

Berriedale

The Chair
Sandra Hogue
Tasmanian Planning Commission
144 Macquarie Street
Hobart
TASMANIA 7001

Dear Sandra Hogue,

Re: Draft amendment 01-2020 and permit PLN-20-0001

Northern Midlands Council Interim Planning Scheme 2013.

“Cui bono”

The underlying question regarding the proposal to subdivide and rezone the Baptist Tabernacle at 41/43 Wellington Street, Longford, Tasmania is, “who benefits”.

This is the question that drives the basis of both Heritage Council’s legal stated aspirations and objectives, as well as that of the Northern Midlands Council, which is guardian and protector of local historical heritage structures and sites in its area.

The NMC Heritage Precinct and the provision of the Northern Midlands Council Interim Planning Scheme 2013 ‘Heritage’ section clearly has the power to deal with heritage planning issues. On the 1st June 2020 the NMC, acting as the local Planning Authority, exercised those powers.

The question was and still is: will the local community benefit from the proposed subdivision, and rezoning, and the yet possible, but as yet ill-defined, residential redevelopment?

The answer is **NO**.

Will the owner of the property benefit?

The answer is **YES**. (apparently, if this facilitates a favourable sale of the property).

“Planning is concerned with public good, not private interests.”

Department of Premier and Cabinet and Local Government Division. (Guidelines)

“ Therefore, in carrying out that responsibility you are bound to take a broader and longer-term view of things – perhaps to the detriment of individual constituents.

Department of Premier and Cabinet and Local Government Division. (Guidelines).

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Danielle Gray and Associates submission.

Without doubt, the submission by independent planning expert Danielle Gray acting for the Northern Midlands Council, covered all of the technical and legal provisions of the various Acts that cover planning in Tasmania—particularly those questions dealing with historic and heritage sites such as the Longford Tabernacle.

As the only major professional submission to the TPC it is hoped that it will be the key document for the TPC to consider, and guide it through, what has been a seriously complicated, if not wicked, issue to resolve.

I support Danielle Gray's submission believing it to be is an extraordinary document. It is a gold standard.

Other submissions.

It is not clear what has happened to Rebecca Green and Assoc. who prepared the original Section 43A Application to the NMC dated March 2020?

The new submissions Dallas McCulloch (surveyor) and Ian Boersma (works manager, Heritage Tasmania) cannot stand without serious comment, and indeed, rebuttal.

Dallas McCulloch Surveying; submission. 28th October 2020.

Mr Dallas McCulloch has no professional standing to enable him to give professional opinion on heritage values, or run arguments regarding what is or isn't detrimental to the historic, cultural or heritage significance of the Longford Tabernacle or indeed any site within the Longford Historical Precinct.

His CV, attached to his October 28 2020 submission clearly sets out his qualifications, from 1977 to the present. It only lists his Professional Experience as a surveyor. He is just a surveyor. Not a planner, an historian or a heritage expert.

Macquarie Dictionary defines a surveyor as:

“**Surveying** a station or point at which a surveying instrument is set up for taking a number of readings.”

(b) re Gray planning 4.1, Mr McCulloch writes:

“It is our view that the proposed rezoning, subdivision and demolition works will not be to the detriment of the historic, cultural or heritage significance of the Longford Heritage precinct but will enhance and protect the heritage values by ensuring that a sympathetic re-development of the two heritage building sites is enabled.”

Where is the evidence for the above statement? This is simply a unsubstantiated and unqualified.

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Where is the Heritage Impact Assessment required by Heritage Tasmania's Heritage Impact Requirements?

Mr McCulloch's above submission should be disregarded

(b) re Gray planning 7.5, Mr McCulloch writes:

"Any demolition and restoration works will need THC approval and supervision. Plans and schedules of works, materials, etc will need to be submitted and approved by THC before works can take place. The original western wall fabric (windows and brick walls) of the the Sunday school Building remains in place within the 1970 infill structure. Similarly the original eastern wall of the Tabernacle building remains in place within the 1970s infill structures."

Mr McCulloch fails to address the main question in the Gray 7.5 section? That is:

Where are the Conservation Management Plans or the Heritage Impact Statement?

Where is the Fabric Assessment "with this being particularly relevant to the 1870's red brick Sunday School building" (Gray).

I submit that the TPC needs to know what is involved, before subdivision and rezoning, and not be diverted by speculation about what may occur.

