

**From:** [Paul Killigrew](#)  
**To:** [Contact Us](#)  
**Cc:** [Iain More](#); [Sophie Appleby](#)  
**Subject:** Representation under Section 40J - PSA-LLP0040 - [REDACTED] South Launceston (CT157260/1)  
**Date:** Monday, 7 September 2026 9:52:00 AM  
**Attachments:** [PSA-LLP0040 Representation \[REDACTED\] - Submission 7 Sep 2026.pdf](#)

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Good morning.

Please find attached our representation under section 40J of the Land Use Planning and Approvals Act 1993 in relation to Draft Planning Scheme Amendment PSA-LLP0040, concerning [REDACTED] South Launceston, folio of the Register CT157260/1.

The representation is addressed to the Chief Executive Officer and is lodged within the exhibition period, which closes today, Monday 7 September 2026.

We have copied Iain More and Sophie Appleby, both of whom have assisted us with our enquiries over recent weeks and are familiar with the matters raised. We are grateful to them both for their time.

Could you please acknowledge receipt.

Many thanks.

Kind regards,  
Paul and Jess Killigrew

Owners, [REDACTED] South Launceston

Paul Killigrew  
[REDACTED]

# REPRESENTATION UNDER SECTION 40J

*Land Use Planning and Approvals Act 1993*

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|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Amendment</b>    | PSA-LLP0040 — Local Heritage Places, Launceston Local Provisions Schedule                                                                                                                                                                                                                            |
| <b>Property</b>     | ██████████, South Launceston TAS 7249                                                                                                                                                                                                                                                                |
| <b>Title</b>        | Folio of the Register CT157260/1                                                                                                                                                                                                                                                                     |
| <b>Representors</b> | Paul Killigrew and Jess Killigrew, owners since 2016                                                                                                                                                                                                                                                 |
| <b>Addressed to</b> | The Chief Executive Officer, City of Launceston, PO Box 396, Launceston TAS 7250                                                                                                                                                                                                                     |
| <b>Lodged by</b>    | Email to <a href="mailto:contactus@launceston.tas.gov.au">contactus@launceston.tas.gov.au</a>                                                                                                                                                                                                        |
| <b>Copied to</b>    | Mr Iain More, Senior Town Planner (Policy and Projects),<br><a href="mailto:Iain.More@launceston.tas.gov.au">Iain.More@launceston.tas.gov.au</a> , and Ms Sophie Appleby, Place and Heritage Officer, <a href="mailto:Sophie.Appleby@launceston.tas.gov.au">Sophie.Appleby@launceston.tas.gov.au</a> |
| <b>Date</b>         | 7 September 2026                                                                                                                                                                                                                                                                                     |

## 1. Introduction

We are the owners of ██████████, South Launceston, and have owned the property since 2016. We make this representation under section 40J of the Land Use Planning and Approvals Act 1993 in respect of the proposed inclusion of our property in LAU-Table C6.1 Local Heritage Places.

We ask that ██████████ be removed from Amendment PSA-LLP0040.

We do not object to Council's local heritage programme in principle, and we make no submission about the other properties in the amendment.

At its meeting of 9 July 2026, Council's Senior Leader City Development advised that an owner seeking removal would need to provide "reasons why the property lacks heritage significance, or other compelling grounds against listing". We address the first at section 3, and the second at sections 4 to 8.

We record our thanks to Mr Iain More, Senior Town Planner, and Ms Sophie Appleby, Place and Heritage Officer. Both have answered our questions fully and courteously, and much of what follows relies on their written answers of 11, 12 and 26 August 2026. Nothing in this representation is intended as a criticism of either of them.

## 2. Matters we no longer press

We raised a number of concerns with Council during the exhibition period. Two have been answered to our satisfaction and we do not press them. We set them out so that the Commission can see that where Council has given a good answer, we have accepted it.

- (a) The datasheet describes the property both as one of a group of "modest timber workers cottages" and as featuring "unpainted/unrendered face brick". Ms Appleby has explained that the reference to timber cladding relates to the building style and front facade, and the reference to face brick to the brickwork visible from the street on both side elevations. We accept that explanation.
- (b) Criterion (a)(i) states that Charles Joseph Heath "owned the property until 1835", fifty-two years before the house was built. Ms Appleby has confirmed this is a typographical error which should read "c. 1935", researched from the Launceston Assessment Rolls. We accept that, subject to the point we make at section 5 about when it will be corrected.

