

Sandra Hogue, Chair
Tasmanian Planning Commission
144 Macquarie Street
Hobart 7001

Dear Ms Hogue,

22nd October 2020

re: Draft amendment 01- 2020 and permit PLN 20-0001.

Application to NMC by Rebecca Green and Associates for sub-division, rezoning and demolition works at heritage listed site, situated in the Longford Heritage precinct, at 41/43 Wellington Street Longford Tasmania, 7301.

Following my attendance at the TPC hearing in Hobart 14th October 2020 I would like to submit the following, which should be read in conjunction with my submission of 28th May 2020 to the Northern Midlands Council, sitting as the Local Planning Authority.

Questions that I raised at the TPC hearing on the 14th of October 2020, and some of the replies I received, triggered this revisit to the main issues.

I would also like to draw attention to the fact that **no additional material** or **arguments** appeared to be forthcoming from Rebecca Green and Associates at your 14th October hearing, but there was an unusually vigorous support for the above application, from the delegate from Heritage Tasmania/Tasmanian Heritage Council, Mr Ian Boersma.

In the following points concerning the Rebecca Green and Assoc. application, it should be noted that there is a very apparent and clear failure of the applicant to adequately address major requirements; all demanded to be addressed within the NMC Interim Planning Scheme 2013.

Those requirements, particularly concerning Heritage listing and the Heritage Precinct of Longford, were not addressed.

This failure I believe, makes their above 'application' (Draft Amendment 01. 2020) an **unsafe document**, with the flaws it contains.

In failing to supply planning officers at the NMC with the necessary details, arguments and statements, the NMC planning department made recommendations to the NMC, sitting as the Local Planning Authority, all of which which the Authority **initially** accepted.

Upon **re-appraisal** the NMC, again sitting as the Local Planning Authority, rejected the above application — a decision which I now believe has been endorsed by the NMC planning officers themselves.

The following seeks to both point out where, I believe, the Rebecca Green and Assoc. application failed to reach a threshold that could sustain a positive decision by the NMC, meeting as the Local Planning Authority.

I believe that there is little doubt that the Northern Midlands Council made the correct and only logical decision, by rejecting the application of Rebecca Green and Associates for the subdivision and rezoning of the Longford Tabernacle site.

Subdivision:

The following section of the NMC Planning Interim Planning Scheme 2013 clearly set out; **E13.6.2 Subdivision and development objectives.** *

I questioned at the 14th October TPC hearing, that the words **must** and **must not** were the strongest legal directions within the planning scheme, but I was advised, that in fact, the wording of the sub-clauses, meant E.13 6.2. A1 P1. (a), (b) and (c). were discretionary.

This apparently was because in sub clause P1 (c) the words "... where this leads to a loss of **historical heritage significance**", changed the meaning of "must not".

I consulted an experienced planner and his interpretation of these words was that they most likely referred to a situation where the 'separation' was between say and "old tin shed" and a major historical building.

He didn't believe the NMC Planning Scheme provision was ever intended to allow for the separation of TWO MAJOR HISTORICAL HERITAGE buildings. **The intention was not to allow such separation.** Clause E13.6.2 says so.

In any case the **onus** was on Rebecca Green and Assoc. to argue that the proposed sub-division "**did not lead to loss of historical significance**". No such argument was presented, in fact no mention of E13.6.2 (A1. P1 (c) was even acknowledged in the planning application by Rebecca Green and Associates.

Indeed no mention was made of clause (a) or (b). Again the **onus** was on Rebecca Green and Assoc. to address these issues. No such documentary evidence has been listed.

The issue of clause E13.6.2 (P1 (c) is the nub of the objection to the sub division. A sub division would separate the equally important historical heritage Tabernacle from the equally important heritage Sunday School building. Both were constructed at the same time and are a pair of complimentary structures, with an important historical relationship, not to be separated by title or fences, or by the ignoring of their joint historical context.

E13.6.2. Subdivision and development density*

P1 Subdivision must:

- (a) be consistent with and reflect the historic development and pattern of the precinct or area; and
- (b) not facilitate buildings or a building pattern unsympathetic to the character or layout of buildings and lots in the area; and
- (c) not result in the separation of building or structures from their original context where this leads to a loss of historic heritage significance; and

The subdivision proposal to separate the Tabernacle from the Sunday School, in conjunction with a proposed 'residential' rezoning for the two 'new' lots, poses problems, in addition to heritage issues.

E13.6.3. Site cover

Objective

To ensure that the site coverage is consistent with historic heritage significance of local heritage places, and the ability to achieve management objectives with identified heritage precincts

P1 The site coverage must:

- (a) be appropriate to maintaining the character and appearance of the building or place, and the appearance of adjacent buildings and the area, and
- (b) not detract from meeting the management objectives of a precinct identified in Table E13.1 Heritage

Fencing is also of particular concern should the rezoning and subdivision occur.

