

7.1.3 PLANNING SCHEME AMENDMENT REQUEST – TALBOT QUARRY REZONING

Responsible Manager:	Sean McNamee, Manager Strategic Planning
Responsible Director:	Peter Panagakos, Director City Development

RECOMMENDATION

That Council

1. Notes that a Statement of Environmental Audit (SoEA) has been issued for the site, which states that, subject to the interventions it recommends that the land is suitable for an urban use – either commercial/industrial or high density residential.
2. Notes that the SoEA sets out a range of physical interventions, ongoing monitoring and maintenance, site management obligations on future owners/occupiers to ensure ongoing compliance with the SoEA, keeping the site in a condition that is suitable for urban use.
3. Notes that the Comprehensive Development Zone provides an exemption from third party notice and appeal rights for future planning permits that are generally in accordance with an approved comprehensive development plan under the zone should the amendment ultimately be approved. That this exemption is considered appropriate given the limited external interfaces and the detailed plans that have been proposed as part of the amendment.
4. Notes that the officers propose that the amendment contain a minimum requirement for a 4 metres front setback for the majority of housing typologies and that the proponent has advised that they will lodge a submission to the amendment and any panel hearing seeking to reduce the front setbacks in some locations to less than 4 metres.
5. Resolves to seek authorisation from the Minister for Planning to prepare and undertake a planning scheme amendment to rezone the former Talbot Quarry to the Comprehensive Development Zone – Schedule 3 to facilitate residential and mixed-use development of the site in accordance with this report.
6. Following receipt of authorisation of the amendment from the Minister for Planning, to exhibit the planning scheme amendment.
7. Notes that a further report will be presented to Council upon completion of the public consultation of the amendment.

INTRODUCTION

The purpose of this report is to consider a request to rezone approximately 18 hectares of land known as the former Talbot Quarry. The site is a former sand quarry and landfill. As a result, it is a contaminated site and has geotechnical issues due to slimes and fill material.

The site is located at 1221-1249 Centre Road in Oakleigh South. The site has a substantial frontage to Huntingdale Road to the west, and access to Centre Road (south) and Talbot Avenue and Alvina Street to the north.

The rezoning request proposes a mix of residential development containing up to 1,100 dwellings in a range of building forms including apartment buildings of up to six storeys, townhouses and a small neighbourhood commercial area located centrally in the site.

It is recommended that Council request authorisation from the Minister for Planning to prepare and exhibit an amendment in accordance with this report.

COUNCIL PLAN STRATEGIC OBJECTIVES

Enhanced Places

Pursue a planning framework that meets Monash needs.

BACKGROUND

Site History

The site at 1221-1249 Centre Road Oakleigh South was used as a sand quarry from the early 1950's until the early 1990's.

The site was then used as a landfill between the 1970's and 1990's. The type of fill varies across the site, with part of the site forming a municipal tip, and other parts being filled with waste products from the sand mining. The fill is generally up to 15 metres deep, with a range of materials across the site including:

- Solid inert waste.
- Putrescible waste.
- Remnant slimes from the site (waste product of sand mining).
- Foundry waste.
- Building materials waste.

Current zoning

The land is currently within two separate zones, General Residential Zone – Schedule 3 (western portion) and a Special Use Zone – Schedule 2 - Extractive Industry (eastern portion.) The land is also covered by an Environmental Audit Overlay. Refer to **Attachment 1**.

Amendment History

In 2016 the site owner sought to rezone the land through Planning Scheme Amendment C129.

Substantially less investigative work had been undertaken at that time, and as such the proposed use of the site for sensitive uses such as residential was not supported. The panel recommended that the rezoning be abandoned until further work to address soil contamination and other geotechnical issues was undertaken. This work has now been done through the preparation of a Statement of Environmental Audit.

DISCUSSION

The proposal to rezone the site would allow for residential use of the site in the form of a medium/high density development of up to 1100 dwellings across the site. The proposal also includes a small area of commercially identified land to provide for the development of a local neighbourhood centre serving the site.

The dwellings are proposed in a mix of apartments up to six storeys in height, townhouses and attached dwellings of two and three storeys. The site layout is shown in **Attachment 2** to this report.

As a contaminated site, residential development is categorised as a sensitive use. This means that, the site will require ongoing management and maintenance in accordance with the Statement of Environmental Audit (SoEA) issued for the site to ensure that the site remains in a state suitable for residential use.

