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Tasmanian Planning Commission
GPO Box 1691
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tpc@planning.tas.gov.au

2 April 2024

Dear Commissioner

RE: Draft Amendment PDPSAMEND-2021-022808
Apply airport obstacle limitation area overlay to land around Cambridge Airport

This submission is made on behalf of 115 Kennedy Drive P/L ACN114 583 602 (referred to as **115**) and should be read in conjunction to our submission made to the Commission on 12 September 2023.

History of ownership:

The site was purchased by Derwent Park Developments in March 2010 who assigned the agreement to **115** in August 2010. The assignment included all relevant matters/agreements/covenants as existed between vendors, D and J M Wells and Derwent Park Developments.

It is important to note that the original subdivider/vendor of the site is effectively the same entity as the current applicant - Airline of Tasmania P/L, via the Wells family.

115 completed the structure which stands on the subject site and is now occupied by a government business enterprise on a long-term lease.

The building was erected in accordance with all relevant planning parameters as determined by the Clarence City Council. These planning parameters did not include and made no reference to Obstacle Limitation Surfaces (**OLS**) which are the subject matter of this appeal.

It is our understanding that the so called **OLS** contours were approved by the Council in 2021 and that the Commission sought a review of this matter as it deemed "the modification is a substantial modification as there may be a public interest in the modification", before granting approval for the change of zoning parameters. As mentioned above, this hearing is an extension of that review process.

In effect the Commission is conducting a review of the Council's decision.

Our submission has relied upon contour maps prepared by Gray Planning (consultants to Cambridge Airports, Airlines of Tasmania P/L) and further detailed by Simon Gatenby of the Commission.

The original **OLS** contours were discussed at a hearing in November 2023. Following submissions made at that hearing Gray Consulting have revised their advice to that contained in their correspondence dated 8 March 2024.

In Gray Planning's revised submission to the Commission (dated 8 March 2024) reference is made, on page 4, to our specific site and the revised contour layout. There is a token shrinking of these contours indicating a new **OLS** of 29m on the northern edge of the existing building.

However, the **OLS** contours as now proposed have a continuing adverse impact on our site. The proposal effectively limits building heights down to 5m above natural ground level up to our northern boundary.

What this effectively means is that a covenant has been placed on our title restricting future building development. This "covenant" is alien to the original planning parameters laid down by the City of Clarence and is quite contrary to statements made by the original subdividers of the site, who are effectively the same party who have instructed Gray Planning on this matter.

It is our understanding that there is no Statutory requirement that such **OLS** contours must be imposed on surrounding properties. If there was/is, they would have been addressed by Airlines of Tasmania when the site was originally subdivided.

In fact Gray Planning's letter to Mr Ramsay of the Commission, dated 8 March 2024, makes the statement "**Consideration was also given to best practice application of the now obsolete requirements of CAAP 92 A-----**".

Our concerns about imposing any **OLS** relate to those proposed for the runway referred to 09/27, which is a very little short runway used up to "5%" of the time, running east-west.

We are under the impression that this runway could be terminated without any undue restrictions on the major operations of Airlines of Tasmania thus eliminating all **OLS** contours relative to 09/27.

In summary, the proposed **OLS** contours for 09/27 are not a statutory requirement and appear to have been developed by a consultant without any regard as to their imposition on surrounding sites.

The matter could have been addressed as far back as 2010 when the land was originally sold by the current operators of Cambridge Airport.

Should these contours be endorsed by the Commission, the owners of **115** will be seriously considering seeking compensation from the Applicant (as proprietors of the airport and developers/subdividers/vendors of our site) for diminution of value of the site.

As an extension of this consideration, the site proportion adversely affected is approximately 6,800 square metres extending south from the northern boundary. Current unrestricted value of industrial land in the area is approximately \$420 per square metre. In our opinion the adverse effect of the **OLS** contours would reduce this value to approximately \$300 per square metre. A diminution of \$120 per square metre. The mathematics speak for themselves.

To reinforce that such height restrictions were never envisaged nor required, we table an original letter from Don Wells as Managing Director, Airlines of Tasmania, dated 14 January 2010, addressed to Troy Harper, Derwent Park Developments.

The matter speaks for itself: the subject contours should be removed and/or runway 09/27 be closed.

Yours faithfully



CARL J ROOKE
Secretary



Airlines of Tasmania Pty Ltd

Par-Avion
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14 January 2010

*copy to
JMW*

Troy Harper
Derwent Park Developments Pty Ltd
12 Lambert Ave
Sandy Bay TAS 7005

Dear Mr Harper,

Lot 1, 115 Kennedy Drive, Cambridge
Proposed Alstom Engineering facility

I refer to our recent conversations in relation to the proposed Alstom Engineering facility at Kennedy Drive, Cambridge.

As the owner of the adjacent Cambridge Airport, I confirm that the proposed development is compatible with and will not adversely impact the viability of the current and future operation of the adjacent Cambridge Airport for aviation use.

Yours faithfully,

Mr Donald Wells
Managing Director
Airlines of Tasmania Pty Ltd

www.airtasmania.com.au

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