

The Deputy Chair
Sandra Hogue
Tasmanian Planning Commission

44 Wellington Street
Longford
Tasmania 7301.

144 Macquarie Street
Hobart
TASMANIA
January 11th 2021

Dear Sandra Hogue,

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

Northern Midlands Council Interim Planning Scheme 2013

Even further Evidence 3.

Re: **'Forever'** Covenant/Trust; Tabernacle, Longford.

Further to my **'Further Evidence 2.'** document submitted to the TPC on the 6th ofn January 2021; discovery has now been made of Memorial land title #10/654 which is the vehicle whereby the Gibson and Others Trust, which purchased the land from James Keane in 1880, sold the land, the subject of that Trust, to the Baptist Church for 15 shillings.

This Memorial #10/654 is dated 9th January 1899. It is signed by William Gibson, son of the William Gibson and Mary Gibson, listed on the Memorial Title transfer, of the land owned by James Keane. This Memorial carries forward, I believe and submit, the 'forever and a day' clause.

A second Memorial land title #3988 records the transfer of the land from the Baptist Union to Baptist Trusts. This Memorial is dated 8th November 1910.

It appears that the above #3988 Memorial was made necessary because of the change of status of the Baptist Union.

This raises the pivotal question of whether the "forever a church" requirement carries forward to the present day and applies or should apply to the land in question. If it does then I cannot see how any application to rezone the land to residential can succeed. That would bring this matter to a swift end.

My principal argument is not that the the Baptist Church didn't necessarily have the right to sell the land, but it **didn't have the right to sell the land with-out the forever a church requirement**; that is the site remain a place of worship of God.

In light of the above, and the foreseeable legal issues involving all the subsequent land titles bouncing off the original 1880 purchase of the land by the Gibson and Others Trust, I respectfully request that the Tasmanian Planning Commission hearing, now in progress, find in favour of the Northern Midlands Council decision, to ‘not allow’ the Rebecca Green and D.McCulloch application to rezone and subdivide the Tabernacle site in Longford.

Hard copies of the above Land Title documents are in an Express Post cylinder, posted today, addressed to the TPC Hobart office.

Summary:

Also, please be advised that because of the complication of the points that I have raised over 6 different submissions, which includes a multitude of issues of interpretation of various statutes, laws and provisions of both the NMC Interim Planning Scheme 2013, LUPA , Heritage Tasmania/ Tasmanian Heritage Council, and other issues; I will be submitting a further document listing, in order of magnitude, all of the major issues and concerns dealing with the Rebecca Green/Dallas McCulloch, Lethborg Heritage Tasmania applications and submissions.

Further to the “Envelope” issue:

Further evidence has emerged regarding the excitement raised by the delegate from Heritage Tasmania, Mr Ian Boersma, regarding the old Manse and his suggested, notional “envelope”.

Not disclosed during the presentation regarding the “envelope” was the fact that the old Manse building ceased to be occupied by the church, as a Manse, and was leased out as a private residence, possibly as early as 1947. The building was actually derelict and ordered to be demolished by the then Longford Town Council.

A new Manse was built in the 1960’s, east of the Tabernacle Sunday School, on the rear of ‘now’ Tabernacle land title #159522/1. The site, since subdivided off in 1994, is now known as 13 Smith Street Longford, a private residence.

The then new Manse, at what is now 13 Smith Street, operated as such until the Baptist Tabernacle ceased to operate as a church, when the Tabernacle title was sold to I and J Johnstone and others in 1994.

It could be argued that the “forever” covenant regarding the land being used for religious purposes was, still unbroken, because the Johnstone’s were operating the Tabernacle as part of their funeral business, **as a chapel**. If this is accepted then the original covenant continues to the present day, unbroken.

Those 1948 titles appear to have been #112240/1 and #196815/1.

I submit that the time-frame used by the Heritage Tasmania’s notion of an unbroken historic connection of the old Manse, is broken by a period from 1947 to 2021, a time-frame of 74 years. I respectfully ask that the TPC accept the above information as justification to reject the concept that the “notion of “the envelope” has any standing or validity.

Finally, even if the land has lost its legal imperative to always remain a church, I nonetheless submit that the Commission should have regard to the fact that this was the intention of the parties to the all important 1880 conveyance of the land. This documented agreement was key to the creation of these historical buildings now under consideration. If the existence of the old Manse can have any relevant significance to the application (as seems to be suggested, but which I dispute), then so too must the historical circumstances which led to the very creation of these buildings, namely the intention of all the parties in 1880 for this land to remain forever a church (ie. community purpose).

Sincerely

John Izzard.