Site Contamination and potential development

As a former sand quarry and landfill the site has significant complexity. The site poses risks for any future urban use. The degree of difficulty in making the site suitable increases significantly for sensitive uses such as residential development.

To address the issues of previous uses, contamination and potential risk to future occupiers of the site, the owner has had a Statement of Environmental Audit (SoEA) completed for the site in accordance with the Environmental Audit Overlay.

This environmental audit process is independent of Council and separate to the amendment process. Environmental audits are carried out by environmental auditors registered and regulated by the Environment Protection Authority (EPA).

The SoEA states that, subject to the interventions it recommends that the land is suitable for an urban use – either commercial/industrial or higher density residential.

The SoEA sets out a range of physical interventions, ongoing monitoring and maintenance, site management obligations on future owners/occupiers to ensure ongoing compliance with the SoEA, keeping the site in a condition that is suitable for urban use.

Whilst the SoEA states that the land can be made suitable for urban use it requires ongoing management or special physical design responses and inground infrastructure to address:

- Soil contamination
- Gas Migration
- Land Settlement.

Soil contamination

Parts of the site are known to contain putrescible waste, foundry waste and asbestos which are known contaminants or known to lead to soil contamination. These contaminants pose a risk to human health if ingested either orally or through inhaling if they become airborne.

Residential development is a sensitive use and is not allowed on contaminated land unless appropriate mitigation measures are undertaken. The Statement of Environmental Audit (SoEA) does not support standard/low density housing due to the level of soil access that this provides.

The SoEA requirements allow for medium density and high-density development, as this provides substantially reduced access to soil. To mitigate contamination risk (to an acceptable level for medium density), the SoEA requires the landowner to utilise validated fill (confirmed as uncontaminated) as a cap, acting as a barrier or buffer between the contaminated soil and the final topsoil at the surface.

The SoEA requires that any future Owners Corporation contain rules which require compliance with the SoEA conditions, including prohibiting digging into this cap.

Risks

Restriction on activities on site such as digging is an approach commonly used in contaminated sites. Although historically it is more common for non-sensitive uses to occur on contaminated sites. However, in more recent times development for sensitive uses, including residential, has occurred on former landfill sites. Further information on this is discussed in **Attachment 3** to this report which provides examples of development on former quarries and landfills.

Provided the site is managed in accordance with the requirements of the SoEA, such as to ensure the soil is not penetrated below the cap, the risk is considered within acceptable parameters.

However, because the proposed use is a residential use, the consequences of a breach or failure to comply with the SoEA conditions are potentially greater than for non-residential uses such as warehousing.

It is important to note that the SoEA binds owners of the land now and in the future.

Enforcement of Statement of Environmental Audit conditions

Under the Environmental Protection Act 2017 which came into effect on 1 July 2021, increased some of the powers of the EPA and introduced other administrative changes.

One of these was the introduction of a Site Management Order (SMO), which can be applied to land by the EPA and requires certain action to be undertaken in an ongoing manner.

The application of an SMO – requiring compliance with the SoEA - is the most appropriate tool to ensure all mitigation measures of the SoEA are complied with on an ongoing basis. The SMO is applied by the Environmental Protection Authority (EPA).

It is proposed to include a requirement in the proposed CDZ schedule that an SMO is in place prior to the granting of any a planning permit.

Gas Migration

Methane generation is most prevalent in the first ten years after closure. Ongoing monitoring has confirmed that methane generation has reduced to minimal levels however some measures will still be required to mitigate risk.

These measures include barriers and passive ventilation in lower risk areas, and pathway intervention in higher risk areas. These must remain in place until it is signed off by an Environmental Auditor that they can be removed as there is no longer any risk posed by gas migration. It is likely that this will be some years after construction.

Post development conditions will also be required through Owners Corporation rules that:

- Prevent interference with any gas venting systems or ventilation infrastructure (including attached to dwellings).
- Prevent owners from blocking sub-floor ventilation with built up gardens or any other structures.
- Prohibit the use of the basement car parking for anything other than car parking (i.e., not installing any storage facility).

Risks

While peak gas generation has passed, there potential is still risk to future residents. While the technical and physical, as with any physical or operational interventions it requires adequate ongoing maintenance and compliance management to continue to be effective. risk mitigants are common, there is the potential for the failure of the Owner Corporation to enforce the rules. This is discussed further in this report.

Land settlement

The fill in the former quarry pits will compress and/or decompose over time causing the land to settle. Compaction of the soil covering the landfill will also contribute to settlement.

