environmental Audit. The GDS is more particular to the management of geotechnical risks and approaches to manage those risks for development across the site, which vary depending on soil and geotechnical conditions.

At the consultation session, the Committee asked the Proponent why the GDS is not part of the EMS. The Proponent explained that the EMS is a strategy for ‘getting the land safe’ and the GDS is a strategy for ‘getting the ground to a state you can build on’. This is a simple, but useful, summary

of the purpose of the two documents. Further, the EMS implements the conditions of the statutory environmental audit process under the EP Act, whereas the GDS is implemented solely through the planning tools (the DPO6 and the development plan).

(ii) Conclusions

The Committee concludes:

- 7. There is no obvious conflict between the EMS and the GDS.**

5.2.7 Can the EMS and GDS be enforced through planning tools?

(i) Threshold issue – whether other (non-planning) tools are more suitable

The key measures to manage environmental and geotechnical risks will be implemented by the developer during the construction phase. These measures will be primarily implemented and enforced using planning tools, and as such enforcement will be Council’s responsibility.

The planning tools include:

- the requirement in the DPO that development be ‘generally in accordance with’ the approved development plan
- the requirement in the DPO6 for a section 173 agreement that requires the conditions in the Statements of Environmental Audit to be implemented.

At the consultation session, Council submitted the use of planning tools as a de facto geotechnical and environmental compliance and monitoring regime is not appropriate, and would:

... involve Council being essentially a monitor and primary enforcer of environmental and geotechnical matters; a role outside of its responsibilities and as such its expertise.

Council was concerned that complex environmental and geotechnical issues are outside its expertise, and it would not be appropriate to expect Council to enforce the conditions of the Statements of Environmental Audit through a section 173 agreement. It submitted:

The complexity of the material that would be supplied to Council and with which Council would have to get to grips, is self-evident.

Council submitted a SMO under the EP Act is a better and more appropriate tool to ensure the site is managed appropriately, at least in relation to the environmental risks. It made detailed submissions about the benefits of a SMO over the proposed planning tools.

While the Committee acknowledges Council’s concerns, it is beyond the scope of the Committee’s task to consider whether other tools (such as those available under the EP Act) might be preferable to planning tools to implement and enforce the conditions of the Statements of Environmental Audit.

That said, the Committee has no fundamental issue with the use of planning tools for this purpose.

EPA Publication 759.3⁷ states that conditions in a Statement of Environmental Audit should be linked to an approved development plan where appropriate, and must be able to be given effect through planning tools such as conditions on planning permits or section 173 agreements. The general approach of using a development plan and a section 173 agreement to implement the

⁷ *Environmental auditor (contaminated land): Guidelines for issue of certificates and statements of environmental audit reviewed August 2023*

conditions of the Statements is consistent with EPA Publication 759.3. Further, EPA supported the use of a section 173 agreement in its submission to the Committee (Document 9).

In relation to Council's preference for a SMO, EPA cannot be compelled to issue a SMO, and has not indicated any intention to do so. The Committee notes EPA has issued Environment Action Notices in relation to the subject land in the past, and there is nothing to stop the EPA issuing further notices or orders under the EP Act in future should it consider it appropriate to do so. The existence of the section 173 agreement would not prevent any such notices or orders from being issued, and the Proponent's revised DPO6 provides for the agreement to end if the EPA did decide to issue a SMO.

Further, the Proponent is subject to general duties under the EP Act, including the General Environmental Duty and the Duty to Manage Contaminated Land. These duties continue to apply irrespective of whether any planning tools such as a section 173 agreement apply to the subject land.

In relation to Council's concern over whether it has the necessary expertise to enforce compliance with the environmental and geotechnical requirements, the revised DPO6 includes the following in Clause 3.0 (conditions and requirements for permits):

- An application for a permit must be accompanied by a geotechnical report confirming that:
 - the land meets the predicted settlement criterion in the GDS (or that alternative ground improvement works have been carried out), and
 - the foundations proposed are in accordance with the GDS.
- Council (as responsible authority) can obtain an independent peer review of any such geotechnical reports at the applicant's cost.
- An application for a permit must be accompanied by a CEMP approved by an environmental auditor.
- An application for a permit must be accompanied by verification from an environmental auditor that the proposed use and development is in accordance with the Statements of Environmental Audit.
- Prior to the occupation of the buildings, written confirmation of compliance with the Statements of Environmental Audit must be provided by an environmental auditor.

While Council may not have 'in house' skills and expertise in relation to complex environmental and geotechnical issues, the verification process means that Council will be able to rely on the opinions of suitably qualified professionals, including an independent accredited environmental auditor.

