

TASMANIAN PLANNING COMMISSION



Our ref: DOC/20/142749
Officer: Claire Armstrong
Phone: 6165 6831
Email: tpc@planning.tas.gov.au

25 November 2020
Reissued 8 December 2020

Mr Peter McGlone
CEO
Tasmanian Conservation Trust
Floor 2, 191 Liverpool Street
Hobart TAS 7000

By email: tct6@bigpond.com

Dear Mr McGlone

Clarence draft Local Provisions Schedule

I refer to your letter dated 24 November 2020 requesting further detail about the Commission's direction to the Tasmanian Conservation Trust on 20 November 2020, and additional time to respond to the direction.

At the hearing, the Commission advised that it believes it is without jurisdiction to consider the requested Spotted Handfish Specific Area Plan. The reason is that the proposed SAP would apply to an area outside of the municipal area, and the Tasmanian Planning Scheme (including the Local Provisions Schedules) can only apply to municipal areas, and limited areas adjoining or adjacent to a municipal district under section 10 and section 7 of the *Land Use Planning and Approvals Act 1993* (the LUPA Act) respectively. Section 7 refers to a planning scheme applying to a 'municipal district', which is defined under Section 3 of the LUPA Act as a municipal area.

Municipal areas are defined under the *Local Government Act 1993* (the Local Government Act). Section 16(2) of the Local Government Act notes that a municipal area is an area listed in Column 1 of Schedule 3 of that Act. Column 1 of Schedule 3 identifies the area of the municipality of Clarence is established by reference to CPR 2976. This document is a plan in the central plan register¹ and was displayed at the hearing. Examination of the CPR 2976 plan indicates that the municipal area of Clarence is limited to low water mark, with an annotation that also includes all island and offshore rocks adjacent to the coastline of the municipality. A copy of CPR 2976 is attached.

Section 16(3) of the Local Government Act outlines what is also included in a municipal area.

Other than what is enabled by section 16(3) of the Local Government Act and section 7 of the LUPA Act, the Commission does not consider it has the jurisdiction to apply the planning scheme beyond low water mark in the Clarence municipality.

In your submission dated 17 November 2020 you consider that the LUPA Act allows for a SAP to apply to those developments listed in section 7, such as bridges, jetties, wharves, and pipelines. However, the Commission considers that section 7(a), (b), and (c) only allow the

¹ The central plan register is established by Section 8 of the *Survey Co-ordination Act 1944*.

application of zoning or other mapping (such as a SAP boundary) with respect to **existing** accretions or structures.

The submission requested from the Tasmanian Conservation Trust should address the Commission's opinion expressed at the hearing, and outlined above, with particular regard to section 7(d) of the LUPA Act.

The submission must be provided to the Commission by **8 December 2020**. Once received, the planning authority is to provide any response submission by **15 December 2020**.

Submissions are to be provided by email to tpc@planning.tas.gov.au. Where attachments are too large for email, please contact the Commission for assistance with accessing Dropbox. The Commission keeps electronic records and does not require hard copy documents.

All submissions will be made available on the Tasmanian Planning Commission's website at www.planning.tas.gov.au. Please note that submissions will be published in full, without redaction.

If you require further information please contact Claire Armstrong, Planning Adviser, on 6165 6831.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Ramsay', with a stylized, cursive script.

John Ramsay
Delegate (Chair)

cc: Clarence City Council

LD 1411.1

200086



For details of boundary definition in this area refer to CPR2546 (LD1404)

CENTRAL PLAN REGISTER
Plan No 2976
Registered 6.1.94
Surveyor General *Calver*

NOTE:
Municipality boundary extends to Low Water
Mark and includes all islands and offshore
rocks adjacent to the coastline of this
Municipality.

No.	PRODUCTION / AMENDMENT	AUTHORITY	REFERENCE	DRAWN	APPROVED	DATE	SCALE 1 : 100000	REGISTERED
1.	SUPERSEDES LD 1411	L.G.A.B.	SVY/14/020	S.A.M.	<i>bl</i>	6.1.94	DATUM(H) DATUM(V) CONTOUR	<i>Calver</i> SURVEYOR GENERAL
GAZETTED:				STAT RULE: 125 of 1996				DATE 6.1.94

CITY OF CLARENCE
LD 1411.1