### **3. Ground one: the datasheet does not demonstrate the significance claimed**

We deal first with the heritage merits, because that is the primary question. We do not say that our house is without interest. It is a modest late Victorian cottage and we have maintained it as such. We say that the datasheet, read against Council's own material, does not demonstrate that it meets the threshold of local historic heritage significance under C6.3.1.

#### ***No association is claimed at all***

C6.3.1 identifies significance arising from association with a particular community or cultural group, or with the life or works of a person or group of importance to the locality or region. For our property, the datasheet records against each of those:

*"No Content."*

Council's own assessment therefore identifies no association of any kind. That may be contrasted with other properties in the same amendment, where associations are identified: 74 Arthur Street with the music educator Edward Wesley OAM, 29A Abbott Street with the builder Percival James Dell, and 263 Wellington Street with the builders Wilson and Waugh.

#### ***What criterion (a)(i) actually records***

Criterion (a)(i), local history, records that the house was built in 1887 for Charles Joseph Heath on land granted to W.H. Cozens, that Mr Heath owned it until c. 1935, and that the street number changed from 45 to 65 in about 1920.

That is a chain of ownership and a renumbering. No event, activity, phase of development or historical theme is identified to which the place is said to contribute understanding.

#### ***Criteria (a)(ii) and (a)(iii) rest on the property being typical***

Criterion (a)(ii) states that the property is significant for demonstrating the characteristics of "one of a group of modest timber workers cottages set in the valley of the South Launceston area", and that:

*"The cottages represent the basic housing stock of much of the area and typify the Victorian housing of workers in close association with their workplace."*

Criterion (a)(iii) states that the property is "an excellent representative example of a late Victorian era residential building form".

Both criteria rest on the property being representative of a common type. On Council's own description, the type constitutes "the basic housing stock of much of the area". We respectfully submit that a place is not significant merely because it is typical. Representativeness is capable of supporting significance, but only where the assessment identifies what distinguishes the example chosen from the many others of the same type, and the datasheet does not do so.

Council's own language is instructive. The datasheet for [REDACTED] describes that property as "an excellent representative example of a rare Victorian era residential building form, with late Victorian/early Federation shopfront addition". The word "rare" is used of [REDACTED]. It is not used of ours, and nothing equivalent appears.

#### *No comparative assessment has been provided*

We asked Council which criteria the property was assessed against and on what basis the threshold was met. Mr More answered that "as outlined in the datasheet, [REDACTED] meets the criteria relating to local history, creative or technical achievement, representation of a class of building or place, and aesthetic characteristics", and that "the assessment explains the basis on which the property meets the threshold".

With respect, the datasheet asserts the conclusion rather than explaining it. No comparative material has been identified: not how many comparable cottages of this type survive in South Launceston, not how many are already listed, and not why this example was selected while others were not. Without that, we do not see how the threshold can be demonstrated for a place whose claimed significance is that it is typical.

The contrast with Council's own explanation of another property in this amendment is marked. Asked at the meeting of 9 July 2026 why [REDACTED] had been selected, the Place and Heritage Officer gave seven specific reasons, including notable Art Deco features, a construction date, sympathetic 1955 additions, a former association with the Presbyterian Aged People's Home, and construction by a noted Launceston builder. Nothing of that character is offered for our property.

#### *What remains once setting is removed*

Criterion (a)(iv) lists the features said to be aesthetically significant: weatherboard cladding, unpainted or unrendered face brick, galvanised iron roofs, predominant chimneys, double hung sash windows, bracketed eaves and a front verandah. Substantially the same list appears in the datasheets for 26, 28, 30 and 32 Hampden Street, among others.

The criterion concludes with the finding that the property contributes aesthetically and historically to the surrounding streetscape. As set out at section 6, Council's position is that significance is assessed within the title boundary and does not take the surrounding precinct into account. If that is right, the streetscape conclusion cannot form part of the basis for listing, and what remains of criterion (a)(iv) is a description of an ordinary late Victorian cottage.

Taken together, we submit that the datasheet establishes that our property is a representative example of a common building type, with no identified association and no comparative analysis, and does not establish that it is significant.

#### **4. Ground two: the exhibited instrument misidentifies the land**

Each of the following identifies [REDACTED] by folio of the Register CT219788/1:

- the instrument amending LAU-Table C6.1, at item 29;
- the datasheet for our property, which records "Folio of the Register: 219788/1"; and
- the overlay map for our property, sealed by the Chief Executive Officer on 15 July 2026.

