

Sandra Hogue
Tasmanian Planning Commission.
144 Macquarie Street'
HOBART 7000

5th January 2021

Dear Sandra Hogue,

Interim submission to your letter 25th Jan 2021.

Re: Longford Tabernacle Hearing.

With all due respect:

Thank you for the invitation, dated 25th January 2021, to make further submissions regarding your letter to the General Manager of the Northern Midlands Council, Mr Des Jennings, in which you have put various matters to the NMC, and others, for comment.

I believe that the hearing has reached a stage whereby I must ask you to register, in the hearing's evidence-record, my concern that the Commission is displaying serious 'institutional bias' regarding issues under its consideration.

The situation, as it exists now, is that Longford Tabernacle site has the **full protection** under the Tasmanian Historic Cultural Heritage Act 1995, as well as the clear protections listed in the NMC Interim Planning Scheme 2013, under provisions in the 'general scheme' itself, as well as the E13 Local Heritage Code. The registration of the Tabernacle buildings and the site, on the Heritage Register, should guarantee all these protections.

In fact the Tabernacle site and buildings under the HCHA Act, Part 4, Section (3) Tasmanian Heritage Register, qualifies for nearly all of 11 required qualifications. { (a) to (k) }.

In regards to your letter of 25th January, I believe that your intervention could be interpreted as suggesting of the NMC Councillors to disavow their statutory duty, to uphold the explicit and clear requirements of the Northern Midlands Interim Planning Scheme 2013, and in particular, the requirements laid down in the Historic Heritage Precinct section of the scheme.

With respect, I refer you to **Land Use Planning and Approvals Act 1993** Division 1.
General:

48. Enforcement of observance of planning schemes:

Where a planning scheme is in force, the planning authority must, within the ambit of its power, observe, and enforce the observance of, that planning scheme in respect of all use or development under-taken within the area to which the planning scheme relates, whether by the authority or by any other person.

Your letter is asking the NMC to 'speculate' upon your proposal, to allow the subdivision and the rezoning of the 41/43 Wellington Street site to proceed, when the above provisions of NMC planning scheme, and the Heritage Act clearly state that your proposition, is not, in my opinion, as the NMC planning now stands, lawful.

While I recognise your total right as Commissioner to seek information and guidance from the NMC and others, I think you can see the diabolical situation you are placing the NMC in, by requesting 'opinions', to a framework, to which they are diametrically opposed.

Item 1 of your letter 25th January is, with respect, almost incomprehensible. Exactly what Historic and Cultural values of the site would still exist, if your proposal to subdivide and rezone, takes place? There would be almost nothing left to protect!

Of equal concern is section 4. of your letter which, I believe, infers that the Historic Precincts Area Plan of the NMC "is not transitioning".

Exactly who has made this decision?

My understanding is that the Task Force that has created the new draft State Planning Scheme **did not** exclude Heritage Precincts, nor the ability for local Councils to request to have their Heritage Precincts transitioned.

I believe that if the new draft State Planning Scheme is to proceed, it must be passed by, both Houses of Parliament. I believe that you are preempting a final decision of the State Parliament.

Your statement at the 22nd January 2021 hearing that "the Minister would be reluctant to "sign off" on Heritage Precincts, is problematic. Does this indicate that the issue before the Commission, has now, a political dimension?

It will be difficult for me to proceed with a full submission on the matters you have raised, until I have received a reply to my letter of 27th January 2021, regarding 'Denial of Natural Justice'.

Without 'natural justice' it is difficult for institutional and government decision making to eventually stand. It is also difficult for participants to engage freely in the processes outlined in the various Tasmanian Acts covering planning matters.

I plead '*Carpe Diem*' ...seize the moment...preserve the "*Status Quo*".

Sincerely,

John Izzard.

