INTRODUCTION

Barro

1. These submissions are made on behalf of Barro Group Pty. Ltd. (Barro), submitter 89 (163 and 165).

   Barro Operations/Site

2. Barro owns and conducts concrete batching and associated operations on the following land:

   (a) 310 – 324 Ingles Street, Port Melbourne (Ingles Street Land/Operations)

   (b) 223 – 225 Boundary Street, Port Melbourne (Boundary Street Land/Operations)

   (collectively Site), which is located within the Lorimer precinct in Fishermans Bend.

3. The combined area of the Ingles Street Land and the Boundary Street Land is approximately 15,000 square metres with frontages to Ingles Street, Rogers Street and Boundary Street.
4. The Barro Operations are significant, and strategically and economically important, operations in their own right, and Barro intends to continue to operate on the Site for the indefinite future.

5. Hanson Construction Materials Pty. Ltd. (Hanson) (submitter 147) operates a concrete batching plant on neighbouring land at 213 Boundary Street, Port Melbourne.

**Issues Relevant to Barro**

6. The most critical issue in relation to the Barro Operations is the manner in which the potential impacts upon proposed new sensitive uses and reverse amenity issues are handled by the Draft Planning Scheme Amendment GC81 (Amendment).

7. In addition to new private sensitive uses, Figure 20 on page 73 of the Draft Fishermans Bend Framework (Framework) generally indicates some of the:
   
   (a) new roads and laneways;

   (b) road closures;
(c) open space; and

(d) ‘Hubs’.

The manner in which these ‘public’ uses is handled by the Amendment is also of direct relevance to Barro.

Figure 2: Figure 20 of the Framework

8. The manner in which the Framework proposes changes to the road network has the capacity to fundamentally prejudice the Barro Operations.

Framework/Amendment

9. Barro does not wish to delay the realisation of the Vision with the introduction of appropriate new controls.

10. The Framework and the Amendment have been dissected and criticised in minute detail by other submitters\(^1\), and the Review Panel (Panel) has heard submissions on myriad issues which also affect the Site.

11. The matters on which Barro wishes to make submissions, however, are much simpler, uncontroversial and able to be readily accommodated. In summary, Barro’s primary submission is that:

\(^1\) The Amendment has been described as a scrambled egg, an unfixable mess and the like.
The strategic and economic importance of the Barro Operations to inner Melbourne and the State of Victoria should be acknowledged and the continued need for them recognised, supported and protected.

12. As a corollary the Amendment should:

(a) provide for and support the maintenance and expansion of the Barro Operations;

(b) provide for, support and protect the transport routes and infrastructure to/from the Barro Operations; and

(c) manage reverse amenity and agent of change issues of proposed nearby sensitive uses.

13. This will provide a good planning outcome and also assist in Lorimer becoming a liveable community.

**BARRO OPERATIONS**

14. The members of the Panel who attended the Bus Tour on February 14, 2018 were driven through the Site and given an explanation of the current and intended future expanded operations on the Site by a representative of Barro, including the works then underway. This will be further elaborated on below.

**Concrete Industry and Concrete**

15. To put the Ingles Street and Boundary Street Operations in proper context, it is important to first discuss the concrete industry and concrete generally.

**Concrete Industry**

16. Barro is a tier-one supplier of concrete in Victoria. The tier-one suppliers include:

(a) Barro

(b) Hanson

(c) Boral

(d) Holcim.

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2 Document 47e.
17. There can be no doubt that concrete is a critical resource for the construction of almost all development across the State of Victoria.

18. After water, it is the most used product in the world. It is literally the foundation of our homes and the buildings in which we work, live and play.  

19. There is a growing concern about the shortage, and cost of supply, of concrete.

20. The Australian Bureau of Statistics (ABS) used to provide estimates of the production of concrete, but ceased producing those estimates after the quarter ending March 2014.