Council has confirmed that this is wrong. In his email of 12 August 2026, Mr More wrote:

*"On a review, the title reference is indeed incorrect in both [the] datasheet and the map. I can also confirm title 219788/1 refers to 61 Howick Street. [REDACTED] has an identified title of 157260/1."*

The folio for our property is CT157260/1. The folio recorded against it throughout the certified instrument belongs to a different property, which is itself separately listed in the same amendment at item 27.

C6.3.1 defines a local heritage place as a place that is listed, and the specific extent identified, in the local heritage places list. Where the folio recorded against a property is not the folio of that land, we submit the specific extent has not been identified. That is of particular consequence here because Council has confirmed that "the listing is the whole property" and that "the specific extent relates to the property within the title boundary". The extent is therefore defined by the title, and the title recorded is not ours.

We asked Council whether the incorrect folio had any bearing on how owners were identified and notified. That question has not been answered.

## 5. Ground three: three corrections, all deferred until after exhibition

Three errors in the material exhibited in respect of our property have now been acknowledged by Council. None has been corrected in the exhibited documents. All are to be dealt with after the exhibition period closes.

| Error                                                                                                                                             | Where it appears                                                                                                                         | Council's proposed fix                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| Folio of the Register recorded as CT219788/1, which Council confirms is the folio for 61 Howick Street. The folio for our property is CT157260/1. | Instrument amending LAU-Table C6.1 at item 29; the datasheet; and the overlay map sealed by the Chief Executive Officer on 15 July 2026. | Section 40K report, after the exhibition period closes.                                                  |
| Criterion (a)(iv) describes the property as "a single storey, detached Victorian cottage with shopfront". The property has no shopfront.          | The datasheet, as exhibited.                                                                                                             | Replacement wording supplied to us by email on 12 August 2026. Not reflected in the exhibited documents. |

| Error                                                                                                                                                                   | Where it appears             | Council's proposed fix                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|---------------------------------------------------------|
| Criterion (a)(i) states that Charles Joseph Heath "owned the property until 1835", fifty-two years before the house was built. Council confirms it should read c. 1935. | The datasheet, as exhibited. | Section 40K report, after the exhibition period closes. |

Council's position on this approach was explained by Mr More on 12 August 2026:

*"If the description also contains errors, this is something that can be addressed in a report to Council following the conclusion of advertising. The report, known as the section 40K report, is required to address concerns/issues raised by representors, and address any errors that may have been made. A recommendation to amend is usually formed. In this instance, it could be revising the datasheet and map to refer to the correct title, as well as addressing any descriptions changes."*

We understand that this is Council's ordinary practice, and for many kinds of error it would be entirely sensible. We submit it is not adequate here, for the following reasons.

- (a) Council resolved on 9 July 2026 to certify the draft amendment under section 40F, and to exhibit it for 28 days under sections 40G and 40H. What has been exhibited is the certified instrument. In respect of our property that instrument misidentifies the land and misdescribes the place.
- (b) The purpose of exhibition is to allow the public to consider and respond to the amendment Council proposes to make. A person considering this amendment during the exhibition period would have understood that Council proposed to list a Victorian cottage with a shopfront, on a title belonging to a different property, owned by a man who disposed of it half a century before it was built.
- (c) The corrections have been communicated by email to us alone. They do not appear in the exhibited documents, they have not been the subject of any public notice, and no other representor or member of the public has seen them.
- (d) The proposed cure would have the Commission approve, and the public never see, an instrument materially different from the one exhibited.

We mention one further matter, not as a general criticism of the amendment but because it bears on the case made against our own property.

Council has advised that the three Howick Street properties "were assessed individually and each retains significance in its own right". Criterion (a)(ii) for our property nonetheless rests on it being "one of a group of modest timber workers cottages". No datasheet for [REDACTED] the middle property of the three, appears in the exhibited material, although it is listed at item 28 of the instrument, separately mapped, and Council resolved on 9 July 2026 to create 35 datasheets.

We raise it because the group of three forms part of the basis on which our property is said to be significant, and one of those three has no statement of significance before the Commission.

## 6. Ground four: the stated basis of the listing is internally inconsistent

We asked Council to what extent the significance attributed to our property relies on streetscape, setting or precinct value, as opposed to the fabric of the building itself. Ms Appleby answered on 26 August 2026:

*"The significance of the local heritage place is assessed within the property's title boundary and does not take the surrounding precinct into account."*

*"The specific extent relates to the property within the title boundary of the proposed local heritage place. The car park opposite does not affect the place's local heritage significance."*

We accept that a local heritage place under C6.0 is a different thing from a local heritage precinct, and that a place may properly be assessed on its own merits. Our difficulty is that the datasheet does not read that way.

