

IN THE MATTER OF AMENDMENT C69 TO THE MOYNE PLANNING SCHEME

**SUBMISSION ON BEHALF OF BAM & ASSOCIATES PTY LTD
(TRADING AS BAMSTONE)**

Summary

1. These submissions are made on behalf of Bam & Associates Pty Ltd (trading as Bamstone) (**Bamstone**), being Submitter 49.
2. Bamstone offers qualified support to Amendment C69 (**Amendment**) to the Moyne Planning Scheme (**Scheme**). Specifically, Bamstone:
 - a. supports the proposed amendment to clause 21.09-3 of the Scheme, which would express an intention to protect Bamstone's operations and support large employers/industrial areas and oppose the encroachment of sensitive uses. While, however, this policy is welcomed, Moyne City Council (**Council**) has acknowledged, and as we submit below, more work needs to be done;
 - b. supports the role of the *Port Fairy Framework Plan* (**Framework Plan**) in clause 21.09-3 of the Scheme; and
 - c. supports Council undertaking further strategic work and consultation on:
 - i. expanding the Industrial Zone to the north of Bamstone's land;
 - ii. introducing a Buffer Overlay around Bamstone's site; and
 - iii. discouraging a residential growth area expansion towards Bamstone's land before any of the above is further investigated.

Bamstone and the Bamstone land

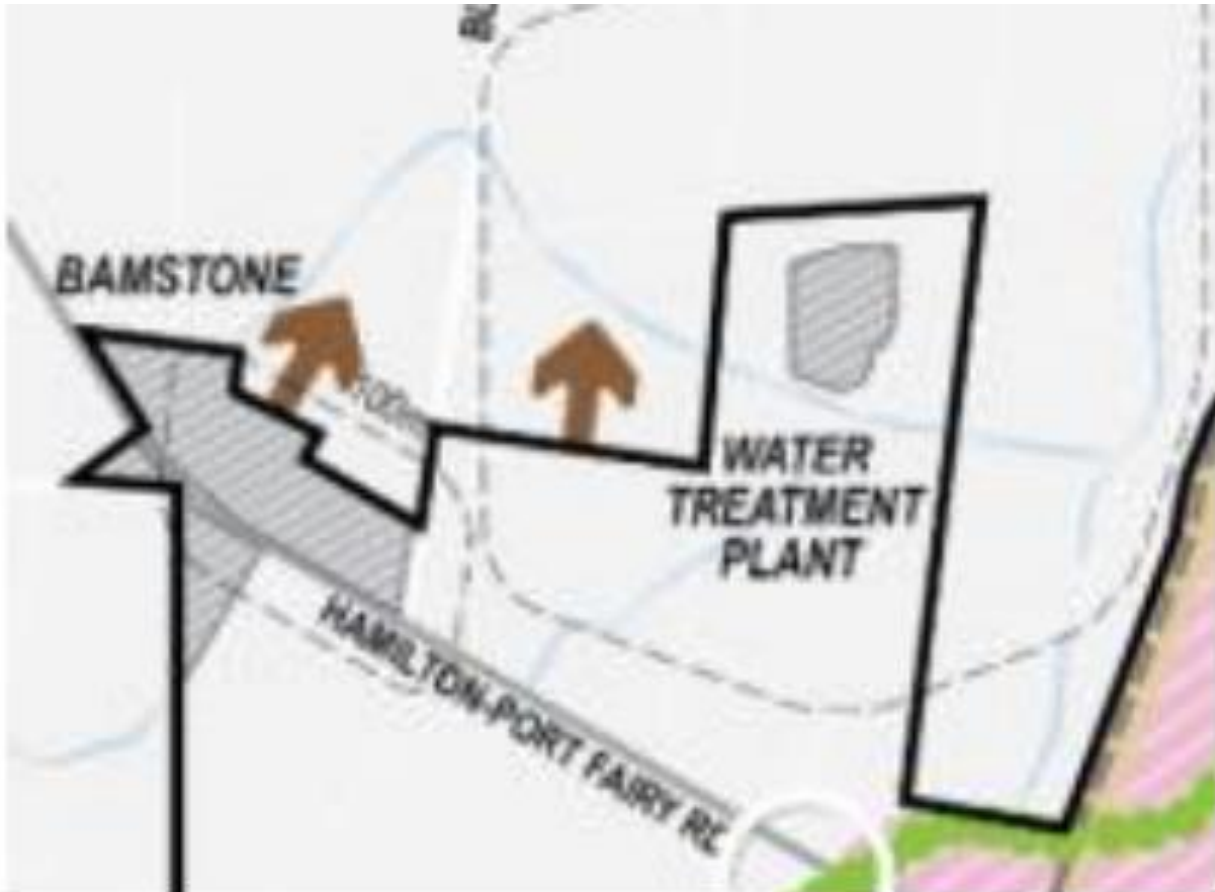
3. Bamstone owns and operates a stone processing facility at 204 Hamilton-Port Fairy Road, Port Fairy (**Bamstone Land**).
4. Bamstone receives bluestone from three nearby Bamstone quarries. The quarries supplying the Bamstone stone processing facility (three within 3-6km from the subject site) are the only quarries accredited in Victoria to supply the stone for the restoration

works at the Victorian Parliament Building and Treasury Precinct. These quarries all have an exclusive supply agreement with Bamstone and play a critical role in major infrastructure projects across Australia and beyond

5. Bamstone's business employs approximately 47 staff. Bamstone's goal is to ensure that residential development does not encroach on the Bamstone Land and thereby impact upon its existing, valuable use for the community and, indeed, for the State at large.

The Amendment

6. Relevantly, the Amendment, as exhibited, proposed to:
 - a. impose an Environmental Significance Overlay, Schedule 7 (**ESO7**), 500m around the Wannon Water – Port Fairy Reclamation Plant; and
 - b. amend clause 21.09-3 to ensure that development at Port Fairy be generally consistent with the Framework Plan.
7. The Amendment no longer involves the proposal to include the proposed ESO7 and Bamstone acknowledges that any proposal to include a similar buffer control around the Bamstone Land is beyond the scope of the Amendment.
8. The result is that Bamstone's interest in the Amendment concerns the Framework Plan. Its application to the Bamstone Land is shown below:



9. In response to Bamstone’s initial submission to Council following the exhibition of the Amendment Council, in its Part A submission, has said the following:

Following the completion of Amendment C69moyn, Council proposes to undertake additional research and consultation to consider interface requirements at Port Fairy’s key industrial sites, and determine the appropriate application of the ESO and/or BAO to promote a cohesive outcome. Consultation with landowners and stakeholders will be undertaken at that stage. Authorization for an amendment to implement the resulting recommendations will be sought at a later date if required.

10. Bamstone agrees with this submission, and wishes to ensure that Council follows through with this commitment.

Conclusion

11. It follows that Bamstone:
- a. supports the role of the Framework Plan in clause 21.09-3 of the Scheme; and
 - b. supports Council undertaking further strategic work and consultation on:
 - i. expanding the Industrial Zone to the north of Bamstone’s land;

- ii. introducing a Buffer Overlay around Bamstone's site; and
- iii. discouraging a residential growth area expansion towards Bamstone's land before any of the above is further investigated.

Dated: 14 September 2022

BEST HOOPER LAWYERS
For and on behalf of Bamstone