The proponent currently has a series of pre-loading permit applications pending approval for the site. The preload will then be removed prior to construction.

The Settlement Predictions Report predicts settlements pre and post construction and makes recommendations to address issues. All development would need to address these recommendations.

Risks

While it is proposed to engineer and design buildings to a greater margin than is required, there is still the risk that settlement will occur at different rates to the modelling.

Uneven settlement could damage buildings and cause issues with underground services such as stormwater or other utilities.

Ongoing site management & SoEA compliance

As noted earlier – due to contamination, the site requires an ongoing compliance regime for the implementation of the conditions of the SoEA to ensure it remains suitable for residential use.

This will be done through the application of an SMO to the site which will ultimately transfer responsibility to the individual owners of the dwellings through the Owners Corporation.

Ultimate ownership of common areas of land

Development and subdivisions of this scale would normally transfer roads and public open space to Council. However, given the management complexities of the site, contamination and ongoing risks of the site, officers have advised the proponent that all land should be retained in the development being owned and managed by the future Owners Corporation.

Development Proposal

The proposal is for up to 1,100 dwellings on the site and shown in **Attachment 2**. This represents a density of around 60 dwellings per hectare, including in several proposed buildings up to six storeys in height.

The Monash Housing Strategy 2014 directs housing growth to:

- Major and Neighbourhood Activity centres.
- Accessible areas around activity centres.
- Along the Boulevards of Dandenong and Springvale Roads.
- Within part of the National Employment and Innovation Cluster (NEIC).

Planning control to be used

As a large and historically complicated site of approximately 18 hectares it will take some time to be redeveloped. Given this it is important to establish an overall concept for the site and provide a high degree of certainty to the community and the also the proponent as to the development outcomes that will occur.

The planning control proposed for the site is the Comprehensive Development Zone (CDZ). This zone can be tailored to the site and includes the requirement for a development plan to be approved as part of the amendment setting out in detail how the site is to be developed.

It should be noted that the CDZ provides an exemption from third party notice and appeal rights for permits that are generally in accordance the approved development plan.

The CDZ has been used on the PMP site in Clayton.

Officers recommend using the CDZ. While this does remove notice and appeal rights from individual permits (for development, and can for subdivision), it enables greater certainty for all parties as it can lock in final outcomes upfront as part of the consultation on the planning scheme amendment, providing clarity and certainty to residents.

In this instance the comprehensive development plan establishes conventional style residential/medium density development along the site perimeter, with rear setbacks that match those required in the adjoining residential zone. In effect this means that that the dwellings constructed in those areas are similar in a practical sense to a single dwelling on a lot, which would not require any planning permit if the land was subdivided.

Density

The surrounding area to the north and east was generally developed in the 1950s and 1960s. It contains a mix of traditional single lot housing, 1970s' unit development and newer multi-unit development of the original 1950s and 60s lots.

The SoEA does not support conventional suburban density due to the increased ability to access soil provided by that density of development.

The overall site layout proposed provides for more conventional dwelling development at the interface with the existing residential areas. Higher density development is focused away from these sensitive interfaces, either centrally to the site or towards Huntingdale Road.

Officer comment

The site is a large and, subject to appropriate design, capable of integrating with the surrounding areas even with a development at a greater density than the existing neighbourhood. This relies on the development design and planning controls making appropriate provision for key garden city character elements and ensuring that the planning controls guarantee that these will be delivered through the amendment and development process.

These design and layout issues are included in the overall plans that will form part of the amendment package.

Building heights

It is proposed to include maximum building heights for locations throughout the site. Whilst the proponent has proposed discretionary building heights (allowing for flexibility to build taller), officers advised that given the Comprehensive Development zone exempts third party notification and appeals that the height limits would need to be mandatory.

The six-storey development is concentrated along the western boundary and the centre of the site. There is some four-storey development proposed around the six-storey development and along the southern boundary, shared with apartments along Centre Road and Talbot Park.

Remaining development is up to three storeys, except around the interface boundary to the existing residential areas. These interface areas allow development up to 2 storeys, which is less than the 3 storey building height permissible on the adjoining residential land.

Officer comment

Given the overall size of the site, the proposed heights are be considered acceptable subject to upper floors above the third level (when including the ground) being recessed a minimum of five metres at the front setback, and three metres on the side and rear setbacks to the overall impression of visual bulk and more sympathetically reflect the actual suburban location. The detailed controls of the CDZ will include these design requirements.