21. Barro has also historically maintained, and continues to prepare, its own estimates of the market for concrete in the Melbourne metropolitan area based on the previous ABS estimates and its own monitoring of the market.

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3 Cement Concrete & Aggregates Australia (CCAA) draft ‘Concrete Overview’ video to be publicly released by CCAA in May 2018.

4 The Age, *Hoddle St project costs blow out by $50 million*, April 20, 2018.
22. As can be seen from Figures 3 and 4, Barro estimates that:

(a) the volume of concrete used in the Melbourne metropolitan area increased from 4,877,000 cubic metres per annum in 2013/14 to 6,785,000 cubic meters per annum in 2016/17; and

(b) the current estimated usage as at March 2018 (as a moving annual total) is 7,290,000 cubic metres per annum.

23. Demand for concrete is increasing at an exponential rate as the population grows and the need for infrastructure increases -- all at time when there are concerns about supply of concrete.

24. Cement Concrete & Aggregates Australia (submitter 170) indicates that:

The demand for cementitious materials in Victoria is at record levels and with major infrastructure still to commence ....

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25. Barro instructs that:

(a) Fishermans Bend aside, there is an ever increasing demand for concrete in the Melbourne CBD and inner Melbourne suburbs for major construction works and infrastructure works.

(b) The concrete industry is encountering major supply issues, and it appears it is only going to get worse.

(c) Demands for concrete are at never before seen levels.

(d) The concrete industry is struggling to supply day to day requirements for major construction works, let alone major infrastructure works, both of which require ‘high strength concrete’.

(e) The construction industry is becoming concerned about being able to complete projects/buildings in inner Melbourne.

(f) There is also a risk that Fishermans Bend will struggle to meet the demand for concrete to realise the vision.

(g) Locations for the supply of concrete cannot be easily replaced. Barro, like other tier one suppliers, has a network of concrete batching plants throughout the Melbourne metropolitan area to service various zones given the short life of concrete.

(h) The loss of Barro’s (or Hanson’s) Port Melbourne Operations would be catastrophic for the Melbourne CBD, inner Melbourne and the construction industry servicing those areas, as well as State infrastructure projects.
Concrete

26. Concrete has a relatively short 'life' once all the batch ingredients are placed in a concrete truck at the batching plant for mixing.

27. Australian Standard AS 1379 – 2007 Specification and supply of concrete provides that:

4.2.5 **Period for completion of discharge**

Discharge of all the concrete in a batch shall be completed within 90 min from the commencement of mixing [in a concrete truck], or before proper placement and compaction of the concrete can no longer be accomplished, whichever occurs first.

The 90 min limitation may be waived by agreement between the customer and the supplier if, after that period, the consistency of the concrete is such that it can be properly placed and compacted without the addition of any more water to the mixer.

NOTE: In hot dry weather, or other ambient conditions contributing to premature stiffening, initial set may occur at less than 90 min from
commencement of mixing and the period available for placement and compaction may be likewise reduced. Conversely, in cold weather it may be possible to increase the limit.

4.4.3 Duration of delivery

The duration of delivery shall be limited to the extent that the requirements of Clause 4.2.5 are satisfied.

(emphasis added.)

28. The Standard applies to all strengths of concrete.

29. However, because of the amount of cementitious materials used in the production of high strength concrete, high strength concrete has a shorter life than lower strength concrete.

30. There is a large demand for high strength concrete in the Melbourne CBD and inner Melbourne as high strength concrete is required for most towers, tunnels and like infrastructure.

31. Transport and other construction costs (as well as truck emissions and greenhouse gas issues) aside, it is therefore critical that concrete batching plants are strategically located close to where high strength concrete will be required.

32. The Barro Operations are so strategically located, and there can be no doubt that they provide a net community benefit to the Melbourne CBD, inner Melbourne and the State of Victoria.

33. Mr. John Glossop (as well as others) also gave evidence on cross examination by Counsel for Hanson that the 2 (Barro and Hanson) concrete batching plants are strategically located to provide concrete to Melbourne City and Fishermans Bend.

