

14 February 2012

STATEMENT BY MR LINO BISINELLA, MANAGING DIRECTOR, BISINELLA DEVELOPMENTS

Bisinella Developments has issued proceedings in the Supreme Court against the Minister for Planning, Matthew Guy MLC, in relation to the Minister's decision late last year to refuse to approve amendment C73 to the Greater Geelong Planning Scheme.

The company has no comment in relation to the specific matters raised in the writ and statement of claim lodged with the court.

We can say, however, that we are very disappointed it has become necessary to take this action to defend our rights and protect our business.

Bisinella Developments has been in the business of residential and industrial development in the City of Greater Geelong for 45 years, generating investment and jobs for the region over this period. We also have a long history of major investment in developing and supporting our local community.

Over the past nine years, the company acted in good faith and followed the correct planning process in relation to amendment C73, which would have rezoned land at Caddys Road, Lara, for a new residential estate.

The company has experienced very long delays and incurred significant costs. We invested heavily in the planning process because we believed in the planning merits of our proposal.

We had good reason to believe in the planning merits of our proposal. It has been considered and endorsed by independent experts, by the Greater Geelong City Council, and by two independent panels appointed to consider the merits of the proposal. The Department of Sustainability and Environment and Parks Victoria (which manages nearby Serendip Sanctuary) did not object to the proposal, which included a buffer and other measures to protect the sanctuary.

Indeed, only a few months before the Minister decided to refuse to approve amendment C73, the Minister approved an amendment which included a new structure plan for Lara which specifically endorsed the concept of developing our land. The structure plan approved by the Minister shows our proposed residential estate inside Lara's "consolidation boundary" and specifically designates our land for conventional residential development as part of a rational growth strategy for the town.

The Minister's decision on 29 November 2011 was deeply disappointing.

We believe the Minister's decision was contrary to the orderly planning of Lara, the proven planning merits of our proposal, and his own decision, only a few months earlier, to approve the Lara Structure Plan in a form which specifically included our land in an area for conventional residential development.

We are challenging the Minister's decision on the basis that in making the decision to reject C73:

- Bisinella Developments was denied natural justice;
- the Minister failed to take into account relevant considerations;
- the Minister took into account irrelevant considerations; and
- the Minister's decision was so unreasonable that no Minister acting reasonably could have refused to approve the proposal.

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