

SUBMISSION ON BEHALF OF JURIEB BAY LOBSTER PTY LTD

1. This submission is made on behalf of Jurien Bay Lobster Pty Ltd (**Jurien Bay**) in respect of Amendment C477 to the Greater Geelong Planning Scheme (**Amendment**).
2. By way of background Jurien Bay is part of the Pacific Bao Yu Group which has live seafood tanking facilities in New South Wales and Victoria and exports wild caught abalone, lobster & hagfish products throughout Asia and North America.
3. Jurien Bay's facility in Victoria is located at 265 Avalon Road, Avalon (**JB Land**).
4. The JB Land has abutments to the land which is the subject of the Amendment on both its northern and eastern boundaries and is shown in the following aerial photograph.



5. The JB Land comprises some 27.42ha and contains a processing facility set back approximately 300 metres from Avalon Road.
6. JB is broadly supportive of the Amendment to the extent that it recognises the strategic benefits and opportunities that this location affords to contribute to the economic prosperity of the region and the State.
7. However JB submits that there are changes to the Amendment that ought be considered.
8. The first of these is the boundary of the land included within the Amendment (**Amendment Land**).
9. As noted above, the JB Land has abutments to the Amendment Land, further it shares most of the attributes of the Amendment Land. In these circumstances, Jurien Bay submits that the JB Land should be included within the Amendment Land.
10. There have been no compelling reasons advanced as to how the boundaries of the Amendment Land were chosen, especially in this location, and why the JB Land was excluded.
11. To the extent that it might be suggested that this is due to concerns around drainage / flooding / sea level rising, the situation is no different to that occurring in the immediately abutting

Amendment Land. There is no reason why these issues can't be managed in the same way they are proposed to be managed on the Amendment Land.

12. Indeed, preliminary advice received by Jurien Bay is that a reasonable portion of the JB Land sits above 2.1m AHD, which is considered to be a reasonable ground level for development on the basis that climate change level + 1% AEP flood level = approx. 2.1m AHD.
13. To the extent that it might be suggested that this is due to issues relating to flora and fauna, there have been no surveys of either on the JB Land, so it would be inappropriate to exclude the JB Land for this reason.
14. Accordingly, Jurien Bay submits there is no appropriate rationale to exclude the JB Land from being included within the Amendment Land.
15. However, if the Authority is not prepared to entertain that change then at the very least proposed Clause 11.03-6L-06 should be modified as follows:
 - (a) The following should be included as a strategy

Undertake further investigations to determine whether the land at 265 Avalon Road should be included within the Greater Avalon Employment Precinct.
 - (b) The framework plan map should be amended to identify the JB Land as a 'Further Investigation Area'.
16. Making these changes to the Amendment would enable proper consideration to be given to any of the concerns which the Authority might currently hold about the suitability of the JB Land for inclusion within the Amendment Land. It would not compromise the Amendment, nor pre-determine any future decisions about the broader precinct.
17. Finally, while there may be some parts of the Amendment Land with attributes justifying the application of a Rural Conservation Zone (**RCZ**), it queries whether the coverage of the RCZ is justified in the present instance.

MinterEllison

Lawyers for Jurien Bay Lobster Pty Ltd