

1.9 TALBOT QUARRY – TALBOT VILLAGE MASTERPLAN REFERRAL

(NS: File No. F21-25243)

Responsible Director: Peter Panagakos

RECOMMENDATION*That Council:*

- 1. Notes the referral from Department of Environment Land Water and Planning's Development Facilitation Team.*
- 2. Directs the Director City Development to write to DELWP in response to their letter generally stating:
 - a. That it is Council's view that the proposal does not meet the tests of the Development Facilitation Program;*
 - b. That the land within the site at 1221-1224 Centre Road remain as private land;*
 - c. That the proposed use of a Development Plan Overlay is inappropriate, particularly along the residential interface areas of the site; and*
 - d. There are a number of concerns with the proposed masterplan as outlined in this report.**
- 3. Grant the Director City Development the flexibility to form the letter proposed to best suit and implement what is sought by this resolution and may add or remove some aspects of this recommendation.*

INTRODUCTION

The purpose of this report is to endorse the response to the Development Facilitation Team of the Department of Environment Land Water and Planning (DELWP) in relation to the proposed Talbot Quarry redevelopment.

The Minister for Planning has established a twelve-month Development Facilitation Program (DFP) within the department to speed up the assessment and determination of identified priority projects that:

- Deliver investment into the Victorian economy,
- Keep people in jobs, and
- Provide a substantial public benefit.

A project must meet an eligibility criteria to be recommended for an accelerated assessment and determination.

The proposal seeks to rezone the land from Special Use Zone and General Residential Zone to part Residential Growth Zone and part Mixed Use Zone

and apply the Development Plan Overlay (with a new Schedule 6) to the entire site.

BACKGROUND

The Talbot Quarry site at 1221-1249 Centre Road, Oakleigh South is a complex site owing to its history as a former sand quarry and land fill.

Previously, the Owner sought to rezone the land to allow a range of uses including the possibility for residential uses if the environmental conditions were considered suitable. The Amendment was known as C129.

The independent planning panel released its report on Amendment C129 to the Monash Planning Scheme in regards to the former Talbot Quarry Site in September 2018.

The Panel found that there was not yet enough information prepared and presented by the owner to allow them to determine that the land could be remediated to the point where it could be rezoned. The Panel felt that the site was too complex to be rezoned in the staged process that was proposed, and that the land should be fully and comprehensively audited prior to consideration of a rezoning.

At its Council meeting on 25 September, 2018, Council followed the advice of the panel and determined to abandon the amendment (part 1 of the panel recommendation) and extend the Environmental Audit Overlay over all of the land (part 2 of the panel recommendation).

An environmental audit has since been completed for the site under section 53X of the *Environment Protection Act 1970* (EP Act) (Ref: 8004092), issued on 14 May 2020. A section 53X audit involves an assessment of the land's condition by an EPA-appointed auditor, including a site history review and site investigation through a sampling program.

Various Planning Permits have been issued across the site for works including the construction of a drainage swale and stockpiling of earth.

The Owner has now lodged an application to be included in the DFP. As part of the state's consideration of this project they are seeking Council's views in relation to the proposal as a key stakeholder to the development.

There has been significant community interest in this site including from abutting neighbours over a number of years.

DISCUSSION

To be considered for accelerated approval and determination, a project must meet the eligibility criteria below:

- The project is of state or regional significance and will have a significant short to medium term economic impact.
- The project is “shovel ready” and has investment certainty.
- The technical and compliance matters are resolved or have a clear resolution pathway.
- The views of relevant stakeholders are known.
- The project is dependent on a decision timeframe.
- The project has been unreasonably delayed or impeded.
- The project aligns with government policy and priorities; and
- The project will deliver or is a stimulus to deliver significant public benefit.

It is considered that the proposal may fail the above tests with respect to the timing criteria.

Nevertheless, whilst there is without prejudice general support for the rezoning of the land to part Residential Growth Zone and part Mixed Use Zone, there are concerns about the use of a Development Plan Overlay as an appropriate planning tool for the former Talbot Quarry Site.

In particular the DPO would provide an exemption from notice and review of subsequent planning applications, and the lack of participation opportunities for the community as the development rolls out is considered inappropriate. This is particularly an issue for the land within the residential interface to the adjoining established residential properties. The owners of these properties have maintained an active interest in this site. The effects of a development and in particular the mitigation that needs to occur on the site to facilitate a development and its possible or potential impact on these properties is unknown.

There are also concerns regarding the overall masterplan for development of the land, including:

- Whether there is sufficient economic justification for the extent and density of residential development in a location that is not well serviced by public transport or located near an existing activity centre;
- Whether the commercial uses offered are sufficient to support the proposed housing development and provide for minimum daily needs;
- The raised ground levels across the site proposed as part of the geotechnical response to the land, resulting in higher built forms with respect to adjoining properties.
- The proposed road connection to Talbot Avenue, which may result in rat running of vehicles through the site and surrounding established residential areas; and
- The interface of the development with Talbot Park and Davies Reserve, with respect to the delineation of public and private land

including the proposal for Council to take ownership of the proposed roads and reserves.

Officers are also undertaking a desktop assessment of the material that has been submitted to identify if there are any other issues or matters that should be highlighted with what is proposed in responding, and those will be included in the response. The shortness of time to form a position and respond means that a more detailed assessment was not able to be completed.

It is also an opportune time to clarify with the Department that Council does not wish to take ownership any roadways or public open space provided within the development due to the known contamination and ongoing monitoring and further remediation that may need to occur into the future at Council's expense.

POLICY IMPLICATIONS

The proposal will have implications for Council's strategic planning policies and strategies including the provision of new zoning and overlay schedules.

CONSULTATION

Given the short time frames provided for response to the referral community consultation has not been possible at this time.

The application (if found that it meets the eligibility criteria) will undergo a consultation process within the requirements of the DFP scheme. Noting that Council will also have the opportunity for a detailed review of the application documents and provide a Council submission in relation to the application.

SOCIAL IMPLICATIONS

This report will not result in any identified environmental, economic or social impacts. However it will have a long term benefit to the environment and the community through awareness and application of current policy and assessment tools.

HUMAN RIGHTS CONSIDERATIONS

It is considered there will not be any human rights implications with the proposal.

GENDER EQUITY ASSESSMENT

A gender equity impact was not required for this report.

FINANCIAL IMPLICATIONS

There are no immediate and direct financial impacts arising from the draft proposal. However, there may be cost implications in the future should Council wish to acquire the roads and reserves within the site.

CONCLUSION

The DFP is a beneficial process with respect to fast tracking development projects which can provide a net community benefit and economic stimulus for the area.

It is questionable as to whether the proposal meets the tests of this program, which will be determined by the Department of Environment, Land, Water and Planning (DELWP).

There are some preliminary high level concerns with the proposal which we will communicate to the DFP.