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Tasmanian Planning Commission

2 October 2009

Shaun McElwaine
Barrister and Solicitor
PO Box 1218
LAUNCESTON TAS 7250

By e-mail to shaunmcelwaine@netspace.net.au

Dear Mr McElwaine

LAUDERDALE QUAY DEVELOPMENT PROPOSAL PROJECT OF STATE SIGNIFICANCE

Thank you for your letter dated 28th September 2009; I reply as requested by the Panel chairman, as follows.

There has been no request by any Governmental agency, subsequent to the hearing conducted by the Commission's Delegated panel for the purpose of assisting it in the preparation of the Draft Integrated Assessment Report, for further consultation with respect to the preparation of the DIAR.

Clarence City Council, by letter dated 22 September 2009 to the chairman of the Commission panel, made further submissions to the Commission panel about a variety of matters.

By letter dated 28 September 2009 Walker Corporation Pty Ltd through you, objected to the Delegates taking into account the contents of Council's letter, on the basis that to do so would be a breach of procedural fairness. It was submitted this would undermine the integrity of the hearing process conducted to assist in the preparation of the DIAR. It was submitted that the public hearing was and is the process for consultation with all persons affected by the proposal, and in substance that the hearing was the only such appropriate process for consultation.

On that basis, Walker Corporation Pty Ltd determined not to respond to the matters raised in the Council's letter by detailed comment or rebuttal.

The Commission considers with respect, that in all the circumstances in which the hearing was instituted and conducted, it is proper to regard the hearing as only part of the consultative process with Council and with the relevant Government agencies, pursuant to sections 21 and 22 of the *State Policies and Projects Act 1993*.

On that basis the Commission Delegates are entitled, and indeed obliged, to take into account in the course of preparation of the DIAR, such submissions as are provided by Council and the relevant Governmental agencies, by way of consultative process. The Commission Delegates consider that procedural fairness to the proponent may be afforded by allowing the proponent to address such matters as are put by the Council in its above letter.

Nevertheless, an enormous amount of effort, time and cost has been expended by the parties and by the Commission to date, to enable the preparation of the DIAR. It would be imprudent to risk that investment by all parties, by taking a view which if ultimately proven to be incorrect, could potentially jeopardise the validity of the DIAR.

On that basis, the Delegates will prepare and complete the DIAR document without taking into account the matters put in Council's above letter. The Delegates will then consider Council's letter in so far as it raises relevant issues, and in a transparent way enter into the DIAR document such changes or alterations, if any, as may arise from such consideration. In that way the result of the DIAR on the one hand taking into account, and on the other hand not taking into account, the matters raised by Council, will be apparent. This will permit the representations in response to the DIAR by all interested parties pursuant to section 23 of the Act.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Carol Hughes', written in black ink.

Carol Hughes
MANAGER

cc Mr Andrew Paul
General Manager
Clarence City Council