

20 December 2021

Mr Des Jennings  
General Manager  
Northern Midlands Council  
PO Box 156  
Longford TAS 7301

Dear Mr Jennings

**DRAFT NORTHERN MIDLANDS LOCAL PROVISIONS SCHEDULE – TASMANIAN PLANNING SCHEME**

I refer to your letter dated 25 October 2021, inviting written representations regarding the Draft Northern Midlands Local Provisions Schedule. Thank you for the opportunity to comment on the draft schedule. This letter sets out our queries and comments.

Launceston Airport has a keen interest in the Draft Local Provisions Schedule (LPS) from an airport safeguarding perspective, particularly having regard to implementation of the National Airports Safeguarding Framework (NASF) and the Launceston Airport Master Plan 2020 (the Master Plan).

As you would be aware, the Master Plan was approved by the Commonwealth Minister for Infrastructure, Transport and Regional Development, under the provisions of the Airports Act 1996, in July 2020. The Master Plan includes an Airport Safeguarding Strategy (Section 12).

As noted in Section 4.2.2 of the Master Plan, the current Northern Midlands Interim Planning Scheme (the Planning Scheme) recognises the importance of Launceston Airport. In clause 2.2.2.7 of the Planning Scheme, a stated objective is to:

*Protect Launceston Airport from encroachment by incompatible uses or developments that compromise its operations in recognition of its importance and contribution to the Launceston Region and State economy.*

In clause 3.1, the current Planning Scheme states:

*We are the location of the most significant airport in the state, and the associated industrial area.*

Furthermore, in clause 3.2.1 the Planning Scheme states:

*NMC hosts the preferred heavy road transport link (Illawarra Rd) from the North South corridor to the North West coast ports. Launceston Airport is the most central to destinations in the state, and is located near the hub of the road transport system. All these transport factors are also significant to NMC's relationship to tourist movement in Tasmania.*

Launceston Airport is concerned that the Draft LPS does not seem to contain statements such as those above, to formally recognise the importance of Launceston Airport, and the need to protect it from encroachment by incompatible uses or developments that may compromise its operations.

The current Planning Scheme also contains a code in Part E relating to airport safeguarding: E12 Airports Impact Management Code. The purpose of this code is to:

- a) ensure that use or development within identified areas surrounding airports does not unduly restrict the ongoing security, development and use of airport infrastructure*
- b) provide for management of the land-use implications of those areas relevant to use and development under the scheme.*

This code applies to use or development of land:

- a) within Australian noise exposure forecast contours on the maps*
- b) within prescribed air space.*

The code further stipulates land-use standards relating to noise impacts, and development standards relating to obstacles to aircraft.

It is understood that the current Airports Impact Management Code will be replaced with the new Safeguarding of Airports Code in the State Planning Provisions (SPP) and that this new code will help protect Launceston Airport going forward. This code contains provisions similar to those in the current code, and as such is supported (subject to the comments below regarding other NASF matters).

Clause LP1.7.14 of the SPP requires the LPS to contain an overlay map showing the airport noise exposure area and the airport obstacle limitations area if such information is contained in an airport master plan.

The Local Provision Schedule Supporting Report states that the draft LPS overlay maps have been prepared on revised information provided by the Tasmanian Planning Commission on 11 July 2019. We have reviewed the overlay maps on the Council website and advise as follows:

- The noise exposure area appears to match the ANEF in the Master Plan.
- The noise exposure area does not include the N Contours in the Master Plan (Figure 12.6).
- The obstacle limitation area appears to match the Obstacle Limitation Surfaces (OLS) in the Master Plan.
- The obstacle limitation area does not include the PANS-OPS surfaces in the Master Plan (Figure 12.11).

We request that the noise exposure area overlay include the airport's N contours, which are mapped in the approved Master Plan, in accordance with NASF Guideline A: Measures for Managing Impacts of Aircraft Noise.

We also request that the obstacle limitation area overlay include the PANS-OPS surfaces in the Master Plan, in addition to the OLS, in accordance with NASF Guideline F: Managing the Risk of Intrusions into the Protected Airspace of Airports. It is noted that the Safeguarding of Airports Code includes reference to PANS-OPS surfaces.

As stated in Section 12.4 of the Master Plan, whilst the Safeguarding of Airports Code provides some protection for Launceston Airport, there is no reference to NASF in the code and it does not address the full range of airport safeguarding matters set out in the NASF guidelines. Pursuant to the NASF agreement, it is the responsibility of each jurisdiction to implement the framework into their respective planning systems.

Launceston Airport would like to discuss with council how the other NASF matters may be addressed in the LPS in accordance with principles and guidelines of NASF. This will probably need to include the State.

It is noted that in discussions between Launceston Airport and the State, when we were developing the current Master Plan, the State acknowledged its role in the implementation of the NASF guidelines through the planning system. In doing so the State identified that the planning system is broader than the relevant planning scheme, and some of the NASF Guidelines may best be implemented through appropriate strategic planning to avoid land use conflicts as opposed to implementing specific use and development standards in the planning scheme.

The State also stated that there are opportunities to address many of the NASF guidelines through the future Tasmanian Planning Policies (TPPs), which will provide the overarching policy guidance for use and development in Tasmania. We were told that the TPPs will guide the allocation of planning zones ensuring the Launceston Airport is protected through any future rezoning proposals. We are not aware of the status of the TPPs. We would welcome further discussions regarding these matters.

In relation to the Translink Specific Area Plan (NOR-S1.0), we have a query regarding the sub-clause that states:

*In the area of land this plan applies to, the provisions of the specific area plan are in substitution for, and are in addition to the provisions of ... (d) Safeguarding Airports Code.*

This statement is confusing. We are unsure whether the provisions of the specific area plan completely replace the Safeguarding Airports Code for the relevant land, or whether they are in addition to the Code. We would be concerned if they completely replace the Code. If they are in addition to the Code provisions, what happens if there is an inconsistency between the two sets of provisions? Which one takes precedence?

Our final comment regarding the Draft LPS relates to the zoning of the airport site. In the current Planning Scheme and the Draft LPS, the airport site is designated a Utilities Zone. However, under section 52(i) of the Commonwealth Constitution and subject to the *Commonwealth Places (Application of Laws) Act 1970* (Cth), the Commonwealth has exclusive legislative power in relation to places acquired by the Commonwealth for a public purpose. Therefore, it is our understating that a planning scheme does not apply to a 'Commonwealth place'. Any requirement in a planning scheme seeking to regulate the use or development of Commonwealth land is inoperative. As such, we believe the Utilities Zone should be removed from the airport site.

Should you or members of your staff wish to discuss these matters, please contact me on 03 6391 6207.

Yours sincerely

A handwritten signature in black ink, appearing to read 'I. Brucksch', is centered within a light gray rectangular box.

Ilya Brucksch  
Manager - Planning and Development  
Launceston Airport