The Specific Extent recorded for our property is:

*"The entire site including setting and setback, with facades visible directly from the street being of high importance."*

Criterion (a)(iv), including in the corrected form Council has supplied, concludes:

*"It is considered to contribute aesthetically and historically to the surrounding streetscape."*

Criterion (a)(ii), which is a criterion of significance in its own right, grounds the case in the property being:

*"one of a group of modest timber workers cottages set in the valley of the South Launceston area. The cottages represent the basic housing stock of much of the area and typify the Victorian housing of workers in close association with their workplace."*

Each of those looks beyond the title boundary. Criterion (a)(ii) rests expressly on the property being one of a group and on the character of the wider area, which is difficult to reconcile both with Ms Appleby's answer and with Council's separate advice that the three Howick Street properties "were assessed individually and each retains significance in its own right".

We submit that Council cannot maintain both positions, and that one of two things follows.

- (a) If Ms Appleby's answer is correct and the surrounding context forms no part of the assessment, then the Specific Extent should not include the words "including setting and setback", criterion (a)(iv) should not conclude with a finding about contribution to the surrounding streetscape, and criterion (a)(ii) should not rest on the property being one of a group within the wider area. The datasheet as exhibited overstates the basis of the listing.
- (b) If the datasheet is correct and the surrounding streetscape does form part of the significance, then the assessment has been carried out on a footing which expressly excludes the very context on which the significance depends.

We ask Council to state which position it maintains, and we ask the Commission to note that the instrument should not be approved while the two coexist.

There is a practical dimension to this. The Specific Extent as drafted covers "the entire site". The effect is that the Local Historic Heritage Code would apply to development anywhere on the land, including the rear yard and the garden, and not only to the dwelling. Yet the same sentence identifies "facades visible directly from the street" as the element of high importance, and Ms Appleby has confirmed that the property was "inspected externally in person, as the proposed listing relates to its exterior".

If the feature of high importance is the street elevation, we submit the extent should be confined to it. If Council's position is also that the surrounding context is irrelevant to significance, then removing the streetscape conclusion from criterion (a)(iv) costs Council nothing either. We ask for both in the alternative at section 9.

## 7. Ground five: the setting was considered and dismissed

When we first wrote to Council we assumed the Launceston General Hospital redevelopment had simply been overlooked. That is not the position. Council has confirmed that it was considered and treated as irrelevant.

Mr More confirmed on 12 August 2026 that the hospital "does not inform the datasheets", and that Council has not consulted the Department of Health and has not considered the hospital masterplan. Ms Appleby confirmed on 26 August 2026 that "the assessment of [REDACTED] was prepared after the car park had been approved and construction had commenced", that she "carried out the inspection on 5 June 2026", and that "the car park opposite does not affect the place's local heritage significance".

So the officer who assessed our property attended it in person on 5 June 2026, some five months after early works began on the opposite side of Howick Street, and concluded that the works make no difference. That is a judgement, and we respectfully say it is the wrong one.

Directly opposite our property, on the Charles and Howick Street corner, the Department of Health is constructing a seven-storey car park as part of the Launceston General Hospital redevelopment. It will provide 474 parking spaces and is being built by VOS Construction. The Parliamentary Standing Committee on Public Works recorded an estimated cost of \$36,820,300. Early works began in January 2026, the lower levels are to open in mid-2027, and the works are to be completed by the end of 2027. The concept design released in June 2024 had anticipated completion by late 2026, so the project has moved out by approximately twelve months.

In evidence to that Committee, the project witnesses said:

*"The majority of the shading in Howick St is onto the road. We do have an instance where the shading goes across the footpath and into the front yard of the houses that run along Howick St in the autumn equinox and also in the winter."*

Tasmanian Planning Policy 6.2.2, strategy 6, requires Council to "support the retention of appropriate surrounding settings and site context that contributes to the significance of the local historic cultural heritage values". Council's response to that strategy, at Attachment 1 to the section

40D report, reads in full: "The intent of the proposed amendment is to provide protection of the local historic heritage significance of the properties through the standards of the Local Historic Heritage Code." That is a restatement of purpose, not an assessment.

