



Planning Panels Victoria

Department of Environment, Land, Water and Planning

1 Spring Street
Melbourne Victoria 3000
GPO Box 2392
Melbourne, Victoria 3001
Telephone (03) 8392 5115

11 February 2019

As addressed

Dear Submitter,

Kaufland Stores in Victoria Advisory Committee Tranche 2 sites (Coolaroo, Mornington and Oakleigh South)

A Directions Hearing was held on 8 February 2019 at Planning Panels Victoria in relation to the following Kaufland Stores proposals (Tranche 2):

- 1550 Pascoe Vale Road, Coolaroo
- 1558 Nepean Highway, Mornington
- 1126-1146 Centre Road, Oakleigh South

The following information is enclosed for your information:

- Committee Directions
- Distribution List
- Hearing Timetable.

The following key dates are relevant to this matter:

- Expert witness details must be confirmed by **12.00pm on Wednesday 13 February 2019**
- DELWP Notification Report must be circulated by **12.00pm on Friday 15 February 2019**
- Parties to nominate sites for the Committee's inspection by **12.00pm on Monday 18 February 2019**
- Expert witness reports on acoustics, urban design, traffic and landscape must be circulated by **12.00pm on Monday 18 February 2019**
- Expert witness reports on economics and planning must be circulated by **12.00pm on Wednesday 20 February 2019**
- Kaufland Stores Part A submission must be circulated by **12.00pm on Wednesday 20 February 2019**
- The Hearing will commence at **10.00am on Monday 25 February 2019**

Please note that the Hearing will be held at two locations:

- **Melbourne:** 25, 27, 28 February, 1, 4, 5, 6, 8 (if required) 12, 19, 20, 26, 27 March, 1 and 2 April 2019
- **Mornington:** 13, 14, 21 March 2019.

At the Directions Hearing, the following declaration was made about Ms Barker, Committee Member. Ms Barker is a contracting consultant to the Colac Otway Shire and part of that role includes acting as the Project Manager and stakeholder/community engagement facilitator for the Colac Otway Tourism Parking and Traffic Strategy, which is being undertaken by GTA Consultants. GTA Consultants have led the traffic impact studies for Kaufland Australia.

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002



Further, Mr King, representing the City of Hume for the Coolaroo site was the former General Manager Planning of Colac Otway Shire and Ms Barker was a former Coordinator of Strategic Planning. It was advised that while Ms Barker did not report to Mr King, she worked with him on strategic planning matters. That working relationship ended over two years ago when both left the Council.

All parties in attendance were specifically invited to raise any issues about these declarations and no party or individual raised any issues in response.

If you have any queries, please contact Ms Andrea Harwood, Senior Project Manager of 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

Kaufland Stores in Victoria Advisory Committee Directions

Tranche 2 sites (Coolaroo, Mornington and Oakleigh South)

Before the Hearing

Confirmation of Expert Witnesses

1. Any party calling expert witnesses must advise the Panel by **12.00pm on Wednesday 13 February 2019** with:
 - 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 to all parties on the Distribution List a summary of notification undertaken for the three proposals by **12.00pm on Friday 15 February 2019**.

Site Inspection

3. The Committee will undertake unaccompanied site inspections of the Coolaroo, Mornington and Oakleigh South sites and surrounds. Parties are to advise Ms Harwood by **12.00pm on Monday 18 February 2019** at planning.panels@delwp.vic.gov.au of any sites or locations they seek the Committee to inspect.

Note: the Committee will not enter any private property.

Exchange of Expert Witness Reports

4. Expert witness reports must comply with the Planning Panels Victoria Guide to Expert Evidence (<https://www.planning.vic.gov.au/panels-and-committees/planning-panel-guides>).
5. Expert witness reports should not refer to any individual submitter by name. If necessary, submitters may be referred to by submission number.
6. Expert witness reports in the disciplines of: Acoustics, Urban Design, Traffic and Landscape must be circulated by **12.00pm on Monday 18 February 2019** in accordance with the attached Distribution List.
7. Expert witness reports in the disciplines of: Economics and Planning must be circulated by **12.00pm on Wednesday 20 February 2019** in accordance with the attached Distribution List.
8. Any material circulated via the Distribution List must include all parties by blind copy and note in the email body confirmation that the email has been provided by blind copy to all parties to the Hearing.
9. The Committee is to be provided with an 'unlocked' copy of any document circulated.

Kaufland Part A Submission

10. Council must circulate to all parties on the distribution list its 'Part A Submission' by **12.00pm on Wednesday 20 February 2019**. This should include:
 - a. background to the proposals
 - b. chronology of events that led to the proposals
 - c. strategic context and assessment

- d. changes to the draft Amendment documentation proposed as a result of the issues raised in submissions.

