



Planning Panels Victoria

Department of Environment, Land, Water and Planning

1 Spring Street
Melbourne Victoria 3000
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Melbourne, Victoria 3001
Telephone (03) 8624 5712

24 August 2021

Dear Submitter

Priority Projects Standing Advisory Committee Referral 17 | Draft Amendment C163 to the East Gippsland Planning Scheme at 598-610 Main Street, Bairnsdale

The Minister for Planning referred the above matter to the Priority Projects Standing Advisory Committee (the Committee) by letter on 15 August 2021. You are receiving this letter as a submitter to the Draft Amendment.

Draft Amendment C163 to the East Gippsland Planning Scheme proposes the use and development of land for a Kmart department store at 598-610 Main Street in Bairnsdale. The draft Amendment facilitates the proposed development by implementing site-specific planning controls through the Specific Controls Overlay Schedule 2 and a new Incorporated Document.

The Minister for Planning appointed the Committee under section 151 of the *Planning and Environment Act 1987*. Committee Members Kathy Mitchell (Lead Chair) and Rodger Eade (Deputy Chair) will consider this referral. This matter will be known as Referral 17.

The Committee will be supported by Andrea Harwood, Senior Project Manager, and Georgia Thomas, Project Officer of Planning Panels Victoria (PPV).

The Minister for Planning has issued the Committee with Terms of Reference dated 14 June 2020 and Letter of Referral dated 15 August 2021 (both attached). In accordance with these documents, the purpose of the Committee is to:

- provide timely and independent advice to the Minister for Planning on projects referred by the Development Facilitation Team of the Department of Land, Water Environment and Planning, and projects affected by COVID-19.
- provide advice and recommendations about:
 - the appropriate drafting of draft Amendment C163 if approval is recommended
 - the appropriateness of proposed restrictions on the use of and access arrangements to the balance of land at the rear of the proposed development, and
 - the reasonableness of developer contributions being sought by some submitters.

Form of engagement:

Clause 16 of the Committee's Terms of Reference provides that the Committee is not expected to carry out a public hearing or roundtable discussion but may do so if it is deemed necessary. At this stage, the Committee considers a Hearing is required for Referral 17 and invites all submitters to participate in the Hearing.

Before the Hearing, the Committee will hold a Directions Hearing by video conference using MS Teams at **10.00am on Thursday, 9 September 2021**. At the Directions Hearing the Committee will:

- finalise its directions about exchanging information and filing of evidence before the Hearing
 - finalise the Hearing dates
 - discuss opportunities for a site inspection
- answer questions parties may have about the Committee process

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



OFFICIAL

Accessing the Directions Hearing:

The Directions Hearing should be accessed through the below link.

[Click here to join the Directions Hearing](#)

Or Dial in (audio only)

1. dial 1800 571 208 (Australia Toll-free)
2. Input meeting ID, followed by the '#' key: 725 813 986 #

You are encouraged to review the [Planning Panels Victoria guide to using MS Teams](#) to familiarise yourself with MS Teams before the Directions Hearing.

If the Hearing is to be conducted online due to COVID-19, the Proponent is required to set up and manage that process.

Hearing dates:

The Hearing will be held on 27, 28, 29, 30 September (and 4, 5, 6, 7 October if required).

Documentation:

The Committee has been provided with:

- Terms of Reference dated 14 June 2020
- Letter of Referral dated 15 August 2021
- Draft Planning Scheme Amendment documentation for C163egip
- 11 Submissions
- Application documents and plans

Preliminary Directions:

Direction 1: Attendance at Hearing

If you wish to participate in the Hearing, you must confirm your attendance by **12 noon on Tuesday 7 September 2021** by emailing planning.panels@delwp.vic.gov.au

Direction 2: Statement of grounds

All parties seeking to participate in the Hearing are to file a Statement of Grounds that indicates the key issues intended to be relied upon at the Hearing by **12noon on Monday 6 September 2021**. The statement must be no more than two pages long and will be discussed at the Directions Hearing. Statements must be provided to PPV who will compile these for distribution.

Direction 3: Procedural matters

Please advise the Committee in writing if you have any procedural or timing matters that you wish to raise at the Directions Hearing by **12noon on Monday 6 September 2021**.