Front setbacks

Whilst the whole of the site is proposed to remain as a body corporate site, it will still present as a local neighbourhood and street network and as such needs to include Monash's garden character elements.

As part of the overall development of the site the proponent submitted a range of front setbacks that were linked to development typology and street cross section. This included several setbacks below 4 metres and, in some instances, down to 1.5 metres.

As part of the proposal the proponent stated that minimum setbacks of 1.5 metres on some internal streets and 3.0 metres on most internal streets was appropriate given that the site is large enough to create its own neighbourhood character.

Officer Response

Dwellings in landscaped gardens are a key feature of the surrounding area of detached housing where a 7.6 metre front setback is required. While the site is large, the varied character should be achieved through the built form and a variation of the garden city character, rather than total disregard for it.

In areas of Monash where higher densities are sought and the Residential Growth Zone (RGZ) is applied, schedules require front setbacks of 4.0 metres, 5.0 metres or up to 9.0 metres, depending on the location. A 4.0 metre setback provides sufficient separation between the dwelling and footpath for the planting of a canopy tree, allowing for a variation of the garden city character Council seeks to achieve across the municipality.

It is appropriate to allow for some consideration of the street cross section but fundamentally dwellings in suburban settings, even at this higher density, need to be setback from the street and make provision for canopy tree planting in the front setback. To this end officers have advised that where the allotments front a narrow street, with limited nature strip space, the minimum front setback will be 4 metres to allow for the planting and growth of a canopy tree.

The 4.0 metre setback is equivalent to the smallest setback permitted in a residential zone in Monash.

Canopy Coverage

Council has a target of 30% tree canopy coverage by 2040. The state government also seeks to achieve 30% canopy tree coverage across metropolitan Melbourne.

The proponent has agreed to a requirement for the development to achieve 30% canopy coverage across the site. It is likely that most of this will be achieved in the communal areas (roads and parks) for all future residents to benefit from and enjoy.

The provisions of the CDZ schedule will require a 30% canopy cover be achieved across the site.

Talbot Avenue

The consultant’s traffic assessment recommends that a vehicle connection is provided to the north of the site to Talbot Avenue. This will provide residents to the north with access to a signalised intersection at Huntingdale Road.

Council’s traffic engineers have supported this, however, note traffic calming is likely to be required in the residential area along the existing road network to reduce the likelihood of rat running. Any alterations to the existing road network because of this proposed development should be funded by the proponent.

Officer comment

Officers recommend supporting a vehicle connection via Talbot Avenue to the north. This will also provide access for existing residents to the north to the centrally located neighbourhood activity centre.

Commercial Floorspace

A small activity centre is proposed in the centre of the site including specialty retail and hospitality, local services such as medical and childcare and a small supermarket for convenience shopping.

Officer Response

Given the distance to broader and higher order retail and commercial activities and the inward focus of the commercial area proposed, it is considered appropriate at the scale proposed. A floorspace limit linked to the proponents design will be included in the proposed amendment documents.

Interfaces to surrounding properties

A key issue will be how the interface between any existing development and new development is addressed. There have been changes to these interfaces since lodgement of the proposal, to reach a solution that officers are satisfied with. The table below summarises these.

<u>Adjoining sites</u>	<u>Max. height</u>	<u>Setback (metres)</u>
Adjoining existing dwellings (43)	2 storey	5.0
Talbot Park	4 storey	4.0
1215 Centre Road (apartments with rear carpark)	4 storey	3.0
1219 Centre Road (4 storey apartment)	4 and 6 storey	6.0

Officer comment

The proposed interface treatments are appropriate. The 5 metre rear setback to adjoining dwellings at the site interface is consistent with the minimum setback provision of the General Residential 3 zone applying to those areas.

Other issues

Open Space

The Comprehensive Development Plan requires some communal open space to be provided on site. These will generally be smaller parks, a central town square, retention basin and landscaped spaces.

Additionally, a public open space contribution required under the Monash Planning Scheme (7.61%) will apply at the time of subdivision. This will contribute to meet the off-site needs (such as ovals, and district and regional level facilities) of the future residents.

Affordable Housing

The proponent initially proposed an affordable housing of 6% contribution made up of social housing and key worker housing (key workers were undefined) through a mix of about 25% rentals and 75% ownership with shared equity ownership.

Affordable Housing is housing defined as being affordable to very low, low, and middle income earners.