**Barro Operations**

**Ingles Street Land/Operations**

34. Barro purchased the Ingles Street Land approximately 30 years ago and shortly thereafter built a 24/7 concrete batching plant.\(^6\)

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\(^6\) Planning Permit No. PM. 1586 dated October 6, 1987 for the ‘Establishment of a concrete batching plant’.
35. A fleet of approximately 30 concrete trucks operates from the Ingles Street Operations.

36. Cement and raw materials are also delivered to the Ingles Street Operations in tankers and other large transport trucks at night, as well as throughout the day in order to meet the demand for concrete in inner Melbourne.

37. The Ingles Street Operations currently have:

   (a) 1 batching plant, with twin loading;
   (b) 2 slump stations;
   (c) 2 large silos and 1 small silo for raw materials;
   (d) raw materials bins and associated conveyors; and
   (e) other associated infrastructure.

38. A permit was issued on November 9, 2017 essentially for the upgrading of the existing Ingles Street Operations7.

39. The Panel would have seen the commencement of those permitted works during the Bus Tour on February 14, 2018. Those works have substantially progressed since that time and will be completed shortly.

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7 Permit No. TP-2017-447 issued November 9, 2017 for the ‘Construction of buildings and works associated with the existing concrete batching plant’. The endorsed plans were amended under secondary consent dated December 13, 2017.
The works when complete will increase the efficiency of the Ingles Street Operations by:

(a) increasing the slump stations from 2 to 6 to allow concrete trucks to be batched and slumped more efficiently;

(b) adding 2 larger silos than the existing 2 large silos and replacing one of the existing 3 silos to allow more cement to be delivered and stored at night than is currently being delivered at night and potentially reduce the number of deliveries of cement during the day;

(c) reversing the traffic flow of the concrete trucks to, from and on the site to enable the facilities to be more efficiently accessed; and

(d) capturing wastewater for re-use in the concrete batching process.

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8The construction of the 6 new slump stations can be seen from Figure 5.
41. The works will also support the Boundary Street Operations ‘super plant’ referred to below.

**Boundary Street Land/Operations**

42. The Boundary Street Land was purchased by Barro in 2007.

43. The Boundary Street Land has to date primarily been used as a parking area for trucks and storage of materials.

44. A permit was granted on April 21, 2016 for demolition works and construction of a multi-storey office building, and use of the land for the purpose of industry (concrete batching plant)\(^9\).

45. The permitted works for the Boundary Street Operations will form the basis of a ‘super plant’ as part of an integrated plant with the Ingles Street Operations, in order to meet the continually increasing demand for concrete in the Melbourne CBD and inner Melbourne.

46. When all the permitted works are complete, it is anticipated that the new Boundary Street Operations will be able to support a fleet of approximately 60 concrete trucks. This is in addition to the fleet of 30 concrete trucks currently operating from the Ingles Street Operations.

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\(^9\) Permit No. TP-2015-578 issued April 21, 2016 for ‘demolition works and construction of a multi-storey office building, and use of the land for the purpose of industry (concrete batching plant) with car spaces in excess of maximum requirements in accordance with endorsed plans’. The date for commencement of the works was extended to April 21, 2020.
47. Relevantly, Figure 8 was prepared for the application for the Permit issued for the Boundary Street Operations in 2016 and does not show the subsequently approved
expanded upgrade works underway to the Ingles Street Operations which will support the permitted Boundary Street Operations works.

SUBMISSIONS

48. Barro made submissions:

(a) on November 22, 2013 to Places Victoria in relation to the *Fishermans Bend Urban Renewal Draft Vision* and the ‘*Fishermans Bend Interim Design Guidelines*’;

(b) on June 28, 2016 to the Fishermans Bend Taskforce in relation to the ‘*Fishermans Bend Recast Vision*, Draft for Consultation, May 2016; and

(c) on December 14, 2017 in relation to the *Draft Fishermans Bend Framework & Planning Scheme Amendment GC81*.