Fences:

E13.6.5 Fences

Under this section it is almost impossible to even imagine how suitable fencing could be devised that could possibly protect the architectural design integrity of the Tabernacle, and the Sunday School, let alone the southern side of the Tabernacle wall.

Any subdivision between the Tabernacle and the Sunday School would leave a separation space of about 4 meters. A boundary fence between these two buildings would potentially leave a space less than two meters each side.

If demolition of the ugly modern infill office is allowed (a good thing) it will reveal Romanesque windows (now hidden) on the eastern side of the Sunday School. Any fencing has the potential to block this potential revelation, from public view and semi-hide vitally important features.

Equally, any subdivision and rezoning on the Southern side of the Tabernacle opens up the potential for fencing to become a major issue.

The Southern wall of the Tabernacle is one of the most important architectural features of Longford's Heritage Precinct. It has the best example, and most easily accessible example of original, unaltered Longford red brickwork.

Rezoning

An application for rezoning requires certain details to be attended to by an applicant, as stated in the NMC Interim Planning Scheme 2013.

Again the **onus** is on the applicant to provide these details either in their application, or as additional reports.

The application from Rebecca Green and Assoc. fails to attend to these issues, which are as following:

Alternative use of heritage buildings

Section E13.5

Objective

To ensure that the use of heritage buildings provides for their conservation.

P1

Notwithstanding Clause 8.9, a permit may be granted for any use of a locally listed heritage place where:

- (a) it can be demonstrated that the proposed use will not adversely impact on the significance of a heritage place, and
- (b) the amenity impacts of both the proposed use on surrounding areas and from the surrounding areas on the proposed use are considered acceptable; and
- (c) a report by a professional states that it is necessary for conservation purposes or continued maintenance of the building or where there is an overriding public benefit.

*Note: that public use zoning proscribes that a public use will occur.

Not one of the above requirements were attended to, demonstrated or dealt with, in the application.

In regards to E13.5 P1 (a) it is submitted that the proposed rezoning will adversely impact on the significance of the 'heritage place' and the 'place itself'.

Since the late 1960's the site which includes ALL on the present title, has existed as an irreplaceable historic site including two major buildings from the 1880's, as well as a striking setting providing clear viewing for the Tabernacle. It has also maintained a "sense of place".

As a unique monumental stand-alone building, it now exists as the major component of the streetscape and a centre-piece attraction for this section of Longford Historical Precinct.

No justification has been given in the developers application regarding the impact the proposed rezoning would cause this vital section of the Longford Historical Precinct.

Pre existing conditions

It was stated by the Heritage Tasmania delegate Mr Ian Boersma (video-link), that an old derelict building, the old Baptist Manse, once existed on what is part of the now Tabernacle site.

He proposed that an old 'footprint' justified the subdivision and rezoning of 41/43 Wellington Street Longford. Proposed Lot 1.

The old Baptist Manse building has not existed on the site for about 50 or 60 years. It had declined, becoming redundant and was demolished in the late 1960's

It is presumed that the existing site, despite the to-ing and fro-ing of ownership and old titles in times past, was assessed as 'heritage' **after** the **Historic Cultural Heritage Act 1995 came into being.** That heritage judgement was made on the basis of the land, as it existed **after** 1995.

The notion that because an old building once stood on the site, new buildings can now be built on the site, is a nonsense. Historic sites are classified as to how they look now. There are no **retrospective indicators** within the *HCHA 1995*.

Many heritage sites have second third generation buildings but as a subsequent context, this does not, in any way a justification to create new buildings on land that now has a context as an open space. The open space becomes the context.

As well, the Heritage Tasmania's notion that cluster/multi dwellings for the proposed Lot 1 on the site is also acceptable—is unacceptable. The view of the Southern wall is a vital cultural asset.

Future Potential

The Rebecca Green and Assoc. proposal states that the reason for the subdivision and rezoning is because the site is of no future use for the present owners, and that they haven't been able to sell the buildings and site.

Actually many enquiries were made by interested parties —I believe most walked away because of the high asking price.

There has been interest from people looking at the Tabernacle site for a church, a wedding reception venue, and art gallery. A proposal was placed before the NMC for the building to be purchased and made into a Norfolk Plains History centre, and as an alternative site for the Longford Library.

It is not unusual for historic buildings and sites to eventually find a new purpose in life, it is just a matter, usually, undertaking effective marketing and promotion.

Trusting that the Tasmanian Planning Commission can see both the problems in the Rebecca Green and Assoc. proposal and the potential for a much better outcome for this monumental building that gives so much pleasure to the people of Longford and its' visitors.

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Signed hard copy in the mail.