At the time that the affordable housing assessment was prepared for the site, it indicated that the market price point for many of the dwellings would be affordable to middle income earners without any subsidy.

Officer comment

In effect the proponent was proposing to meet an affordable housing contribution by predominantly referencing the entry price of the housing being below similar housing in other parts of Monash rather than through a specific and dedicated provision of affordable housing as part of their development. Whilst this may have been the case at the time, it is not in itself guaranteed affordable housing, it is just a reflection of a price point in time. In the absence of a formal requirement in the CDZ for the provision of affordable housing all the housing on the site will be available at a market rate, which may or may not actually be affordable depending on housing market conditions.

The provision of affordable housing as part of the amendment and development amendment should include a specific requirement for the provision of Affordable Housing through a registered housing provider for one or a mx of the following:

- Land that will support 10% of total dwellings in the development,
- 6% of total dwellings in the development at 50% discount to market,
- 3% of total dwellings at nil consideration; or
- Any other contribution to the satisfaction of Council.

FINANCIAL IMPLICATIONS

The proponent has agreed to pay any external costs incurred by Council, such as peer reviews, panel costs and the like.

POLICY IMPLICATIONS

The Monash Housing Strategy focuses higher intensity development in and around activity centres and along the main road corridors. This site is not called out in the Monash Housing Strategy.

However, as a large site that is capable of providing a significant number of dwellings, a more intensive form of development could be supported, provided the design internalises negative impacts, meet Council's garden city character requirements and provides certainty in outcome.

CONSULTATION

Should Council resolve to proceed with the rezoning, authorisation for preparation and exhibition of the amendment will need to be sought from the Department of Transport and Planning.

If authorisation is approved, the amendment will be subject to a statutory exhibition period of at least one calendar month pursuant to the requirements of the Planning and Environment Act 1987.

SOCIAL IMPLICATIONS

There are no social implications to this report.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications to this report.

GENDER IMPACT ASSESSMENT

A GIA has not been undertaken.

CONCLUSION

The proponent has addressed the main concern from the previous amendment process through the provision of a Statement of Environmental Audit (SoEA) for the site. Subject to ongoing compliance with SoEA, the site is deemed suitable for the type of residential development proposed.

The inclusion of a requirement for the application of a Site Management Order to the site binding the owners to the conditions of the SoEA provides the necessary certainty that the conditions of the SoEA will be enforced in an appropriate manner into the future, without reliance on Council.

The issue is the appropriateness of type, style and density of the development proposed as part of the amendment.

The proponent has made a number of changes to the proposal to improve any future development, and address concerns raised by officers.

Whilst the use of the CDZ ultimately removes third party notification and appeal provisions at the planning permit stage, the detailed comprehensive development plan as part of the amendment process will provide the community the opportunity to comment on the detail of the development up front, knowing that future development will need to align with that approved layout.