49. Those submissions were essentially as summarised in paragraphs 11 and 12 above.

50. Ms. Leanne Hodyl acknowledged on Day 4 of the Panel Hearings that she did not deal with existing industrial uses. Her expectation is and was that industrial uses will leave. Her evidence shows the Barro Site developed with a tower.¹⁰

51. The Minister indicates:

> There is a reasonable expectation that over time industrial uses will be phased out as the value of land in Fishermans Bend indicates a higher and better use for sites presently used for industrial purposes.¹¹

52. That does not recognise the strategic importance and value of the Site to Barro, nor to inner Melbourne or the State of Victoria.

53. It does, however, appear that the evidence and submissions have, in part, since started to properly recognise the strategic and economic importance of those operations. For instance, Ms. Hodyl on cross-examination acknowledged that the Barro and Hanson concrete batching plants are an important State function.

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¹¹ Minister for Planning, Part B Submissions (Document 94) at [121].
54. Mr. Glossop also gave evidence that:

There is simply no recognition of the concrete batching plants.

55. Mr. Robert Milner gave similar evidence, and that the concrete batching plants should be recognised.

Acknowledgement of Barro Operations

56. The strategic and economic importance of the Barro Operations (and the adjoining Hanson concrete batching plant) to the City of Melbourne, other inner suburbs, the State of Victoria, as well as the development of Fishermans Bend, is beyond doubt and has been acknowledged by most if not all of the parties and expert witnesses.

57. Given this ex post facto acknowledgement, it is appropriate that the Amendment expressly recognise, support and protect the concrete batching plants.

58. Mr. Marco Negri in his evidence indicates that the Framework and the Amendment should provide an express acknowledgement that industrial activities, including the concrete batching plants, will remain.

Maintenance, and expansion, of the Barro Operations

59. Following on from the acknowledgement of the strategic and economic importance of the Barro Operations, appropriate provision should be made for their continued maintenance and expansion.

60. Any requirement that the subdivision and building and works permit requirements must not be granted unless the streets, laneways and public open space are provided are wholly incompatible with, and should clearly not apply, to the Barro Operations.

Currently proposed planning controls

61. There have been a number of suggested changes to the relevant planning controls post exhibition.

62. As at the date of these Submissions, further suggested changes by the Minister for Planning and the City of Melbourne are not available. Insofar as those changes might bear upon Barro’s interests, we will take the opportunity to make a formal response on Wednesday, May 23, 2018 in accordance with Panel Direction 25.
63. In the meantime, the Panel will be aware that the policy framework, the zone control and the relevant schedule to the DDO for the Lorimer precinct all involve provisions which are relevant to Barro’s interests.

64. Mr. Negri has made a series of recommendations as to how the other Amendment provisions ought to be modified. We do not propose to set out those recommendations again in this Submission, but we respectfully submit that the recommendations are sound and ought to be taken up by the Panel.

65. EPA has also put forward a series of recommendations to the controls and the Framework. The substance of the recommendations of EPA are similarly supportive of the case now put on behalf of Barro.

**Protect the transport routes and infrastructure to the Barro Operations**

**Transport Routes to/from and on the Barro Operations**

66. As previously indicated, the Site has frontages to Ingles Street, Rogers Street and Boundary Street, and Barro currently uses, and intends to continue to use, each of those streets for access to and from the operations on the Site.

**Transport Routes to/from and on the Ingles Street Operations**

67. Concrete trucks and other trucks currently enter the Ingles Street Operations via:

(a) travelling along:

   (i) Turner Street eastbound; or

   (ii) Ingles Street, and then turning right into Turner Street,

   then turning into Ingles Street and entering the Ingles Street Operations from under the overpass; and/or

(b) Rogers Street.