Our submission is a simple one. The datasheet states that our property is of high importance for the facades "visible directly from the street", and that it contributes to the surrounding streetscape. A place whose significance is expressed in those terms cannot sensibly be assessed as though the opposite side of that street were not being permanently rebuilt. Council proposes to impose enduring development controls on us in order to protect a street presence that the State is in the course of altering. The controls will bind us. They will not bind the project that is changing the street. We invite the Commission to test Council's judgement on this point.

## **8. Ground six: the conduct of the exhibition**

We wrote to Council on 2 August 2026, nine days before the exhibition opened, asking when the period would commence and seeking the assessment material for our property so that we could consider the proposal properly and in time. We received an automated acknowledgement the same day.

Council's substantive answers came on 11 August, the day exhibition opened, on 12 August, and on 26 August. The last of these, which answered the two questions most material to this representation, arrived twelve days before the closing date.

We make no complaint about the officers, who have been helpful throughout. We ask only that the sequence be recorded in Council's report to the Commission under section 40K.

### ***Consultation in 2023***

Council's report records informal consultation in March 2023, and its statutory assessment records it in April 2023. Of the 35 owners, 31 did not respond. We have no record of receiving any such letter.

Our property is tenanted and managed by Roberts Real Estate, who forward Council correspondence to us promptly; Council's letter of 30 June 2026 reached us that way on 6 July 2026. Our point is not about the agent. It is whether Council can show that the 2023 letter was sent to, and received by, the owners concerned, particularly given that the folio recorded against our property was not ours. We ask that silence in 2023 not be treated as acquiescence unless that can be shown.

## **9. What we ask**

Primarily, that [REDACTED], South Launceston (folio of the Register CT157260/1) be removed from Amendment PSA-LLP0040.

The following alternatives are stated in descending order of our preference. We ask that each be considered on its merits. In stating a later alternative we do not withdraw any earlier one, and nothing below should be read as an acceptance that our property ought to be listed.

- (a) That our property be removed from Amendment PSA-LLP0040, and that if Council wishes to pursue a local heritage listing of the property, it do so in a subsequent amendment supported by a fresh assessment which addresses surrounding setting and site context as required by Tasmanian Planning Policy 6.2.2, strategy 6, and which is undertaken after completion of the

Launceston General Hospital car park, so that the setting can be assessed as it will in fact exist rather than as it existed before the works began; or

- (b) That our property be removed from Amendment PSA-LLP0040, and that if Council wishes to pursue a local heritage listing of the property, it do so in a subsequent amendment based on a corrected instrument, datasheet and overlay map, exhibited in that corrected form, so that the amendment Council actually proposes can be considered by the public and by any other person who may wish to make a representation on it; or
- (c) That if our property is to remain within Amendment PSA-LLP0040 and be listed, the Specific Extent be confined to the street-facing facade of the dwelling, and the words "The entire site including setting and setback" be deleted. The practical effect would be that the Local Historic Heritage Code applies to works affecting the street elevation of the house, and not to the remainder of the site. We also ask that the concluding sentence of criterion (a)(iv), regarding contribution to the surrounding streetscape, be deleted. Council's own datasheet identifies the "facades visible directly from the street" as the element of high importance, Ms Appleby has confirmed the listing "relates to its exterior", and Council's position is that significance is assessed within the title boundary and does not take the surrounding precinct into account. On Council's own case we submit this should be uncontroversial.

We note that our primary request and the first two alternatives all involve the same immediate step, namely the removal of our property from this amendment. They differ only in what we say should follow.

At its meeting of 9 July 2026, Council's Senior Leader City Development confirmed that "if a representation demonstrates a property should not be heritage listed, Council may recommend its removal while the broader amendment continues". We ask Council to take that course.

## 10. Representation and further submissions

We ask that if Council's report to the Tasmanian Planning Commission under section 40K responds to this representation in terms with which we disagree, or characterises it in a way we consider inaccurate, we be given the opportunity to make a short supplementary written submission in reply.

We would also be grateful to be kept informed of the progress of Amendment PSA-LLP0040 as it relates to our property, and to be notified of the outcome.

## 11. Correspondence

Our property is tenanted and managed on our behalf by Roberts Real Estate, who forward Council correspondence to us promptly and with whom we are very happy. Council has confirmed that [REDACTED] is recorded for future correspondence in relation to this amendment, and we are grateful for that.

Yours faithfully

**Paul Killigrew**

**Jess Killigrew**

Owners, [REDACTED], South Launceston

[REDACTED]

[REDACTED]