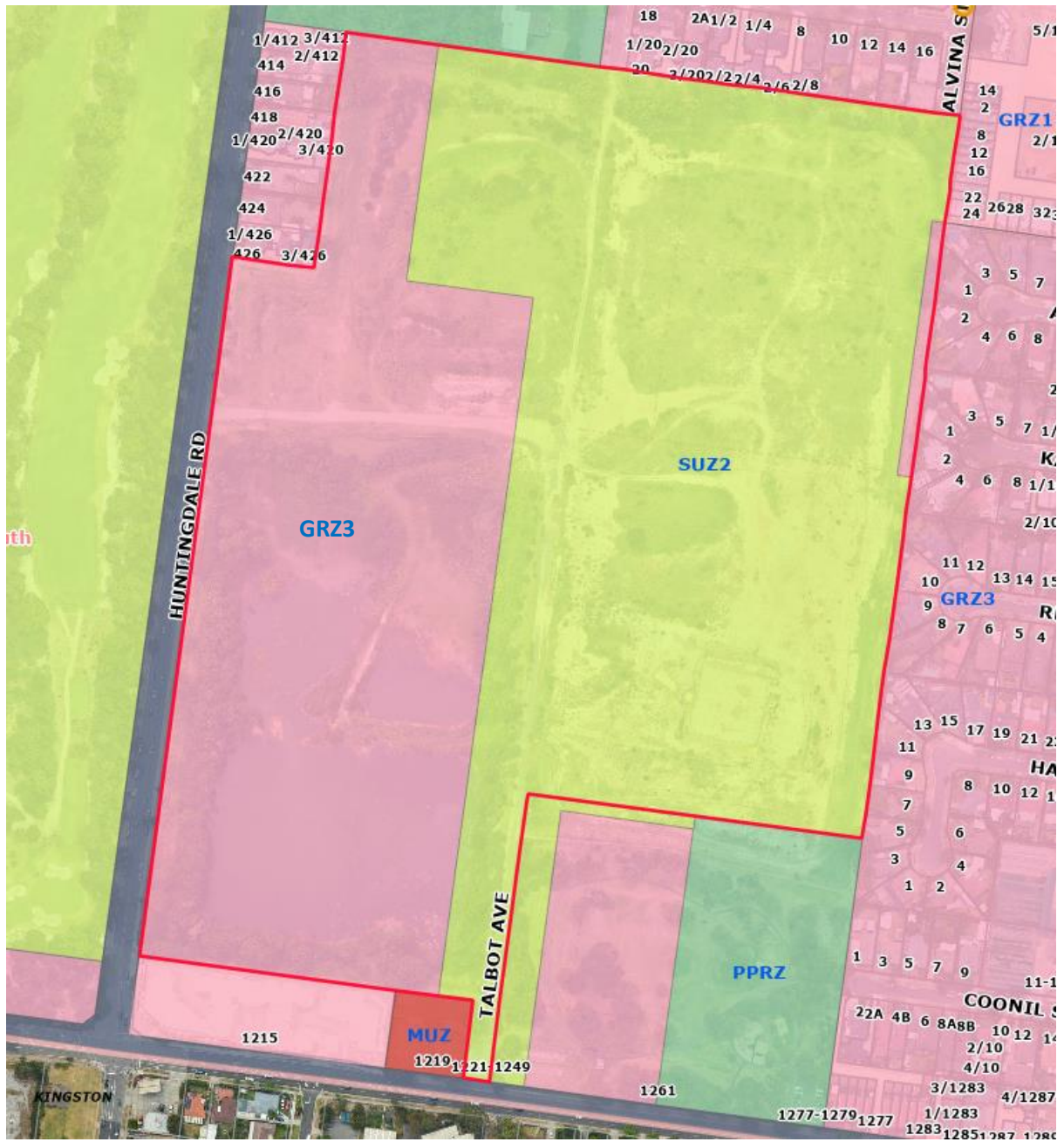
Future development will provide for up to 1100 dwellings, increasing the diversity of housing options in Oakleigh South through the increased provision of apartments, and townhouses in the development.

Based addressing the issues identified in this report it is considered appropriate to seek authorisation from the Minister of Planning to prepare and exhibit an amendment to rezone the site to the Comprehensive Development Zone.