Note: At the Hearing Kaufland's 'Part A Submission' will be taken as read by all parties. Kaufland should allow time on Day 1 for questions of clarification from the Committee.

At the Hearing

Written Submissions at the Hearing

11. All parties should bring to the Hearing at least ten (10) hard copies of additional written submissions and accompanying documents (i.e. photographs, plans). Copies of original submissions are not needed.
12. Written material presented at the Hearing should be A4 sized, two-hole punched and stapled (not bound).
13. Submissions and material tabled during the course of the Hearing must be emailed to Planning Panels Victoria (preferably in MS Word) **within one business day** of being tabled at planning.panels@delwp.vic.gov.au. Documents must be clearly labelled with the Document number and appropriate title.
14. Submissions and material presented at the Hearing including PowerPoint presentations are public documents and will be published to the Engage Victoria Project website, in accordance with Clause 25 of the Committee's Terms of Reference.

Kaufland Part B Submission

15. At the Hearing, Kaufland must provide through its 'Part B Submission':
 - a. a response to issues raised in submissions and evidence, including the outcome of any further discussion it has had with submitters
 - b. a detailed strategic assessment of the sites in Oakleigh South and Mornington (given that the use would be prohibited under the existing zoning).
 - c. a response to the matters raised in the Committee's Terms of Reference at Clauses 10(a) to (d) and 22(a) to (e).
 - d. any other changes to the draft Amendment documents from review of evidence and further submissions.
 - e. A 'Day 1' revised version of the Incorporated Documents, taking into account the matters raised by Councils, EPA, Transport for Victoria, VicRoads and the expert evidence.
16. Kaufland must respond to the following matters through either of its Part A and B submission or in evidence from its experts:
 - a. a response to all matters raised in the Council submissions and other submissions as required.
 - b. an explanation about the reason for the choice and use of the Incorporated Document as the preferred planning tool to deliver the Kaufland proposals and clarification as to who will be the Responsible Authority for discharging requirements in the Incorporated Document.
 - c. issues regarding the use of the Incorporated Document and VC148.
 - d. provision of a Traffic Impact Assessment Report (TIAR) for each site.
 - e. justification of the size of the proposed signage pole at 22 metres.
 - f. provision of an urban context report, including further explanation of the urban design context for each site and how it responds to relevant objectives in the planning

schemes, including both state and local policy. This should include provision of ESD, built form, public realm assessments and provide advice on how to address the potential 'big box' effect.

- g. Interrelationships of each site with footpath, pedestrian access points, car parking, public transport, landscaping and overall movement analysis.
- h. justification for the proposed parking rates.
- i. provision of landscape concept plans.
- j. a response as to why the draft amendments did not seek rezoning for the land in both Mornington and Oakleigh South through this process.
- k. Economic Impact Assessment:
 - The EIA's for Coolaroo and Oakleigh South appear to have a similar size trade areas (approx. 7.5km x 6km). The trade area for Mornington appears to be more than twice the size of the Coolaroo and Oakleigh South (approximately 17 km x 12km) [Refer Maps 3.2, page 24 of each EIA]. Mr Dimasi to explain his rationale for the significantly larger trade area for Mornington and also to provide a sensitivity analysis showing the resultant impacts if the trade area was reduced to half its size.
 - The EIA for Coolaroo includes useful commentary on the centres that would be expected to experience the greatest impacts from the new Kaufland store (Refer last 3 para's on page 41). Mr Dimasi to address this issue for Oakleigh South and Mornington as no such commentary is provided.
 - The EIA's for Coolaroo and Oakleigh South assume 80% of store sales are expected to be drawn from the defined main trade area, with 20% of store sales attracted from beyond the MTA (Refer page 37). The Committee requests Mr Dimasi to further explain why the corresponding figures for Mornington are 75% and 25%. Mr Dimasi to provide a sensitivity analysis for Mornington adopting the 80% and 20% rates assumed for Coolaroo and Oakleigh.

Site Specific Submissions

Coolaroo

- 17. Hume City Council is to provide:
 - a. Council endorsed submission, noting the submission provided is a Council Officer submission.
 - b. a response to the matters raised in the Committee's Terms of Reference at Clauses 10(a) to (d) and 22 (a) to (e).

Mornington

- 18. Mornington Peninsula Shire Council is to provide:
 - a. a response to the matters raised in the Committee's Terms of Reference at Clauses 10(a) to (d) and 22 (a) to (e).
 - b. a copy of Council's 'Issues Paper' to residents that was referred to in several submissions.
- 19. Kaufland is to provide:
 - a. a better understanding of how the balance of the retail space will be used in Mornington Peninsula, given the proposed building area is 7584 square metres and the supermarket is proposed to be 3610 square metres, with 354 square metres for liquor.

