

Contact: David Morris / Robert Holbrook  
Our Ref: DJM:RJH:212755

24 May 2023

Ms Ann Cunningham  
Delegate (Chair)  
Tasmanian Planning Commission  
GPO Box 1619  
HOBART TAS 7001

**By Email: [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)**

Dear Ms Cunningham,

**LPS-GEO-TPS – George Town Draft Local Provisions Schedule (LPS)**

As the Commission is aware, this firm acts for Austrak Tas 1 Pty Ltd. We filed submissions with the Commission dated 22 March 2023 and appeared on behalf of Austrak at the hearing on 23 March 2023. We also filed supplementary submissions dated 5 April 2023.

We refer to the Commission's directions dated 28 April 2023 requiring “*a statement on whether the General Industrial or the Port and Marine Zone would be more appropriate for the land and water covered by the Crown lease agreement 46962.*” We understand that any response is due by 28 May 2023.<sup>1</sup> This letter responds to that direction.

We have reviewed the response of the Planning Authority in relation to this matter from Mr Justin Simmons dated 28 April 2023 that, inter alia, states:

*... Council supports the application of the General Industrial Zone.*

*It is reiterated that rezoning, whether that is to General Industrial or to the Port and Marine Zone, is supported. The Bell Bay area offers a unique combination of well serviced General Industrial Land immediately adjacent to a significant deep water port. The Environmental Management Zone is not considered to be an appropriate zone for the lease area, given the substantial investigations previously undertaken and demonstrating its suitability for a wharf.*

We note the Planning Authority's position is consistent with paragraph [5.3] of our supplementary submissions that stated:

<sup>1</sup> Noting that the directions schedule indicates it was due by Friday 28 April 2023.

**Hobart Office**

**Address** Level 4, 99 Bathurst Street  
Hobart TAS 7000  
GPO Box 146  
Hobart TAS 7001

**Phone  
DX** +61 3 6226 1200  
114 Hobart

**Launceston Office**

**Address** 45 Cameron Street  
Launceston TAS 7250  
PO Box 379  
Launceston Tas, 7250

**Phone** +61 3 6338 2390

**ABN** 31 635 248 976  
**Email** [info@simwolf.com.au](mailto:info@simwolf.com.au)  
**Web** [www.simwolf.com.au](http://www.simwolf.com.au)

**Lawyers specialising in**

- › Business Acquisitions, Partnerships, Company & Commercial Law
- › Conveyancing, Property Development, Easements & Subdivisions
- › Family & De Facto Relationship Law
- › Wills, Estate Planning & Administration of Estates
- › Commercial Litigation, General Litigation & Dispute Resolution
- › Local Government, Environment & Planning Law
- › Employment & Workplace Relations Law
- › Bankruptcy, Insolvency & Securities Enforcement
- › Insurance Law, Personal Injury Law
- › Building, Construction & Engineering Law

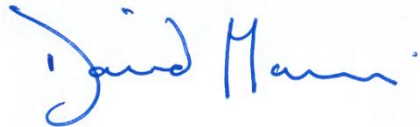
*For all of the above reasons, those previously outlined in the Submissions and at the hearing, the Commission should modify the draft LPS to incorporate the Rezoning [of land and water covered by the Crown lease agreement 46962] to [the General Industrial Zone] in accordance 4 with section 35K of the Act. Alternatively, the Commission should adopt the Rezoning to [the Port and Marine Zone], possibly with a site-specific qualification.*

For the avoidance of doubt, our client maintains that position.

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 "R. H. Brook".

and

Counsel for Austrak Tas 1 Pty Ltd