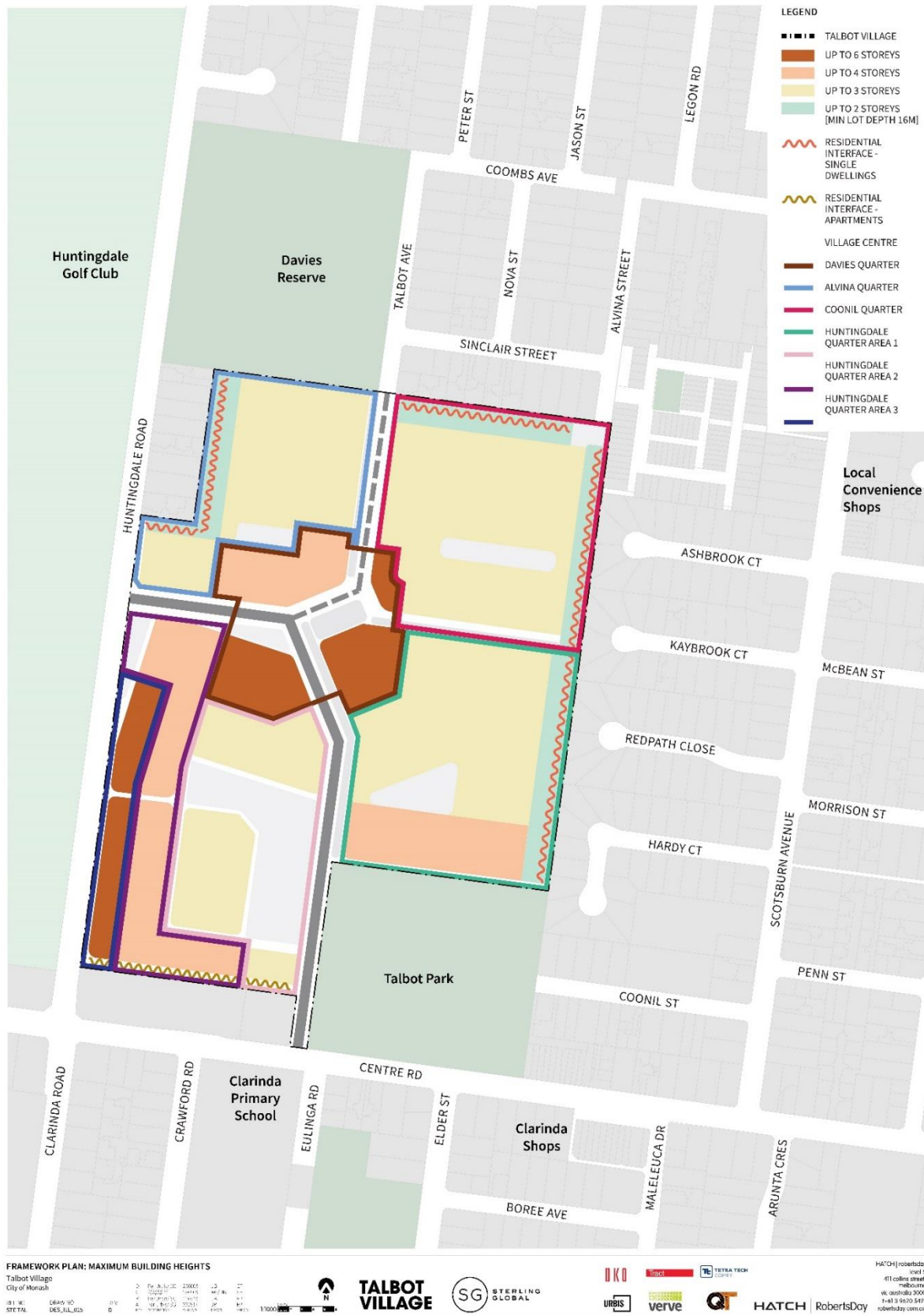
ATTACHMENT LIST

1. Talbot Quarry - Zone map [7.1.3.1 - 1 page]
2. Talbot Quarry - Site Layout [7.1.3.2 - 1 page]
3. Talbot Quarry - Development on Quarries [7.1.3.3 - 3 pages]

Current Zone Map



Proposed maximum building heights and site for Talbot Quarry



** Indicative layout subject to change as the amendment progresses.

Former quarry and landfill development – Case Studies

There have been numerous developments on top of or adjoining former quarries and landfills around Melbourne.

Monash

In Monash quarry or landfill redevelopments have mainly been industrial development. These are predominantly around the former City of Oakleigh including next to Reg Harris Reserve in Ferntree Gully Road Oakleigh South and the industrial development around Brickmakers Park in Oakleigh.

One more recent exception is Sienna in Highbury Road, Mount Waverley. The new development was built inside the quarry, rather than filling it first, and as such settlement of the land that houses were built on was not such an issue. There was an issue of side walls becoming unstable and collapsing putting development on hold for a number of years while the geotechnical issues were resolved and the development was renamed from Sienna Falls to Sienna.

Officer Response

Whilst there is some risk of former quarry walls becoming unstable at Talbot Quarry, however because the pits are filled they will not be able to collapse to the same extent that they did at Sienna.

However, should any geotechnical issues arise during or after development, similar impacts buildings are likely to those in Sienna would be experienced by owners at this site.

Yarraville

In 1970 around 40 houses in Yarraville began to sink into the ground within two years of construction and had to be demolished. The development had been built on a former landfill and the ongoing settlement of the land and breakdown of organic materials resulted in settlement varying causing the development to be abandoned. It took 30 years for the area to be declared safe and turned into a park.

Officer response

This is one of the earliest cases of failed development on a closed landfill and resulted in substantial legislation changes. This example is not considered comparable to Talbot Quarry as the legislative environment has changed so much since this period. This is demonstrated by the geotechnical testing and modelling submitted to support the amendment request for Talbot Quarry.

Brookland Green – Cranbourne - 2008

Brookland Green Estate is probably the best-known example of landfill risk in Melbourne. The estate was developed next to an unlined landfill that operated between 1996 and 2005. Twenty-nine houses had to be evacuated after high levels of methane was detected inside homes.

This case resulted in substantial changes to the assessment of risk regarding residential development near landfills.

