



Planning Panels Victoria

Department of Environment, Land, Water and Planning

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Melbourne Victoria 3000
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21 November 2019

As addressed

Dear Submitter

Kaufland Stores in Victoria Advisory Committee Tranche 3: Braybrook, Highton and Pakenham

A Directions Hearing was held on 20 November 2019 at Planning Panels Victoria in relation to the following Kaufland Stores proposals (Tranche 3):

- 81-85 Ashley Street, Braybrook
- 140 – 156 Colac Road, Highton
- 795 Princes Highway, Pakenham

The following information is enclosed for your information:

- Panel Directions
- Distribution List
- Hearing Timetable.

The following Directions and dates apply:

Time	Date	Action	Direction
4.00pm	22 November 2019	Parties must confirm expert witness details	1
4.00pm	28 November 2019	DELWP must circulate its Notification Report	2
4.00pm	29 November 2019	Parties must nominate any sites for inspection	3
4.00pm	2 December 2019	Kaufland must circulate its Part A submission for all three sites and its expert witness reports for Braybrook and Pakenham	4,6
4.00pm	6 December 2019	Parties must circulate expert witness reports for Braybrook and Pakenham	7
		Kaufland must circulate its expert witness reports for Highton	8
4.00pm	11 December 2019	Parties must circulate expert witness reports for Highton	9
10.00am	11 December 2019	The Hearing commences	10

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Declarations

The Committee made the following declarations at the Directions Hearing.

The Chair, Kathy Mitchell and Deputy Chair, Rodger Eade are the Panel for Amendment C393 to the Greater Geelong Planning Scheme which has presided for five hearing days to date. That Amendment relates to a whole of municipality Retail Strategy. Kaufland Australia (Kaufland) are a submitter to that Panel through Mr Gobbo QC of Counsel and Mr Hughes of Planning and Property Partners. That hearing resumes on 10 December 2019.

For Tranche 3, the Chair and Deputy Chair Eade will not hear submissions or evidence about the Highton site. Hearings for the Highton site will be chaired by Deputy Chair, William O'Neil, although all Members will sign off on the Tranche 3 report.

It was further noted that Mr O'Neil chaired Amendment C115 to the Latrobe Planning Scheme, at which Kaufland made a submission.

Contact

If you have questions, please contact Ms Andrea Harwood, Senior Project Manager, Planning Panels Victoria on (03) 8392 5123 or planning.panels@delwp.vic.gov.au.

Yours sincerely,



Kathy Mitchell

Chair, Kaufland Stores in Victoria Advisory Committee

Committee Directions

Kaufland Stores in Victoria Advisory Committee Tranche 3: Braybrook, Highton and Pakenham

Before the Hearing

Confirmation of Expert Witnesses

1. Any party calling expert witnesses must advise the Committee by **4.00pm on Friday 22 November 2019**:

- a) Full details of expert names and area of expertise
- b) The date and order each expert will be called.

Confirmation of expert witnesses should be directed to Ms Harwood of Planning Panels Victoria at planning.panels@delwp.vic.gov.au

Notification Summary

2. DELWP must circulate the notification report undertaken for the three proposals to all parties on the Distribution List by **4.00pm on Thursday 28 November 2019**.

Site Inspection

3. The Committee will undertake unaccompanied site inspections of the Braybrook, Highton, and Pakenham sites and surrounds. Parties are to advise Ms Harwood by **4.00pm on Friday 29 November 2019** at planning.panels@delwp.vic.gov.au of any other specific sites or locations they seek the Committee to inspect.

Note: the Committee will not enter any private property.

Kaufland Part A Submission

4. Kaufland must circulate a Part A submission for all three sites to parties on the distribution list by **4.00pm on Monday 2 December 2019, that includes**:
 - a) background to the proposals
 - b) strategic context and assessment, including
 - (i) relevant planning policies and controls
 - (ii) other amendments that may be under preparation or recently approved that may impact on the draft Amendment
 - (iii) other current permit applications that may impact on the draft Amendment/permit application
 - c) a summary of the main issues raised in submissions
 - d) chronology of events that led to the proposals
 - e) changes to the draft Amendment documentation proposed as a result of the issues raised in submissions.
 - f) sets of revised 'Day 1' Plans for all three sites
 - g) any other strategic material that is intended to be relied upon in support of the draft Amendment that has not yet been provided, or that might assist the Committee in its consideration of the draft Amendment.