Mr McCulloch's above submission should be disregarded

(b) re Gray planning 11.7, Mr McCulloch writes:

"The visual prominence and dominance of the Tabernacle building will be unaffected by the proposed subdivision especially if any new building on proposed Lot 1 is contained within a building envelope that reflects the position of the original manse dwelling".

Again Mr McCulloch is attempting to give expert opinions. There is no finite evidence as to height, dimensions, set-back, or a building envelope of the former Manse residence.

It gives no certainty to the proposed subdivision, which cannot include values for, nor gives indications of future construction plans for the site.

This section of Mr McCulloch 's submission must be disregarded

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Mr McCulloch goes on to say: (Gray planning 11.7)

“We do not consider that the proposed development will in any way have a negative impact upon the existing character and streetscape within the precinct immediate surround the the subject site.”

Again Mr McCulloch is attempting to give unqualified (expert) opinion.

It is clear to me that the proposed subdivision and rezoning will have an obvious impact on the site. Historically, culturally and visually. Mr McCulloch is talking up and promoting the desecrating a vital part of Tasmanian and Longford history, for what? *Ciu bono?*

Mr McCulloch's above submission should be disregarded.

Mr McCulloch continues: (Gray planning 11.7)

“ It is our opinion that that public enjoyment of the streetscape and character provided by the heritage buildings will be enhanced by the exposure and restoration of the Tabernacle east wall and the Sunday school west wall.

Yet again McCulloch is attempting to give unqualified expert opinion.

What Mr McCulloch fails to mention that, once rezoned, the historic buildings will require fencing, both between the Tabernacle and the Sunday School and along the southern side of the Tabernacle.

This in itself will begin the process of inappropriate change and an impact on the cultural heritage value of the place.

His view of “enhancement” is a subjective opinion.

Mr McCulloch's above submission should be disregarded

(b) re Gray planning 11.7, Mr McCulloch continues:

“ It should be noted that the site is limited to the view from the Smith Street and Wellington Street road reserve areas. The open area and grounds and curtilage are not available for public access and use.

This is not strictly correct. The site is presently zoned Community Purposes, and is not fenced from the street. Present zoning allows public access, and the public, to attend funerals. Fairs and Car Boot sales have been conducted on the grassed open space.

It is not clear exactly why Mr McCulloch mentions this?

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(b) re Gray planning 12.4, Mr McCulloch writes:

“The proposed three lot subdivision is consistent with the historic development pattern of the precinct that exhibits a pattern of development into small & medium size residential lots.

With respect, I beg to differ. If the TPC hearing checks the heritage precinct overlay they will find that the “historic pattern of development” within the Historic Precinct favours very large lots of land.

Immediately cross the road in Smith Street, to the Tabernacle, is the old window factory and mill site. It is larger than the Tabernacle site. Across the adjacent corner to the tabernacle is the Berriedale Inn site, about the same size as the Tabernacle site. across Wellington Street from the Tabernacle is the old Barrel factory site, described by the heritage red brick wall.

JJ's bakery across the road from the Tabernacle seems as large than the Tabernacle site.

Then historic “Kilgour”, around the corner in Archer St is a large lot ,similar to the Tabernacle site.

Indeed the block across Wellington Street from the Tabernacle only has 6 residential lots. The remainder includes Toosey Aged Care, The Ambulance lot, The NMC of-fices, the Longford Police Station, the old Council works building, Toosey again in Archer Street, The Longford Health Care, the Old Longford Antiques Shop and JJ's Bakery.

The proposed rezoning of the Tabernacle DOES NOT FOLLOW any residential pattern. It follows a distinct LARGE BLOCK pattern. (see overlay map.)

Mr McCulloch's above submission should be disregarded

(b) re Gray planning 12.5, Mr McCulloch continues:

“The future residential use on proposed Lot 1 is directly comparable to the use of the area for the old Manse dwelling that was used for residential purposes prior to its removal in the 1990's.

Again this is wrong on two accounts. Firstly the old Manse was demolished in the late 60's/early seventies, not the 1990's. Secondly the Heritage act only came into force in 1995. It has no retrospective provisions to back-date non heritage listing that have disappeared from view over 50 years ago.

If planning recognises back dating, where is the limitation? 1804? There is no evidence that the old Manse was a first generation building.

Mr McCulloch's above submission should be disregarded

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(b) re Gray planning 12.6, Mr McCulloch writes:

“ The existing garden settings around the Tabernacle are largely unaffected by the proposed subdivision. There are no garden settings around the Sunday School.”