Officer response

While there are likely to be many similarities relating to the landfills at Talbot Quarry and Cranbourne and risks posed, the legislative and risk management environment has changed substantially since that time. There have also been much more significant site investigations undertaken at Talbot Quarry.

The landfill at Talbot Quarry is not lined, but ceased operation in the late 1990's, more than 25 years ago. Methane generation generally peaks around five years after filling. The landfill adjoining Brookland Green was still operating when residents first moved into the estate and residents were living in the estate while the landfill was going through its peak methane generating period. In the case of Talbot Quarry methane generation has substantially reduced from the levels that would have been occurring at Brookland Green at the time.

Methane finds the most accessible pathway out, which in the case of Brookland Green was through trenches for service conduits which ended up in people's cupboards in their houses. For Talbot Quarry and other newer development, ventilation pathways are proposed to be constructed to facilitate methane to follow defined pathways and be vented externally, away from dwellings.

Brimbank

In 2020 Brimbank Council commenced notifying 75 private land owners that their homes were built on top of former Sunshine landfill cells that closed in 1990. Council officers had inspected properties 5-10 years earlier and identified methane, but had not communicated the results to residents. Reports dating back to the time of development indicated that the soil was unsuitable for development at the time.

Officer response

A key issue in this case is that Council had more information than what was communicated to land owners. Testing was undertaken for the risk early, but had not been communicated to residents until many years later.

For Talbot Quarry there has been a greater period of time since the landfill closed, and it will be clearer to all potential purchasers through documentation and the planning control that the site is a former landfill. A key risk for Talbot Quarry is potential purchasers not reading (or not understanding) the documentation and any ongoing obligations when purchasing.

Cheltenham

A former landfill that was developed around ten years ago with two storey townhouses. It was developed under contemporary legislation, prior to the most recent review of the Environmental Protection Act that came into effect on 1 July 2021. It contains a Section 173 agreement to regulate the inspection and monitoring regime for the former landfill.

This development was referenced extensively at the panel hearing for Monash C129 (the previous amendment to rezone Talbot Quarry). At the Monash C129 panel hearing a

document was also tabled showing issues at construction that impacted the risk mitigation measures required to address landfill risks. This included issues such as other trades cutting membranes and blocking of vents when installing their own services.

Officer Response

This example is very similar to Talbot Quarry. It was developed under a similar regulatory Framework, and utilised similar mitigation measures. However, the report tabled at the Monash C129 hearing demonstrates that there is still a risk related to construction, and all the mitigation measures need regular inspections during construction to ensure they are not damaged or affected by other contractors during construction. These inspections were clearly undertaken for development of the Cheltenham site and highlight the need for constant oversight of the project to ensure compliance.

The application of Site Management Orders (SMO) will negate the need for entering into a Section 173 agreement for ongoing management. This site was developed before the introduction of SMOs.

Epping Quarry & Bundoora site

The former Epping Quarry adjoins the Epping Metropolitan Activity Centre, and Northern Hospital. The site was originally a basalt quarry before being used as a municipal landfill from 1988-1998 then receiving inert waste to 2001. The rezoning was approved in 2020, and three apartment buildings (6-8 storeys) are currently under construction for Social Housing.

Because the Epping Quarry site is in a Metropolitan Activity Centre, Council is taking on ownership of one road which will provide a major connection through the site. All other roads will be owned and managed by an Owners Corporation. Council is entering a separate legal agreement, and taking security so that any additional maintenance or reconstruction costs of the road due to differential settlement are funded by the developer/owners rather than Council.

Whittlesea Council is currently progressing a planning scheme amendment to rezone another filled quarry in Bundoora for residential use. Fill at the quarry includes Coode Island silt (with similar viscosity properties to the quarry sands at the site), and untested 'clean fill' (clay, silt, sand, gravel and boulders). While organic waste wasn't accepted during filling, testing has identified some organic materials. This is likely to be timber from construction waste.

Officer Response

The Epping Quarry site is substantially larger than Talbot Quarry, and part of a Metropolitan Activity Centre. It plays a more significant role in the development of Melbourne, supporting the higher densities sought by developers to cover the higher construction costs of building on a former landfill. There are few lessons from this site, as the first developments are only just being completed.

The Bundoora site did not accept organic waste and the minimal organic waste on site is will also lead to minimal gas production as it breaks down. There are few lessons from this site as well, but it does provide another example where a Council is rezoning a former quarry and landfill for residential development.