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Tasmania

The Deputy Chair Hobart  
Sandra Hogue  
Tasmanian Planning Commission  
144 Macquarie Street  
TASMANIA

14/1/2021

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

Dear Ms Hogue,

**Re: Draft Amendment 01-2020 and Permit PLN -20-0001**

I am surprised that after all the material submitted originally to the Northern Midlands Council, and later to your TPC hearing, by all objectors and witnesses, that the issue of whether the original decision by the NMC to “not approve” the above Draft Amendment, would have been settled by now.

I strongly believe that the provisions of the NMC Interim Planning Scheme 2013, the sections dealing with both the General Provisions of the scheme and the Heritage Precincts Area Plan, would have settled the matter beyond doubt.

I am also concerned about the direction taken by Heritage Tasmania in going beyond their scope of providing advice on development and works to providing input concerning planning issues.

The application for subdivision and rezoning was originally approved contrary to the general provisions and objectives of the NMC planning scheme. When the shortcomings of the development proposal were pointed out, the NMC made the only possible decision, and rejected the development.

Clearly, the application fails to recognise, or does not comply with the NMC’s Local Heritage Code (E13) of it’s Planning Scheme. In particular, I refer to E13.6.2 (C), where it is stated that “Subdivision must not result in the separation of buildings or

structures from their original context where this leads to a loss of historic heritage significance...”

In regards to the above clause it is vital to recognise that the term “must” is absolute. If discretion is intended a less absolute word such as ‘should’ or ‘shall’ would have been used. The only real discretion is whether the Tabernacle/Sunday school is of historic heritage significance, and whether the subdivision creates a ‘loss’. Of that concern there cannot possibly be any doubt.

In relation to the input from Heritage Tasmania to this application, it is important to recognise that Heritage Tas have continually supplied advice, suggestions and support for the application which goes well beyond their responsibilities and does not even reflect best practice for development within heritage precincts. The suggestion that a building mimicking the original Manse would be an appropriate development is an absolute nonsense and should be immediately rejected by the TPC and withdrawn by Mr Boersma. It is also important to note that I requested Mr Boersma amend his original submission to the TPC because of mistakes, omissions and comments related to planning, not works and development. Mr Boersma did amend some of his submission based on my comments, but has still commented on planning issues, which he has no right to do as the representative of Heritage Tas.

As stated in my last correspondence to you, I believe this application for subdivision and rezoning is purely to serve the interests of the owners and their wish to sell the complex, it has nothing to do with the greater benefit of the community, or of the buildings, and should be refused.

In light of the above I respectfully ask that you find in favour of the NMC’s decision to reject the developers application and endorse their action.

Best wishes

Robert Henley.