



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

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.

Timetable

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

Timetable Version 1

Day 1: Wednesday 11 December 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	Kaufland Australia Pty Ltd represented by Jeremy Gobbo QC, Nick Tweedie SC, Emily Porter and Alexandra Guild of Counsel, instructed by Mark Naughton of Planning and Property Partners, calling the following expert evidence: <ul style="list-style-type: none">- Town Planning from Andrew Biacsi of Contour Consultants- Traffic Engineering from Charmaine Dunstan of Traffix Group- Urban Design from Craig Czarny of Hansen Partnership- Acoustic Engineering from Darren Tardio of Enfield Acoustics- Economics from Tony Dimasi of Dimasi and Co- Economics from Sean Stephens of Ethos Urban- Landscape from Steve Schutt of Hansen Partnership Kaufland opening submissions for Braybrook, Pakenham and Highton	3 hours	
11.30am – 11.45am	Tea break		
11.45pm – 1.00pm	Kaufland , continued, calling Acoustic and Landscape evidence		
1.00pm – 2.00pm	Lunch Break		
2.00pm – 3.00pm	Department of Transport , represented by Kate Stapleton	G02	1 hour
2.00pm – 4.30pm	Kaufland , continued, calling Acoustic and Landscape evidence		2.5 hours

Day 2: Thursday 12 December 2019 – Braybrook

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 , continued, order of evidence to be confirmed		1 day
1.00pm – 2.00pm	Lunch Break		
2.00pm – 4.30pm	Kaufland , continued, order of evidence to be confirmed		

Day 3: Monday 16 December 2019 – Braybrook

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 – 11.30am	Kaufland , continued, order of evidence to be confirmed		1.25 hours
11.30am – 11.45	Break		
11.45am – 1.15pm	City of Maribyrnong , represented by Ashley Minniti	B05	1.5 hours
1.15pm – 2.00pm	Lunch Break		
2.00pm - 5.30pm	Vicinity Centres Pty Ltd and Challenger , represented by Marita Foley SC, instructed by Rhodie Anderson of Rigby Cooke Lawyers, evidence to be confirmed	B03	3.5 hours

Day 4: Tuesday 17 December 2019 – Braybrook, commencing Pakenham mid-afternoon

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	ISPT Pty Ltd , represented by Matthew Townsend of Counsel instructed by Meg Lee of Gadens, calling the following expert evidence: - Traffic by John-Paul Maina of Impact	B04	2 to 3 hours
12.30pm – 1.30pm	Lunch Break		
1.30pm – 2.30pm	Without prejudice discussion on conditions, closing submission on Braybrook by Kaufland		60 mins
2.30pm – 2.45pm	Tea break		
2.45pm – 4.45pm	Kaufland , commencing Pakenham, order of evidence to be confirmed		2 hours

Please note: Days 5, 6 and 7 will run concurrently as follows:

- **Pakenham at Planning Panels Victoria (ground floor), 1 Spring Street, Melbourne**
- **Highton at Monash Conference Centre, Level 7, 30 Collins Street, Melbourne**

Day 5: Wednesday 18 December 2019 - Pakenham

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 , order of evidence to be confirmed		1 day
1.00pm – 2.00pm	Lunch Break		
2.00pm – 2.30pm	Pioneers Market Place Pty Ltd , represented by Anthony Msonda-Johnson of Roberts Day	P09	30 mins
2.30pm – 4.30pm	Kaufland , order of evidence to be confirmed		

Day 6: Thursday 19 December 2019 - Pakenham

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	Cardinia Shire Council , represented by Maria Marshall of Maddocks Lawyers, calling economic evidence, to be confirmed	P06	4/5 hours
1.00pm – 2.00pm	Lunch Break		
2.00pm – 3.30pm	Cardinia Shire Council , continued		
3.30pm – 3.45pm	Tea break		
3.35pm – 4.45pm	Without prejudice discussion on conditions, closing submission on Pakenham by Kaufland		60 mins

Day 7: Friday 20 December 2019 – Braybrook and Pakenham

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 – 1.15pm	Reserve morning for Braybrook or Pakenham – if required		3 hours

Please note: Days 5, 6 and 7 will run concurrently as follows:

- **Pakenham at Planning Panels Victoria (ground floor), 1 Spring Street, Melbourne**
- **Highton at Monash Conference Centre, Level 7, 30 Collins Street, Melbourne**

Day 5: Wednesday 18 December 2019 - Highton

Venue: Monash Conference Centre, Level 7, 30 Collins Street, Melbourne

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	Kaufland , order of evidence to be confirmed		1 day
1.00pm – 2.00pm	Lunch Break		
2.00pm – 2.15pm	Kent Hodgson	H05	15 mins
2.15pm – 4.30pm	Kaufland , order of evidence to be confirmed		