This is an unqualified opinion and with respect I believe, Mr McCulloch is wrong. Grassed lawn is considered part of a garden in all heritage sites. Indeed in most heritage and historical settings the grassed lawn is always considered protected.

It is considered part of the experience of viewing and enjoying a heritage building.

What we have in Mr McCulloch’s submission is, what many members of ISCMOS regard as Facade-ism. The notion that, like a faux Hollywood set, only the front of a building is important.

The beauty of the Longford Tabernacle is that it is a ‘stand alone’ building, viewable in it’s entirety from all sides.

Mr McCulloch’s above submission should be disregarded

(b) re Gray planning 13.1. 13.5, Mr McCulloch again writes:

“We are of the opinion that the heritage cultural and historical values will be largely unaffected by the proposed rezoning and consequence subdivision. The tabernacle building will continue to retain its dominant position in the landscape.”

Again Mr McCulloch is unqualified and being totally disingenuous in the above statement. No building in history, has ever been enhanced by reducing the space surrounding its structure. The Tabernacle will not retain its dominate position.

Instead it will be degraded from the magnificent monumental feature that it is, into a lesser and more insignificant structure than it deserves to be.

Mr McCulloch’s above submission should be disregarded

(b) re Gray planning 13.1. 13.5 Mr McCulloch continues:

“Sympathetic design for residential development of the building will ensure its continued maintenance and viability.

As mentioned in a previous submission, I believe that the preservation of the site and Tabernacle will eventually find a buyer that will maintain the integrity of the main Church and the Sunday School.

The original reason stated by the owner’s proponents is that they need the subdivision and rezoning, because they cannot sell the site.

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There is no provision in any law or act that can be called upon just because a land owner cannot sell a property.

I believe that the reason that the owners cannot sell the site is because their price is too high. Simple economics, requiring neither rezoning nor subdivision.

(c) re: Old Manse Site ; Mr McCulloch writes:

“The separate lot for the old Manse site was created by subdivision dated 10th September 1948.”

The continued resurrection of the proposition that the old Manse building, of 50+ years ago, has any relevance to the proposed subdivision and rezoning of the heritage listed site, is a nonsense.

The issue is what the site looks like today, and what it looked like in 1995 when the Heritage Act was passed into law and the place was entered onto the Tasmanian Heritage Register.

In the 1949 photo (Figure.16. Gray Submission), you can see the old weatherboard stable.

Would anyone really claim that that evidence, mandates the stable being rebuilt?

Mr McCulloch’s above submission should be disregarded

Second Submission by Mr Ian Boersma, Works Manager, Heritage Tasmania.

Mr Ian Boersma is not a planner but a works manager. I believe that his professional background is architecture. In his submission to the TPC inquiry dated 23 October 2020 (an amended version of his submission presented at the 14th October hearing) Mr Boersma writes:

“Please note that most of the representations pointed out that the proposal was inconsistent with the provisions of the NMC Interim Planning Scheme 2013, a matter that is not relevant to the Tasmanian Heritage Council’s consideration and therefore not summarised or responded to in the table below.”

I find this to be an extraordinary statement. The Historic Cultural Heritage Act 1995 states:

7. General functions and powers of the Heritage Council are:

- (b) to work within the planning scheme to achieve the proper protection of Tasmania’s historic cultural heritage; and**
- (c) to co-operate and collaborate with Federal, State and local authorities in the conservation of places of historic cultural heritage significance; and.**

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- (d) to encourage and assist in the proper management of places of historic cultural heritage significance; and
- (e) to encourage public interest in and understanding of, issues relevant to the conservation of Tasmania's historic cultural heritage, and...

I question how how Mr Boersma can state in an official letter to the TPC hearing that the NMC Interim planning Scheme 2013 is “a matter that is not relevant to the Tasmanian Heritage Council's consideration...” when item 7 (b) clearly states that the THC “work within the planning scheme to achieve the proper protections of Tasmania's historic cultural heritage”.

Mr Boersma appears to be in denial of the Historical Cultural Act 1995, and indeed the stated functions and powers ascribed to the Heritage Council.

Mr Boersma should have explained how he can perform his duties at Heritage Tasmania and for the Tasmanian Heritage Council, when he doesn't believe the Northern Midlands Interim Planning 2013 scheme is relevant to his assessments and deliberations. There is no evidence that Mr Boersma has worked “within the planning scheme”.

I suggest that this is like being a traffic policeman, but totally ignoring what is in the Traffic Code.

Mr Boersma's submission is in support of the Draft amendment 01-2020 and permit PLN -20-0001 as submitted by originally Rebecca Green and Assoc., and Dallas McCulloch Surveying.

