

18th December, 2014.

Mr. James Heitmann,
Principal Planner,
Planning Department,
CITY OF MONASH,
P.O. Box 1,
GLEN WAVERLEY VIC. 3150

Dear James,

**OBJECTION TO PLANNING APPLICATIONS TPA/43336 & TPA/43337
1221-1249 CENTRE ROAD OAKLEIGH SOUTH**

We advise that we act on behalf of Angelo Valente, the owner of the property at 23 Scotsburn Avenue Oakleigh South and Mrs. Leondina Valente, who resides at 29 Scotsburn Avenue Oakleigh South.

On behalf of our clients, we object to the granting of a planning permit for both the above applications for the following reasons:-

1. The application TPA/43337 proposes to stock pile the existing sediments and slimes to be removed from the former quarry pit located in Zone 4 and then placed in the areas noted as Zones 2, 3 and 5 of the above property for drying. Zones 2, 3 and 5 of the above property are included in the Special Use Zone Schedule 2. One of the purposes of this zone is to

“To encourage land management practice and rehabilitation that minimises adverse impact on the use and development of nearby land.”

We are of the view that this form of land rehabilitation causes adverse amenity impacts on the established residential area that is close to and directly abuts Zones 2, 3 and 5. The drying of the sediments and slimes should not be undertaken on site.

2. The application TPA/43337 is for the *“use and development of the land for stockpiling of earth, treatment of existing on-site slimes, sediments and uncontrolled fill material and associated earthworks to facilitate the backfilling of the former quarry.”*

We are of the view that the above process is not a permitted use under Schedule 2 of the Special Use Zone. Section 2 of this zone states that “industry” is a permitted use with a planning permit but only if it meets the following condition:-

“must not be a purpose listed in the table to clause 52.10”.

The Table to clause 52.10 lists those uses that cause offence or unacceptable risk to the neighbourhood. The process envisaged by the applicant can be categorised under various uses in this table, such as, *“soil conditioning or blending”* or *“treatment of aqueous”*.

Accordingly, a permit should not be granted for this application as it relates to a purpose listed in the table to clause 52.10, which is not permitted.

3. The process of removing the slimes etc. from Zone 4 and placing them in Zone 2 of the property for drying and reuse as engineered fill could contain contaminated material, given that some of the material at the base of Zone 4 may have originated from unsupervised dumping of different material such as asbestos.
4. The proposed works specified in planning application TPA/43336 to be undertaken within the former quarry pit located in Zone 4 of the above property is located in an area zoned General Residential Zone. From our reading of the documentation, the proposed works proposed in this area comprise of the following:-
 - Extracting waste material from the former quarry;
 - Sorting this material into different categories of waste;
 - Processing some of this waste on site, such as, crushing of concrete on site in Zone 4;
 - Removal of slimes for drying in Zone 2;
 - Disposing of unsuitable waste material off site;
 - Treatment of aqueous waste by either irrigating the site or the nearby golf course with this water or disposing it through the stormwater drainage system after treatment on site or through a trade waste agreement with South East Water.

The above process in our view falls within the category of “treating waste materials”, which is a process within the definition of “industry” in clause 74 of the Monash Planning Scheme. Accordingly, as “industry” is a prohibited use under section 3 of the General Residential Zone, a permit should not issue for this use.

5. The former quarry pit in Zone 4 is now located in an inner suburban area, which has an increased density of uses surrounding it. The former Council

owned nursing home at 1213 Centre Road Oakleigh South is now being developed as a multi-level apartment building. In addition, that part of Huntingdale Road abutting the former quarry in Zone 4 was previously a dirt road. It is now a fully surfaced main road.

The information provided in “Zone 4 Backfill Design Report” by Coffey dated 9th October 2014 highlights that the existing soil embankments of the former quarry pit are unstable, because the slope of the embankments exceed a slope of 1:2, (length:height). This is also highlighted by the comment in paragraph 4.2.5 that:-

“erosion and subsequent slumping over time and localised steepening of the batter has resulted”.

Accordingly, there is a real risk in its present form of the embankments of the former quarry failing. Therefore any further excavation and dewatering of the former quarry will increase the risk of embankment failure.

It is imperative in our view that the former quarry be remediated as soon as possible to remove any risk to the public, including the potential road failure of Huntingdale Road, nearby landowners and the workers on this site.

Zone 4 Backfill Design Report dated 9 October 2014 has five diagrams showing the cross-sections of the former quarry. These cross-sections are shown with a horizontal scale of 1:1000 and a vertical scale of 1:200, thereby making it difficult to verify the exact slopes of the three embankments shown on Contour Plan figure DO3_Rev01 noted as “Critical Batter Slope”.

6. The width of Talbot Road acts as a retaining wall between Talbot Park, (which is a former filled quarry) and the proposed excavation and backfilling works to Zone 4.

In our view, the dewatering of the former quarry pit in Zone 4 will result in groundwater flows from the surrounding areas into this low lying pit- refer to Groundwater Contours Map in “Environmental Site Assessment” by Coffey dated 8th July 2014.

Given that Talbot Park is a filled area, the groundwater flows into Talbot Park may be more significant. If significant flows occur from east to west through Talbot Road, (the retaining wall), soil erosion may occur, which can further accelerate the failure of the embankments of the former quarry pit in Zone 4.

This site has a history of uncontrolled fill. Given this history, the proposed dewatering of the former quarry, the excavations of the slimes and the proposed backfilling should not be permitted, as all the necessary engineering information to maintain a safe process cannot be ascertained. No amount of testing will provide the certainty required given the variability of the fill materials.

The community should not be exposed to any level of risk, whether from embankment failure or exposure to waste material through the drying of slimes for the ultimate purpose of providing the developer an engineered fill material for the bottom of a former quarry pit in order that multi-level apartment buildings can be constructed in Zone 4.

7. Civil works have already occurred on site as some of the diagrams and statements in the various expert reports refer to site contours that are now out of date.
8. Given that some of the reports have indicated that in its present state the embankments of the former quarry pit in Zone 4 are unstable, Council should consider exercising the discretion available to it under clause 4.2.11 of the s.173 Agreement registered on title to clean fill this former quarry as soon as possible in order to remove any element of risk to the public and exposure to any future litigation. In addition, it should establish the Consultative Committee referred to in clause 5 of the s.173 agreement to oversee compliance of any works on site.

We trust that applications TPA/ 43336 and TPA/43337 shall be refused by Council. Should you have any queries regarding the above, please do not hesitate to contact Silvana Valente of our office.

Yours faithfully,

A. & S. VALENTE & ASSOCIATES PTY. LTD.

per: