
From: Robert Holbrook <robert.holbrook@simwolf.com.au>
Sent: Wednesday, 5 April 2023 12:47 PM
To: TPC Enquiry
Cc: David Morris
Subject: [212755] LPS-GEO-TPS – George Town Draft Local Provisions Schedule (LPS) - Austrak Tas 1 Pty Ltd
Attachments: Supplementary Submissions on behalf of Austrak Tas 1 Pty Ltd - 05.04.23.pdf; GHD Letter on behalf of Austrak Tas 1 Pty Ltd - 31.03.23.pdf

Categories:

Attention: Ann Cunningham, Delegate (Chair)

Good afternoon,

LPS-GEO-TPS – George Town Draft Local Provisions Schedule (LPS) - Austrak Tas 1 Pty Ltd

As you would be aware, this firm acts for Austrak Tas 1 Pty Ltd.

As part of the hearing process our client has already prepared and filed the following with the Commission:

1. Representation number 19 dated 31 August 2022;
2. Statement of Evidence of Jen Welch dated 16 March 2023;
3. Statement of Evidence of Kyron Johnson dated 16 March 2023;
4. Statement of Evidence of Samuel Martinello dated 16 March 2023; and
5. Submissions dated 22 March 2023.

We are instructed to file the **attached** Supplementary Submissions dated 5 April 2023 along with a Letter from GHD dated 31 March 2023.

I note that a copy of these materials has also been provided to the George Town Council's Planning Authority.

Kind regards,

Robert Holbrook
Associate

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Your ref: LPS-GEO-TPS
Our ref: 12585025

31 March 2023

Delegate (Chair)
Tasmanian Planning Commission
Email: tpc@planning.tas.gov.au

George Town Draft LPS – Further Representation in relation to land adjoining Lot 1 East Tamar Highway, Long Reach

Dear Ms Cunningham

The following is further evidence in relation to Representation 19 following the George Town LPS Hearings held on the 23 March 2023 at George Town Council. This letter is to be read as supplementary to my Statement of Evidence (SoE) dated 22 March 2023 and the original representation to the LPS dated the 31 August.

This representation addresses queries raised in relation to the following matters.

1. Wharf facilities and the suitability of the land for the anticipated vessels.
2. Previous approval and respective planning changes
3. Suitability of the General Industrial Zone

1. Wharf facilities

Evidence of Mr Johnson (para 5.3) includes detail of the wharf facilities approved at the Crown lease. These are further illustrated in the lease documentation. The evidence finds that the approved development specified that the facilities allowed for a vessel with a draft of 13m.

Mr Martinello in his evidence (para 3.1.3) demonstrates that Austrak reached an agreement with Woodside Energy Limited which secures a portion of Austrak's land for a proposed hydrogen plant and that the wharf facilities are imperative to its operation. In the hearing, Mr Martinello identified that the draft of 11 m is estimated for vessels to transport ammonia from the Long Reach site. Advice provided to Mr Martinello in an email from dated 27th March from Mr Christopher Durrant, Engineer Manager for Woodside indicated the maximum draft vessel permitted to enter Bell Bay is 11.5 metres and that it is assumed a Summer Draft Vessel at 11.75 will not be fully laden.

The detail of the approved wharf facilities demonstrates that a large scale port facility was approved for the land and that the scale is comparable to the anticipated vessels for the future loading facilities. It is anticipated that the future wharf facilities will not substantially vary in scale from those previously approved, however detailed design changes may require an alternative that would be assessed as part of a permit application in accordance with the standards of the SPPs.

2. Previous approval

Details of the approved development for the site included a response to the planning scheme in effect at the time of making the application, this is included in Annexure B, section 4 of Mr Johnson's Statement of Evidence dated 16 March 2023.

The Scheme in effect when the development and use were considered was the *George Town Scheme 1981*. As illustrated in Figure 1 below, the land to the high water mark was in the Industrial Zone and the river was not zoned.

The reference document identifies that the use was defined as Heavy Industry, defined as follows:

'means any industry other than a Light, General, Noxious, Hazardous, Extractive, Rural or Service Industry being of a large scale, which by reason of process, equipment or nature of product, may affect prejudicially the amenity of the locality by the emission of ash, dust, grit, smell, fumes, smoke, soot, steam, vapour, noise, vibration, waste or any such thing, and includes all such industries that are determined to be Scheduled Premises under the Environmental Protection Act 1973 as amended and which are not defined above.'

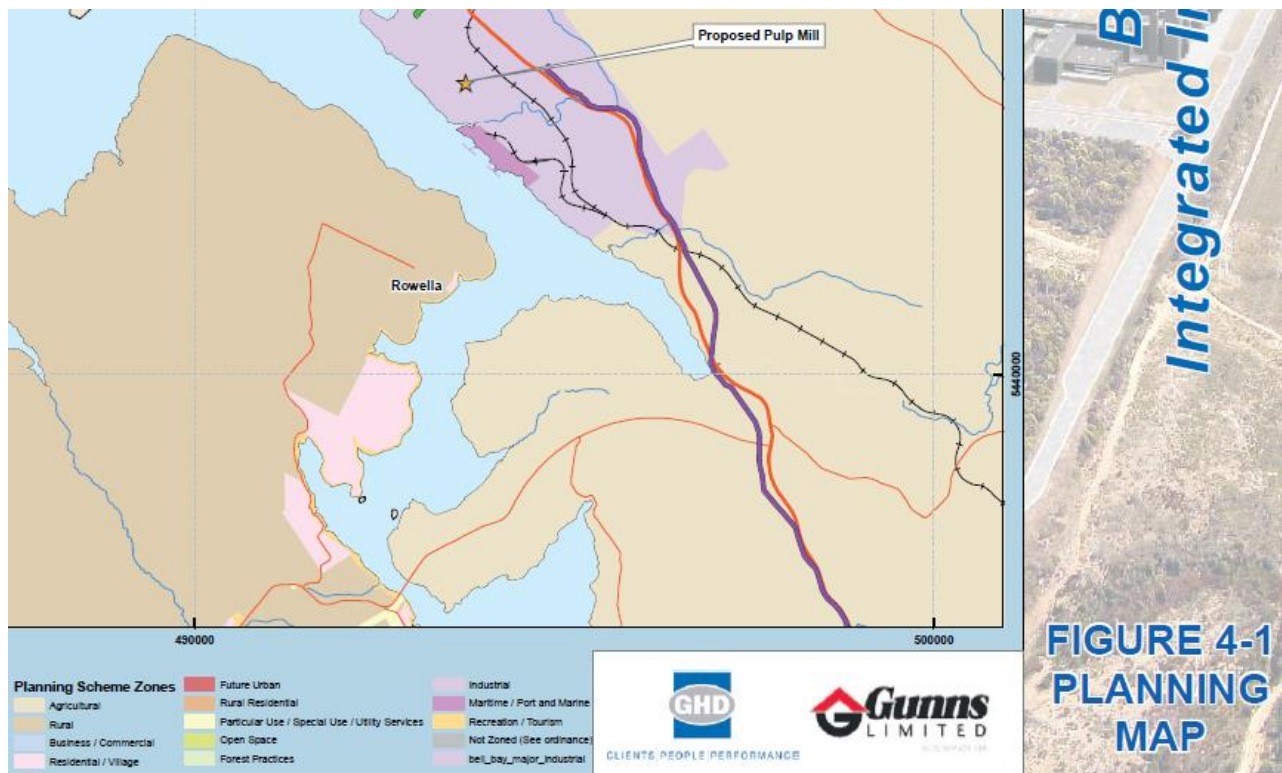


Figure 1 Extract of Figure 4.1 from Annexure B SoE Kyron Johnson

As identified in the Draft Integrated Impact Statement ('Draft ISS') Annexure C, section 10.1.2 of Mr Johnson's evidence, the proposed wharf was approved as integral and subservient to the overall development and therefore was likewise for the use of Heavy Industry. Heavy Industry was a permitted use in the applicable zone. The Draft ISS states:

'...a rezoning to maritime is recommended for the provisions of the wharf facility both on land and structure over the water. This rezoning is consistent with zoning approach adopted for other wharf facilities which service major industries within the Bell Bay industrial area'

The Heavy Industry use was prohibited in the Maritime Zone and so a specified departure was proposed to facilitate the use, as follows:

10.1.4 3.1.7 On land zoned Maritime the use and development of 'Heavy Industry' for the purposes of a wharf facility as identified on Figure 1-3 Volume 1 of the IIS dated [#] 2006 and approved by

the Commission on [##] 2006 shall be 'Permitted Use or Development (No Permit Required)'. Changes as a Consequence of the Long Reach Conservation Area.

It is assumed that the issuing of the permit under the *Pulp Mill Assessment Act 2007* would have resulted in the adoption of the proposed amendments.

An assessment has not been made of planning schemes in effect since the permit was issued in 2007 in order to determine whether the recommended amendments were ever included, as they are not readily available. It is possible there may have been some oversight in the inclusion of changes to the Scheme. Alternatively, it is possible with the declaration of the *George Town Interim Planning Scheme 2013*, the Environmental Management Zone was applied consistently along the coastline, except where there were existing mapped Port and Marine zoned areas.

3. General Industrial Zone

At the hearing, it was queried whether the General Industrial Zone (GIZ) would be more appropriately applied to the land. The zone had not been considered in the original representation and the following is an assessment of the appropriateness of the application of the Zone.

Mr Simmons for Council, commented on the rezoning at the hearing to the effect that he agrees with the strategic importance of the site for general industrial activities, regardless of whether it should be in the Port and Marine Zone (PMZ), as requested, or General Industrial Zone.

3.1 Comparative Standards

In review of the zone standards the main distinction is the use classes available, with use classes in the PMZ including a number of qualifications to limit activities to those associate with marine, port and shipping purposes.

It is anticipated that the development of a Hydrogen plant on the adjoining land could simply be described, for the purposes of a planning assessment, as substantial infrastructure for the input of water and electricity to produce ammonia, which would be stored for transport prior to shipping. However at this stage, no assessment has been made of the proposed development or any future use of the surrounding land.

The scale of the development may require that the uses are individually categorised as the following uses of Manufacturing and processing, Utilities, and Storage. All three uses would be permitted in the GIZ.

Table 1 Comparative Use Status

Use Class	GIZ status	PMZ Status
Bulky Goods Store	Discretionary If for: (a) a supplier for Resource Development, Extractive Industry or Resource Processing; (b) a garden and landscape, trade or hardware supplier; or (c) a timber yard.	Permitted If for boat sales, shipping supplies or other maritime purposes.
Business and Professional Services	Prohibited	Permitted If for marine, port, shipping and transport purposes.
Crematoria and Cemeteries	Discretionary if for a crematorium	
Educational and Occasional Care	Discretionary if for an employment training centre	Permitted If for training in marine, port, shipping and transport purposes.
Emergency Services	Permitted	Permitted
Equipment and Machinery Sales and Hire	Permitted	Permitted If for marine, port, shipping and transport equipment.

Use Class	GIZ status	PMZ Status
Food Services	Discretionary	Discretionary
General Retail and Hire	Prohibited	Permitted If for chandlers and other shipping and transport related goods.
Manufacturing and Processing	Permitted	Permitted – if associated with maritime purposes
Motor Racing Facilities	Discretionary	Permitted
Natural and Cultural Values Management	No Permit Required	No Permit Required
Passive Recreation	No Permit Required	Permitted
Pleasure Boat Facility	Prohibited	Permitted
Port and Shipping	Permitted	No Permit Required
Recycling and Waste Disposal	Permitted	Prohibited
Research and Development	Permitted	Permitted If associated with Port and Shipping or marine and transport purposes.
Resource Processing	Permitted	Discretionary If for: (a) marine, port, shipping and transport purposes; or (b) aquaculture or fish processing.
Service Industry	Permitted	Permitted If for marine, port, shipping and transport purposes.
Sports and Recreation	Discretionary	Discretionary If for marine or aquatic based activities.
Storage	Permitted	Permitted – if for marine, port, shipping and transport purposes Discretionary – if not listed as Permitted
Transport Depot and Distribution	Permitted	Permitted
Tourist Operation	Prohibited	Discretionary
Utilities	No Permit Required – if for Utilities Permitted – in not listed as No Permit Required	No Permit Required – if for Utilities Permitted – in not listed as No Permit Required
Vehicle Fuel Sales and Service	Permitted	Permitted
Vehicle Parking	Discretionary	Discretionary
Visitor Accommodation	Prohibited	Discretionary

Table 1 illustrates the permissibility status of the use classes between the two zones. The main difference is that uses in the Port and Marine Zone potentially prohibit activities if they are not for marine, port, shipping and transport purposes. However, the application of *7.6 Access and Provision of Infrastructure Across Land in Another Zone* may still be appropriate in this instance.

Development Standards for height are the same for both zones and the General Industrial Zone includes standards for landscaping and setbacks that don't apply to the PMZ. These are not considered to substantially impact on potential development options.

3.2 Response to Guidelines

The following is an assessment of the Section 8A Guidelines No 1 ('8A Guidelines') for the General Industrial Zone.

GIZ 1 The General Industrial Zone should be applied to land that provides, or is intended to provide, for a range of larger-scale or medium and higher impact, manufacturing, processing, servicing, storage and transport and distribution uses. These are likely to include large industrial operations with actual or potential nearby off site impacts. These may be located in areas remote from land designated for other uses, such as residential use, in order to avoid land use conflicts.

The use of the land is for a wharf that will be to facilitate large scale, high impact uses for manufacturing, processing, storage and transport uses. Actual and potential off site impacts are anticipated to require comprehensive assessment through the *Environmental Management and Pollution Control Act 1994*. The site and adjoining land has been designated for such purposes in order to avoid land use conflicts.

GIZ 2 The General Industrial Zone should not directly adjoin land zoned for residential purposes unless:

(a) separated by physical buffers such as a major road; or

(b) for existing industrial areas that provide for larger-scale or medium and higher impact, manufacturing, processing, servicing, storage and transport and distribution uses.

The land does not directly adjoin land zoned for residential purposes. This is not applicable.

GIZ 3 The General Industrial Zone should have access to freight transport routes and other utility infrastructure and services (e.g. electricity, water, sewerage) that is appropriate for the intended industrial use.

The land is essential to connections for transport route by water as it is connected to the deep water port. The land is capable of connections to electricity and water as is the rest of the adjoining GIZ land, where the scale is sufficient to accommodate wastewater management.

GIZ 4 The General Industrial Zone may be applied to land without connection to a reticulated sewerage system if:

(a) for existing industrial areas that provide for larger-scale or medium and higher impact, manufacturing, processing, servicing, storage and transport and distribution uses;

(b) unnecessary for the intended industrial use; or

(c) the area is capable of accommodating on-site waste water treatment systems suitable for the intended industrial use.

The land and the adjoining GIZ land is not connected to reticulated sewer, however it satisfies (a) as it is likely to be developed for larger, high impact activities and uses.

GIZ 5 The General Industrial Zone may be applied to port and marine facilities that are directly linked to specific higher impact manufacturing, processing, repair, servicing or storage uses.

This guideline demonstrates that the application of the GIZ to the anticipated wharf facilities should be capable of being supported.

GIZ 6 The General Industrial Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, industrial activities.

This guideline demonstrates that the application of the GIZ to the anticipated wharf facilities is capable of being supported.

3.3 Response to LPS Criteria

The Original representation to the Draft LPS was written in consideration of the provisions of Section 34 of the *Land Use Planning and Approvals Act 1993*. The alternative zoning of the land to General Industrial Zone is considered to be generally consistent with the to the responses in Section 2 of the Representation to the LPS Criteria.

3.4 Zoning Options

Council's comments from the hearing regarding the application of the GIZ or the PMZ are supported. Further to their comments, it is clear that the Environmental Management Zone is not an appropriate zone for the land. Either zone would be consistent with 8A Guidelines, as demonstrated above for the GIZ and in the SoE for the PMZ.

The following options have been considered:

1. Rezone to Port and Marine Zone

The PMZ would allow the wharf to be developed as a no permit required for the use. It would however be restrictive to the use of the land for activities that are not related to marine, port, shipping and transport purposes.

The PMZ would be consistent with the proposed zoning for existing wharf facilities at Bell Bay and Long Reach, and with areas north of the Victoria Bridge in Devonport, and the Burnie Wharf Facilities.

It is anticipated that most shore based activities would occur on the adjoining GIZ and that uses within the PMZ would be capable of being approved in accordance with clause 7.6 *Access and Provision of Infrastructure Across Land in Another Zone*.

2. Rezone to Port and Marine Zone including a site-specific qualification

This option would be consistent with the amendments that were approved for the land and that were not applied in the current *George Town Interim Planning Scheme 2013*. However, the number of uses to be included to match the former Heavy Industry definition would effectively be equivalent to the General Industrial Zone.

It is understood that the application of site-specific qualifications (SSQ) is not the preferred approach and that the Zones of the TPS should be applied where possible.

There do not currently appear to be any wharf facilities in Tasmania, subject to the TPS, that have a SSQ applied.

3. Rezone to General Industrial Zone

The GIZ would allow a broader range of uses and permit those that may be anticipated from the possible development of a Hydrogen plant on the adjoining land. The zone would provide greater consistency with the neighbouring land and ensure the greatest flexibility for future use and development options.

The GIZ would be consistent with the coastal edge adjoining Miandetta; Princes of Wales Bay, Derwent Park and Nystar, Lutana.

3.5 Preferred Zoning

The zoning of the land in the Environmental Management Zone is inconsistent with approved development and to the strategic intents for the land as a deep water port servicing the adjoining, regionally significant industrial land. Council supports the recommendation to rezone the land to facilitate wharf development.

Any of the three options outlined in Section 3.3 above would provide greater certainty for the future use and development of the adjoining General Industrial Zoned land and would facilitate this in a more timely and efficient manner. Furthermore, it would be consistent with the existing precedence across Tasmania of industrial estates with access to the coastal edge.

While potential uses and development have been described in this submission, these will be subject to a detailed assessment in accordance with the standards of the Scheme, and likely EMPCA, when a permit application is to be lodged with Council. Enabling wharf facilities to connect this substantial area of General Industrial land is imperative to any and all potential use and development.

In conclusion, when considering the intended future use of the site and the permissibility of other use classes for adjoining land, it is preferable that the LPS is declared with the area of land subject to the Crown Land Lease and within the municipal boundaries be zoned in the General Industrial Zone. Alternatively, Port and Marine Zone, possibly with a Site Specific Qualification would be preferable.

Regards

A handwritten signature in black ink that reads "Jen Welch". The signature is written in a cursive, flowing style.

Jen Welch
Planning Technical Leader

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jen.welch@ghd.com

Copy to: Justin Simons, George Town Council.

Jen Welch

From: Samuel Martinello <s.martinello@austrak.com.au>
Sent: Monday, 27 March 2023 1:56 PM
To: Robert Holbrook; David Morris (InTouch)
Cc: Mara Venn; Mark Assetta
Subject: FW: Proposed Wharf Facility - Long Reach
Attachments: Kyron Johnson - Statement of Evidence 16.03.2023 (1).pdf

Hi David and Robert,

Further to the hearing last week I attach a statement from Christopher Durrant, Lead Engineer on Woodsides TAS2 project confirming designs for the wharf can meet their logistics requirements.

If you require any other information, please let me know.

Appreciate all your efforts to date.

Kind Regards,

Sam

Sam Martinello



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From: Durrant, Christopher <CHRISTOPHER.DURRANT@woodside.com>
Sent: Monday, March 27, 2023 1:20 PM
To: Samuel Martinello <s.martinello@austrak.com.au>
Cc: Mara Venn <m.venn@austrak.com.au>; Mark Assetta <m.assetta@austrak.com.au>; Hughes, Sam C. <SAM.HUGHES@woodside.com>
Subject: RE: Proposed Wharf Facility - Long Reach

Hi Sam

The proposed facility described in your email below would meet the requirements of the refrigerated gas carriers that Woodside have planned to use for the H2TAS projects for both phase 1 and phase 2 of the facility. Phase 1 is likely to use MGC carriers and phase 2 of the project LGC carriers. The vessel specifications are below:

Vessel	MGC ¹	LGC ¹
Capacity (m ³)	35,000	85,000
DWT (t)	27,000	55,000
Loaded Displacement (t)	45,000	75,000
Length (m)	180	230
Beam (m)	28	36
Summer Draft (m)	10.5	11.75 ²
Ballasted Draft (m)	5.45 ³	7 ⁴

1) Source: PIANC WG121 [18].

2) The maximum draft vessel allowed to enter Bell Bay is 11.5m [4]. Therefore, it will be assumed the design vessel will not be fully laden.

3) Ballasted draft based on similar LPG/NH₃ carrier Gaschem Beluga with capacity of 35,000m³. Refer to Appendix A.3 for details of similar vessel.

4) Ballasted draft based similar LPG vessel Gas Star and Seabird with capacity of 84,000m³. Refer to Appendix A.3 for details of similar vessel.

The requirements for the landside facilities would include:

- Space allocation for a nominal 4m wide piperack to the berth face from the landside
- Below ground pipework to a point midships of the berth face for the connection of loading arms. Loading arms may be permanent or removable depending on the other requirements of users of the berth.

Let me know if you require any further information

Kind Regards

Chris Durrant

Hydrogen and New Energy | New Energy – Engineering Manager



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f t in y o

From: Samuel Martinello <s.martinello@austrak.com.au>
Sent: Monday, 27 March 2023 9:10 AM
To: Durrant, Christopher <CHRISTOPHER.DURRANT@woodside.com.au>
Cc: Mara Venn <m.venn@austrak.com.au>; Mark Assetta <m.assetta@austrak.com.au>
Subject: Proposed Wharf Facility - Long Reach

Hi Chris,

Thank you for your time on the phone this morning.

I attach an extract of the statement of evidence provided to the Tasmanian planning commission prior to the hearing which was held on Thursday the 23rd of March 2023.

The evidence shows prior approval for a wharf facility with the ability to handle a vessel with a draft of 13 meters.

Are you able to confirm that the proposed facility would meet the requirements for Woodside, specifically for the operation of the ammonia facility and allow for the export of ammonia.

If you have any queries in relation to the above, please feel free to contact me directly on 0435 375 567.

Kind Regards
Sam

Sam Martinello



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George Town Local Provisions Schedule

SUPPLEMENTARY SUBMISSIONS ON BEHALF OF AUSTRAK TAS 1 PTY LTD

1. Introduction and Summary

- 1.1. As the Commission is aware, this firm acts for Austrak Tas 1 Pty Ltd (**'Austrak'**). We filed submissions with the Commission dated 22 March 2023 (**'Submissions'**) and appeared on behalf of Austrak at the hearing on 23 March 2023.
- 1.2. These further submissions should be read as supplementary to the Submissions and are provided to address some of the matters raised at the hearing.
- 1.3. We have been provided with a copy of a letter prepared by Ms Jen Welch from GHD dated 31 March 2023 (**'GHD Letter'**) that also responds to some of the matters raised at the hearing. A copy of the GHD Letter is **enclosed**.
- 1.4. In summary, we maintain that the Rezoning, whether that be to General Industrial Zone (**'GIZ'**) or the Port and Marine Zone (**'PMZ'**) has significant merit, meets the relevant requirements of the Act and is in accordance with the TPC Guidelines.
- 1.5. After the hearings the Commission should modify the draft LPS to incorporate the Rezoning to GIZ in accordance with section 35K of the Act. Alternatively, the Commission should adopt the Rezoning to PMZ, possibly with a site-specific qualification.

2. Background of the Site – Scheme Amendments

- 2.1. As set out in part 2 of the Submissions and further detailed in Mr Kyron Johnson's statement of evidence, the Site was previously approved in 2007 as part of the former Gunns Pulp Mill proposal to include wharf facilities (**'Permit'**).¹
- 2.2. The Permit runs with the land and was substantially commenced on or about 28 September 2011.² Accordingly, it remains valid and permits the use and development of a wharf facility.³
- 2.3. The relevant planning instrument that applied to the Site when the Permit was granted was the *George Town Scheme* 1981.⁴ The Permit itself was for a *'Heavy Industry'* use.⁵
- 2.4. We understand that the land to the high-water mark was in the Industrial Zone and the river was not zoned.⁶ The wharf facilities approved in the Permit were integral and subservient to the Heavy Industry use.⁷
- 2.5. As noted in the GHD Letter:⁸

... Heavy Industry was a permitted use in the applicable zone. The Draft ISS states:

¹ Kyron Johnson Statement of Evidence dated 16 March 2023 pts 3-5.

² See, eg, *Hilpalm Pty Ltd v Heaven's Door Pty Ltd* [2004] HCA 59; (2004) 220 CLR 472 at [88] & Kyron Johnson Statement of Evidence dated 16 March 2023 Annexure J.

³ See, eg, *Pulp Mill Assessment Act* 2014 s 8(4).

⁴ GHD Letter section 2 pg 2.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Ibid* pp 2-3.

Filed on behalf of the Austrak Tas 1 Pty Ltd

Simmons Wolfhagen Lawyers
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Ref: DJM:RJH - 212755

‘...a rezoning to maritime is recommended for the provisions of the wharf facility both on land and structure over the water. This rezoning is consistent with zoning approach adopted for other wharf facilities which service major industries within the Bell Bay industrial area’

The Heavy Industry use was prohibited in the Maritime Zone and so a specified departure was proposed to facilitate the use, as follows:

10.1.4 3.1.7 On land zoned Maritime the use and development of ‘Heavy Industry’ for the purposes of a wharf facility as identified on Figure 1-3 Volume 1 of the IIS dated [##] 2006 and approved by the Commission on [##] 2006 shall be ‘Permitted Use or Development (No Permit Required)’. Changes as a Consequence of the Long Reach Conservation Area.

It is assumed that the issuing of the permit under the Pulp Mill Assessment Act 2007 would have resulted in the adoption of the proposed amendments. [emphasis added]

2.6. Section 10(1) of the *Pulp Mill Assessment Act 2007* states:

(1) If each House of Parliament accepts the Pulp Mill Permit under section 7, the Minister must, in consultation with the relevant planning authority, amend any relevant planning scheme, special planning order or interim order to remove any inconsistency between it and the Pulp Mill Permit. [emphasis added]

2.7. The use of the word “*must*” makes it clear this was a mandatory requirement.⁹ The Minister was also required to give notice of any amendment in the Gazette.¹⁰

2.8. We note the operation of section 10 of the *Pulp Mill Assessment Act 2007* is similar in this regard to section 11A of the *Major Infrastructure Development Approvals Act 1999* which requires the Commission to consult with the relevant planning authority to remove any inconsistency.

2.9. We have reviewed the Gazette and to the best of our knowledge, no notice was ever given by the Minister of any amendments to a planning scheme required to facilitate the Permit by removing inconsistencies.

2.10. This hearing process presents a significant opportunity to adopt the Rezoning to correct what appears to be an omission and amend the scheme to ensure it is not inconsistent with the live Permit.

3. Wharf Facilities

3.1. At the hearing, delegate Mr Michael Hogan asked a series of questions relating to details of any future potential wharf facilities, including the types of ships that may use any such wharf.

3.2. In our submissions this is a largely irrelevant consideration for the purposes of assessing the Rezoning for the following reasons:

(a) As set out above, the Permit demonstrates that the land has already been approved for a large-scale port facility. It is anticipated that the scale of the wharf approved in the Permit is comparable to the vessels for the future loading facilities associated with Woodside’s operations;¹¹

(b) If it becomes necessary following detailed design, the Rezoning does not in any way prevent a future application for the use and development of a wharf and associated

⁹ See, eg, *Acts Interpretation Act 1931* s 10A(1)(a).

¹⁰ *Pulp Mill Assessment Act 2007* s 10(3)(b).

¹¹ See, eg, GHD Letter s 1 pg 1.

infrastructure at the Site and/or a combined application to amend the LPS from being assessed pursuant to state and federal environmental legislation, including the Act;

- (c) The Rezoning is an entirely appropriate planning mechanism that the Commission should adopt to support potential industrial development and provide a sufficient supply of appropriately zoned land ready for development at the strategic location of Bell Bay, consistent with the existing Permit and the RLUS;
- (d) The Rezoning is consistent with the strategic priority of the *George Town Strategic Plan 2020-2030*, namely “*taking pride in, advocating for and promoting the Bell Bay Advanced Manufacturing Zone [and] securing the [Woodside] hydrogen production facility.*”; and
- (e) This hearing process is an opportunity under the LPS provisions to accord an appropriate zoning to facilitate the realisation of strategic foundations for what takes place on the Site.

4. Assessment of the Rezoning against the TPC Guidelines

- 4.1. We note that part 7 of the Submissions addressed the TPC Guidelines insofar as they related to the PMZ and EMZ.
- 4.2. The GHD Letter includes an additional assessment against the TPC Guidelines relating to the GIZ in section 3.2. It concludes that EMZ is not the appropriate zoning, whereas GIZ or PMZ would be appropriate and consistent with the TPC Guidelines.
- 4.3. The GHD Letter identifies three zoning options in section 3.4 that should be considered by the Commission. Namely:
 - (a) Rezoning to PMZ as originally supported in the Representation;
 - (b) Rezoning to PMZ with a site specific qualification, however it is understood this is no longer the preferred approach; or
 - (c) Rezoning to GIZ to facilitate a broad ranges of uses and be consistent with other existing zoning for similar coastal land around Tasmania.
- 4.4. We maintain the submission that the Commission can be satisfied that any of the abovementioned Rezoning options is appropriate and consistent with the TPC Guidelines and should be adopted.

5. Conclusion

- 5.1. In conclusion, we maintain the submission that the Rezoning has significant merit, meets the relevant requirements of the Act and is in accordance with the TPC Guidelines.
- 5.2. As noted in section 3.5 of the GHD Letter:

Any of the three options outlined in Section 3.3 above would provide greater certainty for the future use and development of the adjoining General Industrial Zoned land and would facilitate this in a more timely and efficient manner. Furthermore, it would be consistent with the existing precedence across Tasmania of industrial estates with access to the coastal edge.

In conclusion, when considering the intended future use of the site and the permissibility of other use classes for adjoining land, it is preferable that the LPS is declared with the area of land subject to the Crown Land Lease and within the municipal boundaries be zoned in the General Industrial Zone. Alternatively, Port and Marine Zone, possibly with a Site Specific Qualification would be preferable. [emphasis added]

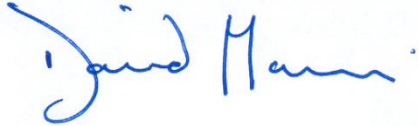
- 5.3. For all of the above reasons, those previously outlined in the Submissions and at the hearing, the Commission should modify the draft LPS to incorporate the Rezoning to GIZ in accordance

with section 35K of the Act. Alternatively, the Commission should adopt the Rezoning to PMZ, possibly with a site-specific qualification.

Dated: 5 April 2023

SIMMONS WOLFHAGEN

Per:

A handwritten signature in blue ink that reads "David Mann".A handwritten signature in blue ink that reads "Rob Brook".

and

Counsel for Austrak Tas 1 Pty Ltd