Day 6: Thursday 19 December 2019 – Highton

Venue: Monash Conference Centre, Level 7, 30 Collins Street, Melbourne

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 12.30pm	Kaufland , order of evidence to be confirmed		1 day
12.30pm – 1.15pm	Lunch Break		
1.15pm – 5.00pm	ISPT Pty Ltd , represented by Andrew Walker of Counsel, instructed by Meg Lee of Gadens, calling the following expert evidence: <ul style="list-style-type: none"> - Town Planning from Rob Milner of David Lock Associates - Traffic from John-Paul Maina of Impact 	H10	4/5 hours

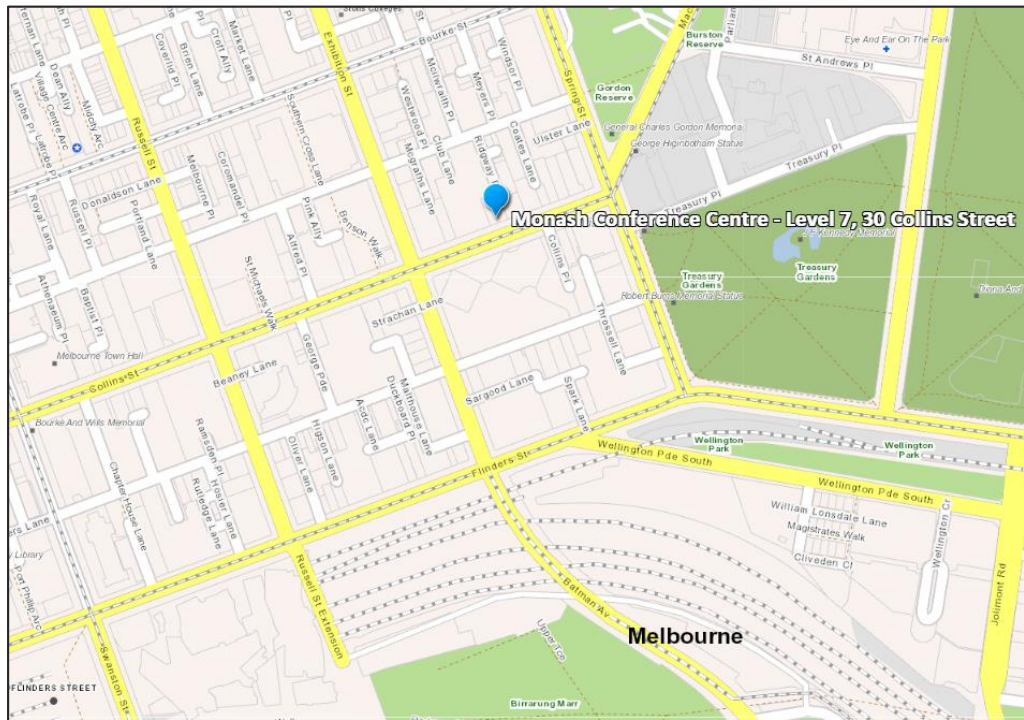
Day 7: Friday 20 December 2019 – Highton

Venue: Monash Conference Centre, Level 7, 30 Collins Street, Melbourne

Time	Party	Sub No	Allocated
10.00am – 10.15am	Preliminary matters		15 mins
10.15am – 1.00pm	City of Greater Geelong , represented by Peter Smith, possibly calling urban design evidence, to be confirmed	H08	3/4 hours
1.00pm – 2.00pm	Lunch Break		
2.00pm – 3.00pm	City of Greater Geelong , continued, if required		
3.00pm – 3.15pm	Tea break		
3.15pm – 4.15pm	Without prejudice discussion on conditions, closing submission on Pakenham by Kaufland		60 mins

Hearing Timetable Notes:

1. The Advisory Committee may amend the timetable without notice.
2. Please arrive at least 15 minutes before your scheduled commencement time.
3. If you have any questions about the timetable or are unable to present at your scheduled time, please contact the Ms Andrea Harwood, Senior Project Manager of Planning Panels Victoria on 8392 5123.
4. **Planning Panels Victoria** is located at 1 Spring Street, Melbourne. It is situated 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.
5. **Monash Business Centre** is located at same public transport options as for getting to Planning Panels Victoria, located mid-way between Exhibition and Spring Streets, on the west side of Collins Street.



Monash Conference Centre, Level 7, 30 Collins Street Melbourne.