68. Cement tankers and raw material trucks currently enter the Ingles Street Operations via Rogers Street.

69. Trucks currently exit the Ingles Street Operations via both Ingles and Rogers Streets.
70. However, larger trucks such as B-doubles and cement tankers are required to travel along Turner Street when exiting from Ingles Street, as opposed to turning into Turner and then back onto Ingles Street due to the tight S-turn required at Turner Street to re-enter Ingles Street.

71. When the Ingles Street Operations improvements are completed, trucks will continue to enter and exit as currently, except that the route of concrete trucks to, on and from the Ingles Street Operations will be reversed to:

(a) enable the facilities to be more efficiently accessed; and

(b) work with the Boundary Street Operations.

**Transport Routes to/from and on the Boundary Street Operations**

72. Trucks to the Boundary Street Operations currently enter and exit via both Ingles Street and Boundary Street.

73. When the Boundary Street Operations improvements are completed:

(a) Cement tankers and concrete trucks for the Boundary Street Operations will enter via Ingles Street and exit via Boundary Street;

(b) Raw material trucks for the Boundary Street Operations will enter via Ingles Street and exit via Rogers Street.
Figure 9: Ingles Street Operations: Current and Upgraded Truck Movements on Site

Figure 10: Boundary Street Operations: Current Truck Movements on Site
Figure 11: Combined Current/Upgraded Ingles Street and Current Boundary Street Operations: Current Truck Movements on Site

Figure 12: Combined Upgraded Ingles Street and New Boundary Street Operations: Upgraded and New Truck Movements on Site
Figure 13: Access to Site

Figure 14: Egress from Site
Transport Routes to/from the Barro Operations

74. The transport routes to/from the Barro Site either will or may be affected by:

(a) the proposed road closure/open space on Turner Street referred to in the Framework;\(^\text{12}\)

(b) the nomination of Boundary Street and Rogers Street frontages as ‘primary active frontages’;\(^\text{13}\)

(c) the nomination of Ingles Street frontage as a Secondary active frontage; and no crossovers being allowed to access Ingles Street; \(^\text{14}\)

(d) the proposed 12 metre wide road along the Westgate Freeway to the South of the Site;\(^\text{15}\)

(e) the proposed tram route from Lorimer Street, through Boundary and Rogers Streets;

(f) the proposed expansion of the Lorimer Central Open space onto Rogers Street;\(^\text{16}\) and

(g) any future proposals for street or other works which have the potential to reduce the width of the roads (ie. Ingles Street, Rogers Street and Boundary Street) used for access/egress to the Barro Operations.

Turner Street

75. The closure of Turner Street (or any of the other routes to/from the Site) without providing alternative suitable access to the Site from Ingles Street would not be in the economic interests of the Melbourne inner suburbs or the State of Victoria.

\(^{12}\) See Framework, p 33 (Fig. 6), p 35 (Fig. 8), p 53 (Fig. 15), p 57 (Fig. 17), p 73 (Fig. 20); Document 66e, CCZ4, p 12 (Map 2) and p 14 (Map 3).

\(^{13}\) See Framework, p 47 (Fig. 13); Document 66e, CCZ4, p 10 (Map 1); Document 66f, DDO67, p 11 (Map 1).

\(^{14}\) See Framework, p 47 (Fig. 13); Document 66e, CCZ4, p 10 (Map 1) and p 12 (Map 2); Document 66f, DDO67, p 11 (Map 1).

\(^{15}\) See Framework, p 33 (Fig. 6), p 35 (Fig. 8), p 73 (Fig. 20); Document 66e, CCZ4, p 12 (Map 2).

\(^{16}\) See Framework, p 73 (Fig. 20); Document 66e, CCZ4, p 14 (Map 3); Document 66f, DDO67, p 15 (Map 3). See also Document 138a, land identified as open space L12.
76. However, it would be expected that alternative access should be able to be provided:

(a) directly from Ingles Street in conjunction with the closure of Turner Street; and/or

(b) by the construction of the new proposed parallel road to the South of Turner Street.