Finally and for completeness, the Committee observes that it may be difficult for the Proponent to negotiate a section 173 agreement with Council given Council's unwillingness to enter into such an agreement. The PE Act contains review rights in the Victorian Civil and Administrative Tribunal to resolve disputes over section 173 agreements should this become necessary.

(ii) Obligations on the developer

Both the EMS and GDS include significant and complex obligations on the developer (Proponent) during the construction phase of the proposed development. These obligations (which are discussed in detail in Chapters 3.2 and 4.2) include:

- preloading activities to induce settlement of the ground in all domains across the site

- removal of the preload material and placement of engineered fill or other ground improvement works
- construction of the landfill cap in Zones 1 and 2A including a gas membrane and at least 2.0 metres of engineered fill on top
- installation of the boundary venting systems
- construction of specialised foundations for buildings
- construction of active and passive gas protection systems in buildings, structures and services.

As noted above, the developer's obligations will be enforced primarily through the requirement that any permit issued must be generally in accordance with the development plan (including the EMS and the GDS which, when approved, will form part of the development plan). Further, the conditions of the Statements of Environmental Audit will be primarily enforced through the section 173 agreement.

Council submitted the DPO provides too much flexibility for a site with such complexities, given development only needs to be 'generally in accordance with' the approved development plan. While this is true, the Committee considers the drafting of the revised DPO6, particularly the verification requirements referred to in section (i) above, effectively 'tightens up' this flexibility, and provides appropriate checks and balances to ensure that the developer's obligations under both the EMS and GDS (once approved) are met.

Council submitted that the scope of the proposed section 173 agreement is "*fundamentally too wide ranging and uncertain*" which materially undermines its utility. The Committee does not agree. The DPO6 clearly sets out what the agreement must cover, including:

- implementation of the conditions, ongoing monitoring requirements and ongoing management requirements in the Statements of Environmental Audit, including responsibilities
- funding for the management and implementation of the conditions if required by Council
- the ending of the Agreement when either:
 - EPA issues a SMO under the EP Act that manages the ongoing implementation of the conditions of the Statements of Environmental Audit to Council's satisfaction
 - an environmental auditor provides a report in writing confirming the ongoing management and monitoring is no longer required.

The Committee is satisfied this framework reduces the flexibility that the 'generally in accordance with' test might otherwise have introduced, and provides sufficient certainty in relation to the scope and implementation of both the environmental management measures and the geotechnical solutions.

The developer's construction obligations under both the EMS and the GDS are complex, and are likely to be expensive to implement. The Committee considers the next stage of the planning process should explore costing issues, including:

- how much the various construction techniques required under the EMS and GDS will likely cost
- how they will be funded
- whether security should be provided to ensure the costs of completing the works are covered if the developer fails to do so

- whether the costs of the works and/or the security arrangements are likely to impact on the viability of the development.

As Council pointed out, if the costs are so high as to undermine the financial viability of the development, there may be no point in rezoning the subject land. Further, it is reasonable for Council to expect some form of security to cover the costs of works under the EMS should it be required to step in and perform the developer's construction obligations in the course of enforcing the section 173 agreement.

(iii) Obligations on the Owners Corporation

The EMS requires the Owners Corporation to assume responsibility for implementing any ongoing (post-construction) environmental management measures that may be required under the Statements of Environmental Audit, although as discussed in Chapter 3.3 these may not be required.

These obligations will be enforced primarily through the section 173 agreement discussed above.

Council pointed to the fact that the EMS acknowledges that there is some uncertainty in relation to ongoing monitoring and management requirements, and the PCEMP will need to be revised and verified by an environmental auditor once the final construction techniques have been selected and implemented.

While the Committee acknowledges there is a degree of uncertainty in relation to ongoing requirements, that uncertainty is not, in the Committee's view, a reason not to progress the draft Amendment to the next stage of the planning process. The Proponent's expert Mr Gibbs was confident that the ongoing post-construction (monitoring and management) obligations would be unlikely to significantly differ to those envisaged in the EMS and the PCEMP.

Council submitted that before the draft Amendment is progressed, there needs to be greater understanding of the costs of the ongoing maintenance and management requirements, and the contingency liabilities (to undertake rectification works should it be needed) in the future. The Committee disagrees, as the ongoing monitoring and maintenance requirements are not anticipated to be complex. That said, as discussed above the Committee considers there should be some exploration in the next stage of the planning process of the costs of the developer's construction obligations, which are likely to be much more substantial.