Oakleigh South

- 20. Kingston City Council is to provide:

- a. Council endorsed submission, noting the submission provided is a Council Officer submission.
- b. a response to the matters raised in the Committee's Terms of Reference at Clauses 10(a) to (d) and 22 (a) to (e).

21. Kaufland is to:

- a. provide a response to the site's integration with surrounding sites and land uses.
- b. clarify whether the National Headquarters is still proposed and if so, any associated timing with its planning and development.

Aerials and maps

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

Hearing Timetable

Kaufland Stores in Victoria Advisory Committee
Tranche 2 sites (Coolaroo, Mornington and Oakleigh South)

Day 1: Monday 25 February 2019

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Kaufland Australia represented by Jeremy Gobbo QC of Counsel, with Juliet Forsyth SC and Emily Porter of Counsel, instructed by Mark Naughton of Planning Property Partners, calling evidence from: <ul style="list-style-type: none">• Daren Tardio of Enfield Acoustics on acoustics• Brodie Blades of SJB on urban design		1 of 7 days
1.00pm – 2.00pm	Lunch Break		
2.00pm – 4.30pm	Kaufland Australia , continued		

Day 2: Wednesday 27 February 2019

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.00am	VicRoads , represented by Michael Freeman	Ge03	45 mins
11.00am – 1.00pm	Kaufland Australia , continued and calling evidence from: <ul style="list-style-type: none">• Simon Davies of GTA Consultants on traffic• Charmaine Dunstan of Traffix Group on traffic		2 of 7 days
1.00pm – 2.00pm	Lunch Break		
2.00pm – 4.30pm	Kaufland Australia , continued		

Day 3: Thursday 28 February 2019

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Kaufland Australia , continued and calling evidence from: <ul style="list-style-type: none"> • Mark McWha of FORMium on landscape 		3 of 7 days
1.00pm – 2.00pm	Lunch Break		
2.00pm – 4.30pm	Kaufland Australia , continued		

Day 4: Friday 1 March 2019

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 10.20am	Jill Stanzus (<i>Mornington</i>)	M39	5 mins
10.20am – 1.15pm	Master Grocers Association , represented by Jason Kane of Counsel	Ge01 OS05, OS06, OS07, C05	3 hours

Day 5: Monday 4 March 2019

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Kaufland Australia , continued and calling evidence from: <ul style="list-style-type: none"> • Tony Dimasi of Dimasi & Co on economics • Sean Stephens of essential economics on economics (<i>Coolaroo & Oakleigh South</i>) • Paul Shipp of Urban Enterprise on economics (<i>Mornington</i>) 		5 of 7 days
1.00pm – 2.00pm	Lunch Break		
2.00pm – 4.30pm	Kaufland Australia , continued		

Day 6: Tuesday 5 March 2019

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Kaufland Australia , continued and calling evidence from: <ul style="list-style-type: none"> • Tony Dimasi of Dimasi & Co on economics • Sean Stephens of essential economics on economics (<i>Coolaroo & Oakleigh South</i>) • Paul Shipp of Urban Enterprise on economics (<i>Mornington</i>) 		6 of 7 days
1.00pm – 2.00pm	Lunch Break		
2.00pm – 4.30pm	Kaufland Australia , continued and calling evidence from: Andrew Biacsi of Contour Planning on planning		

Day 7: Wednesday 6 March 2019

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Kaufland Australia , planning evidence continued,		7 of 7 days
1.00pm – 2.00pm	Lunch Break		
2.00pm – 4.30pm	Kaufland Australia , Part B submission		

Day 8: Friday 8 March 2019

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
10.00am	Reserve Day – if required		

Day 9: Tuesday 12 March 2019

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 11.00am	Hume City Council , represented by Brydon King of BJK Planning	C03	45 mins
<i>11.00am – 11.15am</i>	<i>Break</i>		<i>15 mins</i>
11.15am – 12.45pm	Kingston City Council , represented by Paul Marsden	OS08	1.5 hours

Day 10: Wednesday 13 March 2019

Venue: *Venue to be confirmed*, Mornington

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Mornington Peninsula Shire Council , represented by Kate Morris of Harwood Andrews and calling evidence from: <ul style="list-style-type: none"> • Andrew Walley of Ratio Consultants on traffic • Tim Biles of Message Consultants on urban design and planning • Brian Haratsis of MacroPlan on economics and strategic planning • Brendan Papworth of Papworth Davies Landscape Architects on landscape 	M48	1 of 2 days
1.00pm – 2.00pm	Lunch Break		
2.00pm – 5.30pm	Mornington Peninsula Shire Council continued (order of evidence to be confirmed)		
5.30pm – 5.40pm	Phillip Boelen	M43	20 mins