77. It will likely take a significant amount of time to assemble, and if necessary, compulsorily acquire and construct the proposed parallel road to the south of Turner Street, and provision should therefore be made in the interim for continued access to and from the Site via Ingles Street.

**Boundary Street and Rogers Street frontages as primary active frontages**

78. These are inconsistent with the Barro Operations.

**Nomination of Ingles Street frontage as a Secondary active frontage, with no crossovers**

79. This is inconsistent with the Barro Operations.

**Proposed road beside freeway over Barro Land**

80. This would prevent the current and proposed future access to the ‘super plant’ on the Boundary Street Land.

**Proposed expansion of the Lorimer Central Open space onto Rogers Street**

81. This will need to be carefully considered to ensure unimpeded access to and from the Barro Operations for B-doubles and cement tankers, as well as the smaller concrete trucks.

**Future proposals for street or other works which have the potential to reduce the width of the roads**

82. This will also need to be carefully considered to protect transport routes to and from the Barro Operations.
Reverse amenity and agent of change

83. The Barro Operations are required to comply with relevant State Environment Protection Policies and other environmental requirements, but by their very nature have the potential to create conflict with future sensitive uses in the form of dust, noise and truck movements.

84. Future sensitive uses include:

(a) proposed nearby residential developments;
(b) proposed nearby open space, particularly the Lorimer Central open space;
(c) the proposed Arts and Cultural Hub;
(d) the proposed nearby Education and Community Hub (Primary); and
(e) the proposed nearby Sports and Recreation Hub.

Residential and other sensitive use developments

85. The realising of the Vision will only serve to heighten that potential conflict given the resulting significant increase in surrounding sensitive uses.

86. The CCAA is in the process of finalising and releasing a series of fact sheets on ‘Living near a concrete plant’ in order to help people understand, amongst other things, noise, dust and traffic management issues.

87. Even though concrete batch plants provide such an important community benefit, they are often unfairly maligned.

88. Unfortunately, Barro’s concrete batching operations are no exception to receiving exaggerated and often baseless complaints.

89. For instance, when Barro applied for a new use on land adjoining its existing concrete batching plant and recycling operations in Sunshine, residents complained of dust and noise coming from the existing Barro operations.

90. The Sunshine operations are close by the Western Ring Road and many of the lay witnesses insisted that they “knew” that the dust was coming from Barro’s operations because it was ‘grey’, when the evidence of an expert called for the
responsible authority (who opposed Barro’s application) did not support such claims.

91. The complaints were to such an extent that EPA issued a Pollution Abatement Notice (PAN) which required Barro to undertake extensive and expensive dust monitoring, even though EPA was of the view before the PAN was issued that they did not have enough evidence to support the issue of the PAN. The PAN was subsequently revoked, and EPA indicated that the dust monitoring had come in well under “air quality parameters”.

92. Relevantly, Barro has not had a single complaint about its Sunshine concrete batching plant and recycling operations since the grant of the permit on the adjoining site.

93. However, the fact is that there were a significant number of unjustified complaints made in relation to the Barro operations which caused Barro to expend significant amounts of time, energy and money in responding to such complaints.

94. Barro should be protected by appropriate controls from the above occurring to its Port Melbourne operations.

95. It is also important, given the strategic and economic importance of the Barro Operations, that land use conflicts do not adversely affect the Barro Operations, including by not resulting in the restriction of:

(a) the current 24/7 hours of operation; or

(b) the transport routes to and from the Site or the hours of use of those routes.

96. It is acknowledged that Schedule 4 to the CCZ proposes a mechanism to manage the conflict by the requirement for an applicant of a new sensitive use within the threshold distance of Clause 52.10 to prepare an Amenity Impact Plan, but that does not go far enough.
97. Mr. Negri proposes that this be augmented by:
   
   (a) a detailed audit of all uses with adverse amenity potential that have Clause 52.10 buffers in Fishermans Bend;
   
   (b) consultation with the owner/occupier of the land said to have the adverse amenity potential;
   
   (c) adopting and incorporating the audit into the Planning Schemes;
   
   (d) the Amenity Impact Plan responding to the Audit; and
   
   (e) the EPA nominated as a recommending referral authority.