(iv) Obligations on future landowners and occupants

The obligations on individual landowners and occupants are proposed to be implemented primarily through Owners Corporation rules, not directly through a planning tool. That said, there could be some ability for Council to enforce the Owner's Corporation's obligations to implement and enforce the rules through the section 173 agreement.

(v) Conclusion

The Committee concludes:

- 8. The requirements of the EMS can be effectively enforced through the Development Plan Overlay Schedule 6 and the requirement for a section 173 agreement. This will cover both the developer's construction obligations and the Owner's Corporation's ongoing monitoring (if applicable) and maintenance obligations.**

- 9. The requirements of the GDS can effectively be enforced through the Development Plan Overlay Schedule 6 and the requirements for:**
- a) development to be generally in accordance with the approved development plan**
 - b) permit applications to be accompanied by a verified geotechnical report.**

Appendix A Terms of Reference



Version 2: Amended June 2023

Standing Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* to advise the Minister for Planning on referred priority planning proposals.

Name

1. The Standing Advisory Committee is to be known as the 'Priority Projects Standing Advisory Committee' (the Committee).
2. The Committee is to have members with the following skills:
 - a. statutory and strategic land use planning
 - b. land development and property economics
 - c. urban design and architecture
 - d. heritage
 - e. civil engineering and transport planning
 - f. social impacts
 - g. environmental planning
 - h. planning law.
3. The Committee will include a lead Chair, Chairs, Deputy Chairs and not less than ten other appropriately qualified members.

Purpose

4. The purpose of the Committee is to provide timely advice to the Minister for Planning on projects referred by the Development Facilitation Program (DFP), or where the Minister has agreed to, or is considering, intervention to determine if these projects will deliver acceptable planning outcomes.

Background

5. The Victorian Government is committed to streamlining the assessment and determination of projects that inject investment into the Victorian economy, keep people in jobs and create homes for people. The planning system is an important part of supporting investment and economic growth in Victoria.
6. The DFP focusses on new development projects in priority sectors and/or projects that are in the planning system that face undue delays. These can include (but are not limited to) housing, mixed use, retail, employment, tourism, industrial and other opportunities.

Method

7. The Minister for Planning or delegate will refer projects by letter to the Committee for advice on whether the project achieves acceptable planning outcomes.
8. The referral letter must specify:
 - a. the specific issues the Minister for Planning seeks advice about
 - b. the mechanism of intervention being considered (for example, but not limited to, draft planning scheme amendment, call-in from the Victorian Civil and Administrative Tribunal, planning permit application)
 - c. whether submissions are to be considered by the Committee, and if so, how many are being referred, and
 - d. how the costs of the Committee will be met.
9. The letter of referral will be a public document.
10. In making a referral, the Minister for Planning or delegate must, either:
 - a. be satisfied that any proposed planning controls for the land make proper use of the Victoria

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Terms of Reference | Priority Projects Standing Advisory Committee

- Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on The Form and Content of Planning Schemes, or
- b. seek advice from the Committee on the drafting of the planning controls or permit conditions.
11. The Committee may inform itself in anyway it sees fit, but must consider:
 - a. The referral letter from the Minister for Planning
 - b. referred submissions
 - c. the comments of any referral authority
 - d. the views of the project proponent
 - e. the views of the relevant Council and
 - f. the relevant planning scheme.
 12. The Committee is not expected to carry out additional public notification or referral but may seek the views of any relevant referral authority, responsible authority, or government agency.
 13. The Department of Transport and Planning (DTP) will be responsible for any further notification required. New submissions, if required, will be collected by DTP.
 14. The Committee may seek advice from other experts, including legal counsel where it considers this is necessary.
 15. The Committee is not expected to carry out a public hearing but may do so if it is deemed necessary and meets its quorum.
 16. The Committee may:
 - a. assess any matter 'on the papers'
 - b. conduct discussions, forums, or video conferences when there is a quorum of:
 - i. a Chair or Deputy Chair, and
 - ii. at least one other member.
 17. The Committee may apply to vary these Terms of Reference in any way it sees fit.

Submissions are public documents

18. The Committee must retain a library of any written submissions or other supporting documentation provided to it in respect of a referred project until a decision has been made on its report or five years has passed from the time of the referral.
19. Any written submissions or other supporting documentation provided to the Committee must be available for public inspection until the submission of its report, unless the Committee specifically directs that the material is to remain confidential. A document may be made available for public inspection electronically.

Outcomes

20. The Committee must produce a concise written report to the Minister for Planning providing the following:
 - a. a short description of the project
 - b. a short summary and assessment of issues raised in submissions
 - c. a draft planning permit including relevant conditions from Section 55 referral authorities, or draft planning scheme control depending on the nature of the referral
 - d. any other relevant matters raised during the Committee process
 - e. its recommendations and reasons for its recommendations
 - f. a list of persons or authorities/agencies who made submissions considered by the Committee and
 - g. a list of persons consulted or heard, including via video conference.