It is unclear where, within the Historic Cultural Heritage Act 1995, Mr Boersma derives his authority, which I suggest, supports a rezoning and subdivision which materially degrades a high profile, listed, historical site. The letter and intention within the Act points in the opposite direction.

The Act does not have a ‘Support Developers or support Redevelopment Section. It does state though:

4A. Matters to be regarded

- (1) In performing or exercising any functions or powers under this Act in relation to a place, the Heritage Council, the Minister and any other person must have regard to –
 - (a) the retention of the historic cultural heritage significance of the place; and

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- (b) any relevant provisions of the Building Act 2016.
- (2) The Heritage Council, the Minister and any other person who performs or exercises functions or powers under this Act in relation to a place must do so in a manner that is consistent with the objectives of the resource management and planning system and the planning process set out in [Schedule 1](#) to the Planning Act.

Under Mr Boersma's heading, Analysis of Concerns, he states:

Concerns relate principally:

- (a)** a change in use for the former Baptist Tabernacle that the representers consider inconsistent with their social values;

With respect, I submit that none of the objectors objected to a change of use.

All protested about a subdivision and a rezoning proposal that would destroy an historical site. We would all, I believe, support a change of use, that would ensure the safety and integrity of the site and buildings. Indeed proposals have been put to the NMC regarding the site' potential as a library, historical centre and Community House. Proposals have been investigated for office development and a possible wedding centre.

Mr Boersma says:

“In relation to (a), the THC is unable to regulate change of use, it can only regulate works and development. ‘

If this is the case, why is Mr Boersma advocating the ‘change of use’ in regards to the rezoning, subdivision and promoting the concept of residential building on the proposed Lot 1. ?

Mr Boersma goes on to say:

“In relation to (c) , the Heritage Tasmania report showed that there is a precedent for a residential development on the site. “

As stated earlier in this submission, the notion of a pre-existing Manse, of 50 to 60 years ago, is a complete ‘furphy’. The Historic Cultural Heritage Act 1995 begins at that date,1995.

There is every chance that there was an even an earlier pre-existing building on that site. What if it was a brewery or a blacksmith? The site must be accepted for what it has been for the past 50 or 60 years, and what we all know it to be now.

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In regards to Mr Boersma's notion that "design for development be prepared by an architect with well-established credentials in heritage conservation" is dreamtime stuff, and in any case would be most likely unenforceable by the TPC, the NMC or the Tasmanian Heritage Council. We could end up with a dog's breakfast on the site.

Conclusion: DO NO HARM

The issue regarding the fate of Longford's old Baptist Tabernacle would be, under normal circumstances, self evident.

The site is Heritage listed with all the protection offered under a range of provisions under the Historic Cultural Heritage Act 1995, The Northern Midlands Interim Planning Scheme 2013 and the provisions of the NMC Heritage Precinct. It should also be protected by the listed objectives and requirements of the Tasmanian Heritage Council.

The stated objectives of the Tasmanian Heritage Council are neither vague nor difficult to understand.

The listing of the Tabernacle site, which includes both the Sunday School and the Church (at the present they are one building, joined by modern additions), actually qualifies for all eight criteria (a) to (h) listed under the Historic Cultural Heritage Act 1995. Only one of the criteria is needed for a listing.

The rejection of the Draft Amendment by the NMC, (after review) is supported by the two only qualified planners to give evidence, Danielle Gray and Paul Godier .

It should be noted that of the 10 NMC ratepayers who submitted objections to the Draft Amendment, seven are owners of Heritage listed buildings in the Longford area.

Sandy Gibson.	"Native Point"
Robert Harrison	"Norley"
Mary DuFor	"The Pharmacy"
Peter Johnson	"The Barrel Factory"
Greg Howlett	"Heritage Corner"
Robert Henley	"Clairville"
John Izzard and Lionel Farrell	"Berriedale Inn"

The above are not just 'disgruntled' neighbours, but people who live the experience of owning, repairing and attending to the wants of their historic properties. Many have properties that back to the early days of settlement of the Norfolk Plains.

The proposed redevelopment is to some degree a 'fly by night' issue. The proponents and their supporters Mr Boersma and Mr McCulloch will depart the field leaving a fractured site, should their application be supported by the TPC.

Trusting that the commission will give due consideration to our concerns about the preservation of the Tabernacle site and reject the Draft Application.

John Izzard, " Berriedale" 44 Wellington Street Longford 7301 Tasmania.

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