

20 January 2023

Dandenong Views Pty Ltd
C/O Norton Rose Fulbright Australia
Level 38, Olderfleet, 477 Collins Street
Melbourne VIC 3000

Contact: Nick Sutton nick.sutton@nortonrosefulbright.com

Dear Nick,

Expert Witness Report Whitehorse Planning Scheme Amendment C230whse –
490-500 Burwood Highway, Vermont South

An amendment to the Whitehorse Planning Scheme is proposed for the land located at 490-500 Burwood Highway, Vermont South, to allow for a residential redevelopment.

Following on from a review of the Preliminary Planning Brief dated 12 January 2023, I provide the following information in my role as the appointed Contaminated Land Expert Witness for this matter.

In accordance with Planning Panels Victoria Practice Note 1, the following details are provided.

Table 1 – Expert’s Witness Details

<u>Expert Detail</u>	<u>Description</u>
Name:	Tony Connolly.
Business Address:	Environmental Assessment Services Pty Ltd – 4 Allee Street, Brighton 3186.
Qualifications:	Bachelor of Applied Science, Deakin University, 1993.
Experience:	<i>July 2006 – present (17 years):</i> Environmental Assessment Services Pty Ltd - Director <i>1995 - July 2006 (11 years):</i> Kilpatrick and Associates Pty Ltd – Environmental Consultant.
Area of Expertise:	Assessment and management of contaminated land.

The scope of works as expert witness is to:

- Review the briefing materials provided;
- Consider the appropriateness of the proposed Amendment, having regard to relevant contamination considerations;
- Prepare an expert witness statement explaining your conclusions, and the reasoning and analysis by which you have reached such conclusions; and
- Appear before the Panel to give independent expert evidence in this matter.

With consideration to the written response from EPA Victoria (dated 4 July 2022), Councils approach is to apply an Environmental Audit Overlay (EAO) to the land.

During February 2012, I completed a Preliminary Environmental Assessment (PEA) on behalf of Australian Road and Research Board (ARRB), to assess the potential chemical status of soils in accessible areas of the site, through preliminary background investigations and site assessment works.

A review of the report titled *Preliminary Site Assessment – 500 Burwood Highway, Vermont South* (dated 7 March 2012) identified that past uses of the site included potential contaminating land practices including underground storage of fuels and waste discharge systems, along with the importation of fill material and agricultural/gardening practices.

During the PEA, six boreholes (BH01 – BH06) were established in accessible areas at the site, with representative soil samples being submitted for NATA accredited laboratory analysis. Results of all soil sample analyses returned concentrations below the criteria adopted for “Protection of Ecosystems”, “Human Health” and off-site management (i.e. disposal).

In accordance with Victoria State Government Planning Practice Note 30 *Potentially Contaminated Land* (July 2021), as former land use at the site has included activities with a “high” potential to contaminate the land (i.e. underground storage tanks) and the proposed use includes “new use”, the two planning scheme amendment options are either a Preliminary Risk Screening Assessment (PRSA) or proceed directly to an audit.

Although the limited soil investigations undertaken during the 2012 PEA did not identify raised contaminant levels, it will be necessary to undertake further works to assess the current chemical status of the site. Further assessment works would include systematic, grid-based and target sampling.

Since the inception of the PRSA system, environmental auditors have adopted guidance provided by the EPA, that a PRSA is not able to be conducted at a site where grid-based sampling is recommended, and it is considered that such a site requires an Environmental Audit.

The Environmental Audit process ensures that an appropriate degree of investigation is undertaken to assess the suitability of the site for the proposed land use and identify any areas that may require remediation / management to facilitate the proposed use.

Following robust investigations of the land, groundwater and air segments of the environment, under the direction of the appointed Environmental Auditor (Contaminated Land), site remedial works may be necessary and include (but not limited to):

- Removal of underground storage tanks, waste pits and transfer lines.
- Removal contaminated soil (including soils considered to be aesthetically unsuitable for residential use).
- Application of suitable membranes to allow for the proposed sensitive land use (i.e. imported clean, chemically tested fill, geofabric and paving).
- Where necessary, implement site specific Construction / Environmental Management Plans to appropriately manage materials during construction and future residential land use.

Given the current “high level” nature of the proposed development scheme, the findings of site investigations can also be utilised to accommodate the proposed land use.

Based on my 20+ years of experience in assessment and management of contaminated land, along with the investigation undertaken to date and the nature of the proposed land use, the proposed amendment to apply an EAO for the land is expected to succeed in allowing for the proposed residential land use.

I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

Please do not hesitate to contact me should you have any queries regarding the information presented in this report.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Tony Connolly', with a horizontal line drawn through it.

Tony Connolly
Environmental Consultant