Timing

21. The Committee is required to submit its reports in writing as soon as practicable, depending upon the complexity of the referred project between 10 and 20 business days from either:
 - a. the date of receipt of referral, if no further submissions or information are to be sought, or
 - b. receipt of the final submission of material or final day of any public process in respect of a referral.

Terms of Reference | Priority Projects Standing Advisory Committee

Fee

22. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.
23. The costs of the Committee will be met by each relevant proponent.



**Sonya Kilkenny MP
Minister for Planning**

Date: 9/9/2023

Terms of Reference | Priority Projects Standing Advisory Committee

The following information does not form part the Terms of Reference.

Project Management

1. Administrative and operational support to the Committee will be provided by Priority Projects, Department of Transport and Planning (priority.projects@delwp.vic.gov.au).
2. Day to day liaison for the Committee will be managed by Planning Panels Victoria ((03) 8624 5714 and planning.panels@delwp.vic.gov.au).

Appendix B Referral letter



The Hon Sonya Kilkenny MP

Minister for Planning
Minister for the Suburbs

1 Spring Street
Melbourne, Victoria 3000 Australia

Ref: BMIN-1-24-1671

Ms Kathy Mitchell AM
Chief Panel Member
Planning Panels Victoria
planning_panels@delwp.vic.gov.au

Dear Ms Mitchell

REFERRAL OF TALBOT VILLAGE PLANNING SCHEME AMENDMENT REQUEST TO THE PRIORITY PROJECTS STANDING ADVISORY COMMITTEE

I refer to a request submitted by Urbis, on behalf of Sterling Global, that I prepare, adopt, and approve an amendment to the Monash Planning Scheme (amendment request) to facilitate residential development of the land at 1221-1249 Centre Road, Oakleigh South.

What the requested draft planning scheme amendment proposes

The draft amendment seeks to amend the Monash Planning Scheme to:

- rezone the land from the General Residential Zone, Schedule 3 (GRZ3) and the Special Use Zone, Schedule 2 (SUZ2) to a combination of the Residential Growth Zone (RGZ) and the Mixed Use Zone (MUZ);
- apply a new Schedule 6 to the Development Plan Overlay (DPO6) to the land to provide a framework to guide future use and development; and
- amend the Schedule to Clause 53.01 of the Planning Scheme to exempt future subdivisions from the requirement to pay a public open space contribution.

What use and development the draft development plan proposes

The request also seeks approval of a development plan under Clause 43.04 (DPO6) that envisages:

- development of up to 1,100 dwellings, including a commitment to deliver 10 per cent of all dwellings as affordable housing;
- building heights of between two and six storeys, with heights tapering down towards the land's more sensitive residential interfaces;
- public realm and open space areas totalling 15.3 per cent of the land, including a new 9,000 square metre wetland;



- a new road and laneway network with vehicle access from Centre Road, Huntingdale Road and Talbot Avenue;
- development of a new “village square” to the centre of the land, with opportunity for the development of neighbourhood scale office, retail, and childcare uses; and
- requirement that an environmental management strategy and geotechnical development strategy form part of any approved development plan, to ensure the land is suitably treated before development commences and is managed appropriately post-development.

Referral and advice

Noting the potential soil degradation, contamination and geotechnical risks associated with the land’s historical uses as a sand quarry and landfill, I have decided to refer the amendment request to the Priority Projects Standing Advisory Committee under section 151 of the Act, for advice as to whether there is sufficient technical information for the proposal to proceed as a draft amendment to public exhibition.

To inform my consideration of the matters prescribed under section 12(2) of the Act, and to ensure the objectives specified under section 4 (1)(a), (c), (e) and (g) of the Act can be met, I seek advice and recommendations as to whether:

- the draft amendment and proposed geotechnical development strategy (GDS) and environmental management strategy (EMS) will effectively mitigate risks to human health, amenity, and the development;
- the ongoing measures required within the draft amendment and EMS and GDS will place unreasonable burden on future residents and landowners;
- the proposed geotechnical solutions within the GDS, and the subsequent settlement predictions, represent an acceptable response to the geotechnical challenges for the development;
- the proposed environmental management measures required under the EMS represent an acceptable response to the environmental challenges for the use and development;
- the potential for conflicts between measures required under the EMS and GDS have been adequately considered and addressed; and
- if and/or how the measures required under the EMS and GDS can be adequately enforced using available planning tools.

