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Barrister

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Mr John Ramsay
Chair of Delegate Panel
Tasmanian Planning Commission
Level 3, 144 Macquarie Street
HOBART TAS 7000

Dear Mr Ramsay

**Tasmanian Planning Scheme Clarence
Draft Amendment PDPSAMEND-2021-022808
Apply Airport limitation area overlay**

I am instructed by Van Cheng Pty Ltd, the owner of 269 Kennedy Drive, to make these submissions to the material filed by Gray Planning on 8 March 2024.

It appears that the proponent has ignored all the submissions and evidence given at the last hearing day, and indeed the direction given by the Commission.

First, the proponent has still not identified why it is an appropriate land use response to substantially limit the development that is currently permitted in this light industrial zone. A light industrial zone which the proponent, or persons associated with the proponent, subdivided in the first place.

Related to this, Council has made no submissions at all concerning why it contends that development in its light industrial zone should be so significantly restricted.

The submission does not, as the Commission directed, achieve the objective of compatibility between the current and future use and development of the lands in the immediate vicinity of the airport.

Second, and more concerning, the proponent has not addressed the disparity between the OLS height, and the ground level. There was a great deal of time at the past hearing spent identifying this fundamental problem. The recent material filed, at page 5 image 3 highlights that the proponent has ignored this point. There it is stated:

“The OLS mapping as currently proposed would potentially impact any future building proposed to be located in the far western corner of the property that is directly adjacent to Cambridge Airport’s primary runway 12/30. At least 75% of the property would be otherwise unaffected by the OLS.”

That statement, which is presumed to be addressing 'compatibility', is entirely misleading. Indeed it is simply wrong.. First, as explained in my submissions dated 6 September 2023, and as explained thoroughly at the last hearing, more than half of 269 Kennedy Drive is zoned Environmental Management. It cannot be built on. It is therefore not relevant to any 'unaffected' portion calculation.

Second, the portion of the property that is zoned light industrial has significant fill, as identified in the Natural Values Assessment dated 14 August 2020. Development on this site is controlled by the height above that ground level, not by an OLS using AHD figures. For example, assume the ground level is at 5m AHD, then the revised OLS at the far western end restricts height to under 4m. The current permitted height under the acceptable solution 18.4.1 A1 is **10m**.

The Commission must not simply look at numbers and lines on the proponent's plans. It must consider what impact those lines actually have on the underlying property. That requires careful consideration of the 'residual' height. This will show a substantial 'incompatibility' between the use of the airport and development on this land still persists, and for no valid reason.

The recent submission states that the proponents will "oppose any further watering down" of OLS overlay mapping. This seems to fly in the face of the evidence given at the last hearing by Mr Griffith that the runways at Cambridge were sited to enable surrounding buildings of up to 9 m high. This evidence, it is presumed, is a factor leading the Commission to issue its direction. That is precisely what the owner of 269 Kennedy Drive contends: if an OLS is introduced, it should permit buildings of 9m high on its land.

The proposed overlay causes a substantial land use conflict. It does not represent fair, orderly and sustainable use and development of land. The OLS is not required by regulation. The amendment should be refused and the OLS mapping rejected.

Yours faithfully,



Andrew B Walker

On behalf of the owner of 269 Kennedy Drive.