Note: Kaufland's Part A submission will be taken as read by the Committee at the Hearing. Kaufland should allow time for questions about its Part A submission on Day 1.

Exchange of Expert witness reports

5. An expert witness report must:
 - a) comply with the the PPV Guide to Expert Evidence (updated May 2019) (<https://www.planning.vic.gov.au/panels-and-committees/planning-panel-guides>)
 - b) not refer to any individual submitter by name – if necessary, submitters should be referred to by submission number
 - c) be provided to the Committee as an unlocked document.
6. Kaufland must circulate their expert witness reports for the Braybrook and Pakenham sites to parties on the distribution list by **4.00pm on Monday 2 December 2019**.
7. All other parties must circulate their expert witness reports for the Braybrook and Pakenham sites to parties on the distribution list by **4.00pm on Friday 6 December 2019**.
8. Kaufland must circulate their expert witness reports for Highton to parties on the distribution list by **4.00pm on Friday 6 December 2019**.
9. All other parties must circulate their expert witness reports for Highton to parties on the distribution list by 4.00pm on **Wednesday 11 December 2019**.

At the Hearing

10. The Hearing commences at **10.00am on Wednesday 11 December 2019**.

Submissions and information

11. If electronic information is presented at the Hearing, all files must be:
 - a) circulated to parties on the distribution list by 10.00am on the morning the information is to be presented
 - b) brought to the Hearing Room on a USB stick in a clearly marked folder half an hour before the start of the day's hearing, to allow it to be uploaded onto the Hearing Room laptop.
12. If a paper copy is presented at the Hearing, at least eight (8) copies must be provided, two-hole punched and stapled (not bound). Copies of original submissions are not needed.
13. After presenting to the Committee, submissions (preferably in MS Word) should be emailed to planning.panels@delwp.vic.gov.au by the following business day.
14. All information presented at the Hearing is a public document unless the Committee directs otherwise and will be published on the Project Website at <https://engage.vic.gov.au/kaufland-advisory-committee/kaufland-stores-tabled-documents>.

Kaufland's Part B submission

15. At the Hearing, Kaufland must provide a Part B submission that includes:
 - a) its responses to the issues raised in submissions
 - b) its response to expert evidence
 - c) any further changes proposed to the draft Amendment in response to expert evidence or submissions
 - d) its final position on the draft Amendment.

Site specific submissions

The Committee require clarification and/or further review from Kaufland in evidence and submissions of the following issues raised in submissions:

General

16. The rationale for the Pole signs.

Braybrook

17. Consistency of the proposal with local planning policy that seeks to discourage retail uses in industrial precincts, and a response to submissions that claim the site is out of centre.
18. Siting and design issues to improve activation of street frontages and better integration with future development on the north west corner of the site.
19. Improved truck circulation and reduced amenity impacts on surrounding residential properties.

Highton

20. Location outside the Waurin Ponds Major Activity Centre.
21. A response to traffic and access issues raised by various parties, including Council and Department of Transport.
22. How impacts on abutting properties can be minimised to ensure protection of amenity.
23. Consistency of the proposal with the Residential Growth Zone Schedule 2 (Housing Diversity Area) and relevant local policy.

Pakenham

24. The tension of the proposal with the Urban Growth Zone, Cardinia Road Precinct Structure Plan and Activity Centre hierarchy.
25. Further information on requirements for signalisation of Thewlis Road/ Princes Highway intersection, upgrade of Thewlis Road, provision of turn lanes, pedestrian connectivity, amended access arrangements, bicycle parking and staff amenities.
26. Development contributions.
27. Potential modification to the proposed siting and design to reduce amenity impacts of neighbouring residential properties and to improve the urban design outcomes.

Aerials and maps

28. At the Hearing, Kaufland should arrange for appropriate aerials, including zone plans of relevant places at a large scale.