Method

The committee may conduct its proceedings in line with its terms of reference, including seeking submissions from City of Monash and the Environment Protection Authority, and conducting a conclave of subject matter experts as relevant.



The draft amendment documentation, including all application and supporting documents, will be provided to the committee by the Department of Transport and Planning. The cost of the committee process will be met by the proponent, Sterling Global.

If you have any questions about this matter, please contact Adam Henson, Director Development Facilitation, DTP, via email [REDACTED]

Yours sincerely



The Hon Sonya Kilkenny MP
Minister for Planning
Minister for the Suburbs

Date:
28/05/2024

Appendix C Document list

No.	Date	Description	Provided by
1	9 Sep 23	Terms of Reference	Minister for Planning
2	28 May 24	Letter of Referral	Minister for Planning
3	28 May 24	Referred materials: a) Background reports (Documents 3.01 – 3.21) b) Draft Amendment documentation (Documents 3.22 – 3.30) c) Preliminary stakeholder comments (Documents 3.31 – 3.38)	Department of Transport and Planning (DTP)
4	12 Jun 24	Initial letter enclosing directions for the conduct of the process and the provision of further information	Planning Panels Victoria (PPV)
5	24 Jun 24	Second directions letter	PPV
6	24 Jul 24	Request for consultation session adjournment	Monash City Council (Council)
7	25 Jul 24	Further information requested by Committee	Council
8	25 Jul 24	Further information requested by Committee, enclosing attachments: a) Attachment A - Engagement Summary Report 2018 - 2019 - V2 b) Attachment B - Environmental audit and groundwater contamination presentation - 5 June 2019 c) Attachment B - Summary of questions - Groundwater Quality Restricted Use Zone Community Information Session - 9 July 2019 d) Attachment B - Info session presentation (CUTEPA) - 9 September 2019 e) Attachment B - Summary of questions - Groundwater Quality Restricted Use Zone Community Information Session - 10 September 2019 f) Attachment B - Works notification - Landfill gas and groundwater monitoring g) Attachment B - Groundwater Quality Restricted Use Zone - Draft Stakeholder Communications Plan - June 2019 h) Attachment B - EPA letter to Council regarding S53X environmental audit - 7 February 2020 i) Attachment B – Emails regarding community consultation j) Attachment B - EPA responses regarding GQRUZ	Proponent

No.	Date	Description	Provided by
		communications - 6 September 2019	
		k) Attachment B - Planning Permits TPA-43336 and TPA-43337	
		l) Attachment B - Quarry community letter drop - January 2018	
		m) Attachment B - EPA request for GQRUZ stakeholder details - 24 May 2019	
		n) Attachment B - Notification of environmental audit complete - September 2020	
		o) Attachment C - Details of Planning Permits and public notice	
		p) Attachment D - Council response to DELWP regarding proposed development - 3 November 2021	
		q) Attachment D - Head, Transport for Victoria comments on proposed development - 26 November 2021	
		r) Attachment D - Proponent response to EPA referral comments - 8 February 2022	
9	26 Jul 24	Submission	Environment Protection Authority Victoria (EPA)
10	29 Jul 24	Email enclosing draft consultation session agenda	PPV
11	29 Jul 24	Draft consultation session agenda	PPV
12	31 Jul 24	Response to proposed consultation session dates and process	Council
13	31 Jul 24	Response to Document 12	Proponent
14	31 Jul 24	Directions Hearing notification email	PPV
15	1 Aug 24	Submission, enclosing attachments: <ul style="list-style-type: none"> a) Alexandra Guild advice on enforcement of environmental and geotechnical issues b) Proposed changes to DPO6 c) Geotechnical matters report - Ian Pedler d) Site contamination matters report - Roger Gibbs 	Proponent
16	5 Aug 24	Updated consultation session date and Council directions	PPV
17	7 Aug 24	Summary of Environmental Action Notices - Roger Gibbs	Proponent
18	7 Aug 24	Technical material	Council
19	9 Aug 24	Submission	Council
20	13 Aug 24	Updated Talbot Village Development Plan (17 January 2024)	Proponent
21	13 Aug 24	Final consultation session agenda	PPV
22	15 Aug 24	Geotechnical issues presentation (Ian Pedlar)	Proponent

No.	Date	Description	Provided by
23	15 Aug 24	Site contamination presentation (Roger Gibbs)	Proponent
24	15 Aug 24	Image of outlet vents at Central Park Cheltenham	Proponent
25	15 Aug 24	Map of LFG monitoring network	Proponent
26	20 Aug 24	Hearing close email	PPV