Direction 4: Dates for Hearing

The Hearing will commence **on Monday 27 September 2021** and should run for four to six days through to the first week of October.

At the Hearing, the likely order of appearance will be:

- Proponent
- East Gippsland Shire Council
- Government departments and agencies
- Business groups, including other retailers

- Individual submitters.

Direction 5: Confirmation of submissions and expert evidence

All parties filing evidence must advise the Committee by **12noon Tuesday 7 September 2021**:

- The name of your advocate(s)
- The name and expertise of all witnesses.

Direction 6: Dates for filing evidence and submissions

Assuming the Hearing commences on 27 September 2021, the Committee directs as follows:

Time	Date	Action
12 noon	Monday, 13 September 2021	Proponent must file its expert witness reports and its Part A submission outlining all the background material
12 noon	Thursday, 16 September 2021	All other parties must file their expert witness reports
12 noon	Tuesday 21 September 2021	Those parties calling evidence must file a response to any like evidence (if required)
12 noon	Thursday 23 September 2021	Proponent must file its opening (Part B) submission
10.00 am	Monday, 27 September 2021	Hearing commences
12 noon	Business day before presentation at the Hearing	Parties must submit any submission or documentation to support their submission

Further Information:

The attached *Privacy Collection Notice* explains how your submission will be used by the Committee.

Further information including the *What is a Panel?* guide, *Guide to the Public Hearing* and *Frequently Asked Questions* are available at:

<https://www.planning.vic.gov.au/panels-and-committees/planning-panel-guides>

If you have any other questions, please contact Georgia Thomas, Project Officer at Planning Panels Victoria on (03) 8624 5717 or planning.panels@delwp.vic.gov.au.

Yours sincerely

Kathy Mitchell

Lead Chair

Attachment 1 – Priority Projects Standing Advisory Committee, Terms of Reference

Attachment 2 – Letter of Referral, dated 15 August 2021

Planning Panels Victoria Privacy Notice

Your submission has been collected for the primary purpose of this Committee process.

Natural justice for all participants and transparency are important parts of the Committee process. In meeting its legislative requirements, the Committee may:

- provide a copy of your submission with all contact details to the Proponent, Local Council, government agencies and other parties to the Hearing
- provide a copy of your submission to the Department of Environment, Land, Water and Planning if needed for preparing Ministerial briefings
- display a copy of your submission in the Planning Panels Victoria Office or Hearing room.
- display a copy of your submission in the relevant Local Council Office or Regional Government Office as appropriate.

Displaying submissions online

The Committee does not propose to display your full submission on a website unless this is necessary, and you have given your consent. However, your name and other personal information may be published on the internet as detailed below.

Publication of your personal information on the internet

A Committee Report will be published on the internet and may include each submitter's name, direct quotes from submissions and submitter addresses, if required.

Please note that even when your personal information is removed from the internet, it may remain on external servers indefinitely.

Hearing of submissions

A Hearing may be held in person at a venue, by telephone conference, by video link, or a combination of these. You should be aware the Committee may:

- broadcast submissions and proceedings live on the internet
- record submissions and proceedings
- make the recording available to submitters and parties to the Hearing and third parties who request it from Planning Panels Victoria at planning.panels@delwp.vic.gov.au
- use your phone contact details to contact you during a telephone/video hearing, if necessary.

The Committee will direct that parties:

- use any recording provided by Planning Panels Victoria solely for the purpose of the Committee process
- not record online hearings.

The Committee cannot:

- guarantee that a third party will not produce an unauthorised recording
- regulate how recordings are used outside the hearing context.

During the Committee process, all participants, including the general public, must respect the privacy of others and not make defamatory comments.

After the Committee has reported

When the Committee has reported to the Planning Authority, your submission will be removed from public display. Your original submission and any additional material provided will be held at Planning Panels Victoria for two years and then sent to the Public Record Office Victoria. All additional copies of the submission and other material held by Planning Panels Victoria will be securely destroyed.

If you have any concerns about how your submission will be used, please contact Planning Panels Victoria on (03) 8624 3127.