Day 11: Thursday 14 March 2019

Venue: *Venue to be confirmed*, Mornington

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Mornington Peninsula Shire Council , continued		1 of 2 days
1.00pm – 2.00pm	Lunch Break		
2.00pm – 4.30pm	Mornington Peninsula Shire Council , continued		

Day 12: Tuesday 19 March 2019

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
9.30am – 9.45am	Preliminary matters		15 mins
9.45am – 11.15am	Master Grocers Association (Individual Retailers), represented by Jason Kane of Counsel	M76,	1.5 hours
<i>11.15am – 11.30am</i>	<i>Tea Break</i>		<i>15 mins</i>
11.30am – 1.00pm	Blackbrook Pty Ltd , represented by Adrian Finanzio SC, instructed by Rigby Cooke Lawyers and calling evidence from: <ul style="list-style-type: none"> • TBC on planning • TBC on economics 	M82	1 day
1.00pm – 2.00pm	Lunch Break		
2.00pm – 5.30pm	Blackbrook Pty Ltd , continued		

Day 13: Wednesday 20 March 2019

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Vicinity Centres Pty Ltd and ISPT Pty Ltd (Mornington) , represented by Peter O’Farrell of Counsel, instructed by Rigby Cooke Lawyers and calling evidence from: <ul style="list-style-type: none"> • Rob Milner of 10 Consulting • Brendan Rodgers of Urbis on planning • Rhys Quick of Urbis on economics 	M74	1 day
1.00pm – 2.00pm	Lunch Break		
2.00pm – 4.30pm	Vicinity Centres Pty Ltd and ISPT Pty Ltd , continued		

Day 14: Thursday 21 March 2019

Venue: *Venue to be confirmed*, Mornington

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 10.45am	Aventus Mornington Pty Ltd , represented by Akemi Traill of Tract Consultants	M74	30 mins
10.45am – 11.00am	Bata Shoe Company of Australia Pty Ltd , represented by George Toth	M15	15 mins
11.00am – 11.10am	Mornington Environment Association , represented by Jillian McIver	M46	10 mins
11.10am – 11.20am	Mt Eliza Community Alliance , represented by Ian Morrison	M13	10 mins
11.20am – 11.35am	<i>Tea Break</i>		15 mins
11.35am – 11.45am	Georgina Stubbs	M68	10 mins
11.45am – 11.55am	Ann Rob	M42	10 mins
11.55am – 12.10pm	John Nixon	M80	15 mins
12.10pm – 12.55pm	Frank Mangan	M63	45 mins

Day 15: Tuesday 26 March 2019

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 10.20am	Kevin Fletcher	M21	5 mins
10.15am – 1.00pm	Vicinity Centres Pty Ltd (Coolaroo) , represented by Peter O'Farrell of Counsel, instructed by Rigby Cooke Lawyers and calling evidence from: <ul style="list-style-type: none"> • Brendan Rodgers of Urbis on planning • Rhys Quick of Urbis on economics 	C04	1 day
1.00pm – 2.00pm	<i>Lunch Break</i>		
2.00pm – 4.30pm	Vicinity Centres Pty Ltd , continued		

Day 16: Wednesday 27 March 2019

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Vicinity Centres Pty Ltd (Oakleigh South), represented by Peter O’Farrell of Counsel, instructed by Rigby Cooke Lawyers and calling evidence from: <ul style="list-style-type: none"> • Brendan Rodgers of Urbis on planning • Rhys Quick of Urbis on economics 	OS04	1 day
1.00pm – 2.00pm	Lunch Break		
2.00pm – 4.30pm	Vicinity Centres Pty Ltd, continued		

Day 17: Monday 1 April 2019

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 12.00pm	Kaufland Australia (without prejudice revised plans and drafting session)		2 hours
12.00pm – 12.30pm	Closing submission - Hume City Council		30 mins
12.30pm – 2.00pm	Lunch Break		
2.00pm – 2.30pm	Closing submission - Kingston City Council		30 mins
2.30pm – 4.00pm	Closing submission - Mornington Peninsula Shire Council		1.5 hours

Day 18: Tuesday 2 April 2019

Venue: Planning Panels Victoria, Hearing Room 1 (Ground Floor, 1 Spring Street, Melbourne)

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Closing submission - Kaufland		3 hours

Hearing Timetable Notes:

1. This timetable may be amended without notice.
2. Please arrive at least 15 minutes before your scheduled time of commencement. If you are unable to be present at your scheduled time, please contact Planning Panels Victoria as soon as practicable.
3. Any queries regarding this timetable should be made to Andrea Harwood, Senior Project Manager of Planning Panels Victoria on 8392 5123.
4. Getting to Planning Panels Victoria:
Planning Panels is on the 75 and City Circle tram lines and a short walk from the Collins Street trams 109, 112 and 48. It is also a short walk from Parliament Train Station.