

Contact: David Morris / Robert Holbrook
Our Ref: DJM:RJH:230427

22 March 2024

Mr Roger Howlett
Delegate (Chair)
Tasmanian Planning Commission
GPO Box 1619
HOBART TAS 7001

By Email: tpc@planning.tas.gov.au

Dear Mr Howlett,

Devonport LPS - Draft Amendment AM2022.02 and Permit PA 2022.0024 - Stony Rise

1. This firm continues to act for Tipalea Partners in this matter.
2. No doubt, as the Commission Delegates are aware, on 28 February 2024, an amended version of the *Cradle Coast Regional Land Use Strategy 2010-2030* came into effect. We understand that there are changes that are relevant to the Delegates' consideration in this matter in accordance with section 34(2)(e) of the *Land Use Planning & Approvals Act 1993*.
3. In our view, that section obligates a consideration of the relevant Regional Land use strategy in force at the time of the Commission making its decision. If the Commission Delegates take a different view, we seek confirmation of that as soon as possible.
4. Currently the evidence that is before the Commission addresses the earlier version of the *Cradle Coast Regional Land Use Strategy* dated 11 May 2022.
5. We are seeking a direction as to how the Commission Delegates see this issue being dealt with in the course of the hearing of this matter.
6. We ask that this matter be urgently clarified as we understand the Commission is currently in the process of setting a hearing date for final submissions in accordance with its latest directions of 14 March 2024.
7. It seems to us appropriate for the parties to be afforded the opportunity to address the new *Cradle Coast Regional Land Use Strategy 2010-2030* by way of expert evidence.

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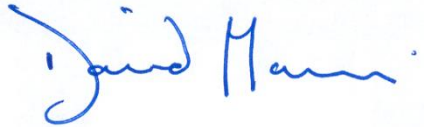
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8. We respectfully submit that this is a fundamental question for the Commission to provide directions on given that closing submissions in this matter could not properly proceed without relevant evidence in relation to the requirements of section 34(2)(e) of the *Land Use Planning & Approvals Act 1993*.

Yours faithfully,

SIMMONS WOLFHAGEN

Per:

A handwritten signature in blue ink, appearing to read "David Mann".A handwritten signature in blue ink, appearing to read "Robert".

and

Counsel for Tipalea Partners