98. The Minister for Planning has also indicated that

   There may be merit in listing the EPA as a recommending referral authority for uses that do not meet the clause 52.10 threshold.\textsuperscript{17}

99. EPA recommended as part of its submissions that the on-going operations of industry be protected through designated buffer zones and appropriate design responses for new developments based on the agent of change principle.

100. Barro supports that approach, and submits that EPA should be obliged upon referral to seek input from the operators of industrial uses of any change in the manner in which the use is conducted since the time of preparation of the Audit.

101. Mr. Robert Milner also gave evidence that established businesses should have a voice and opportunity to comment upon arrangements that may be detrimental and disruptive to their continuing operations.

**Open space, particularly Lorimer Central**

102. Open space, particularly Lorimer Central, should be no exception to application of the reverse amenity and the agent of change principle.

103. It is acknowledged that Lorimer Central is proposed to be an iconic public space\textsuperscript{18}, but it is appropriate for the controls to also apply to Lorimer Central and other

\textsuperscript{17} Minister for Planning, Part B Submissions (Document 94) at [119].

\textsuperscript{18} City of Melbourne, Submissions dated March 20, 2018 at [23] and [210].
open space developed in Lorimer on private land, by the City of Melbourne and/or the State government.

104. The application of the agent of change principle and the incorporation of appropriate design measures would undoubtedly assist in Lorimer Central becoming such an iconic park.

**Hubs**

105. Similar principles apply to the proposed Hubs, particularly the proposed nearby Education and Community Hub (Primary).

**Concrete Plant Precinct**

106. Ms. Hodyl and others gave evidence that it is not beneficial to have specific sites with different controls.

107. The GHD Report indicates that other than the Barro and Hanson concrete batching plants there are no other buffer constraints within the Lorimer precinct.  

108. Mr. David Barnes in his evidence suggests sub-precinct 4 of the Lorimer precinct be further divided to include a further sub-precinct 5 to recognise the strategic importance of the Barro and Hanson concrete plants, and that may be a more effective way to recognise, support and protect the strategic and economic importance of the Barro Operations.

**TRANSITIONAL PROVISIONS**

109. The Minister has indicated that an application to amend an existing permit for buildings and works issued before the Amendment is gazetted will not be legally required to comply with the new requirements introduced by the Amendment.  

This is also a critical issue for Barro given its new permit for its Boundary Street Operations ‘super plant’ has not yet been acted upon, and that permit and any further necessary approvals to give effect to it should be supported and protected.

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19 GHD, Fishermans Bend Buffer Assessment dated October 2016, p 34.
20 Minister for Planning, Part A Submissions (Document 49b) at [235].
CONCLUSION

110. Concrete is a critical industry of State significance, with growing concern about the shortage, and cost of supply, of concrete.

111. The Barro Operations are significant, and strategically and economically important, operations in their own right.

112. The Barro Operations have two permits for the upgrading and expansion of those operations, with the upgrade of the Ingles Street Operations well underway and expected to be completed shortly.

113. The Panel should proceed on the basis that the Barro Operations will remain a State significant facility for the indefinite future.

114. Notwithstanding, best practice and compliance with relevant environmental obligations, the prospect remains of offsite amenity impacts.

115. The Amendment ought to fully and properly acknowledge, recognise, support and protect the Barro Operations in the context of the development potential of land within the sphere of influence of the Barro Operations. Mr. Negri’s evidence articulates how that might be done, and together with EPA seeking input from the operators of industrial uses of any change upon referral, we commend that approach to the Panel.

JEREMY GOBBO

Instructed by Ponte - Business Lawyers for Business
on behalf of Barro Group Pty. Ltd.

May 3, 2018