

22 September 2020

Sandra Hogue, Chair
 Tasmanian Planning Commission
 GPO Box 1691
 Hobart Tas 7001

Via e-mail: tpc@planning.tas.gov.au

Dear Ms Hogue,

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

The Tasmanian Heritage Council provides the following a report pursuant to s39A(12) of the *Historic Cultural Heritage Act 1995* (the Act) in relation to the relevance of the representations for Draft amendment 01-2020 and permit PLN-20-0001 (corresponding with THC Works Application # 6145 made in relation to 41-43 Wellington Street, Longford which is entered in the Tasmanian Heritage Register as place # 5154. The Tasmanian Heritage Council’s delegate determined this application under s39A(6)(b) on 4 May 2020.

REPRESENTATIONS

Received from	Heritage concerns raised	THC response
Henley, R	1. The process followed by NMC in determining the application on 27/04/2020 was not informed by preliminary comment from Heritage Tasmania. 2. Development of the vacant site for infill housing will diminish the heritage values of the site.	1. Formal referral to the THC occurred on 2/04/2020, and the THC’s determination was conveyed to NMC on 4/05/2020. However, Heritage Tasmania had already on 31/01/2020 advised NMC of the recommendation that it formulated from assessment of the application that had been referred in error prior to it becoming valid. This recommendation (conditional approval) differed only slightly from the conditional approval determined by the THC delegate. 2(a). In consenting to subdivision, the THC accepts that the site will be developed subject to heritage approval being obtained. Section 8 of the THC’s Works Guidelines prescribe outcomes for new buildings, the object of which is to ensure that these new buildings are an acceptable fit with the heritage features of a place. 2(b) The assessment report provided to the THC delegate included evidence that the site was previously occupied by a house.

Butler, T	Retention of 'Community Use' zoning will better serve the objective to conserve the town's heritage.	(a) While retention of Community Use for the chapel will encourage the continuation of the existing buildings for purposes aligned with their original use, there is historical precedent for what is now a vacant site to have served a residential use function. (b) The THC is unable to regulate use, as the Act only enables it to regulate works and development.
Johnson, TP & AS	(1) Concern regarding possible future changes to the façade of the Baptist tabernacle. (2) Development of the vacant land would spoil the presence of the tabernacle.	1. Prior heritage approval would be required for any alterations. 2. Section 8 of the THC's Works Guidelines prescribe outcomes for new buildings, the object of which is to ensure that these new buildings are an acceptable fit with the heritage features of a place.
Farrell, L	Planning report fails to address heritage requirements.	Heritage approval will be required for any future works or development at the place.
Colvin, A	Concern about detrimental change to the place that this proposal will potentially unleash.	Heritage approval will be required for any future works or development at the place.
West, GD (?)	1. Concern that the proposal is inconsistent with the place's heritage protections. 2. Grassed block has value in displaying the beauty of the side wall of the tabernacle, and ought not be built on.	1. Entry in the THR does not preclude change, but the objectives of the HCHA are to protect the place's heritage values. 2. Heritage approval will be required for any future works or development at the place.
Harris, B	1. No report from Heritage Tasmania. 2. Zoning change will hinder future community use of the place. 3. Concern of impact that development will have on views of the heritage buildings.	1. See THC response to concern # 1 raised by Henley, R. 2. See THC response to the concern raised by Butler, T 3. See THC response to concern # 2 raised by West, GD
Howlett, G	Undeveloped area on south side has value in displaying the beautiful side wall of the tabernacle which ought not be obstructed. Subdivision + rezoning would invite development that would inevitably diminish the place's heritage value.	1. See THC response to concern # 2 raised by Henley, R 2. See THC response to concern # 2 raised by West, GD
Izzard, J	1a. Concern for protection of streetscape and views of the building (aka setting), as summed up in the statement: "The area or vista around dwellings of heritage or character is in many cases as important as the dwelling or building itself". Reference made to the Burra Charter article 8 relating to the protection of 'setting'. 1b. Value of the undeveloped block in showcasing the building in the round. 2. The process followed by NMC in determining the application on 27/04/2020 was not informed by preliminary comment from Heritage Tasmania. 3. Decision has not been informed by a proper search of relevant historical records that may have a bearing on the legality of the proposal. 4. Change from Community Use zoning affects social values of the place. 5. Concerns regarding procedural fairness. 6. Provision of historical information. 7. Concern that the THC has not given full and serious consideration to the proposal. 8. Inconsistency of the proposal with the heritage provisions of the NMC Interim Planning Scheme 2013.	1. See THC response to concern # 2 raised by Henley, R 2. See THC response to concern # 1 raised by Henley, R 3. Legal issue is not a heritage issue. 4. The social values of the place have not been adequately demonstrated or defined in order to assess the impact that the change of use would have, but in any event the HCHA is unable to regulate change of use (it is limited to regulation of works and development). 5. Representations could still be made, as per the processes provided for in the Planning Act and Heritage Act. 6. Much of the factual material was already available to Heritage Tasmania and used to inform consideration of the application. What new information has been provided does not have much bearing on the matter. 7. The proposal had been assessed in the usual manner by Heritage Tasmania, with the exception of representations which are considered at a later stage in the process. 8. Planning scheme provisions are not relevant to the consideration of the THC.
Cuthbert, R &	Concern that the proposal will lead to an	Heritage approval will be required for any

Dufour, M	erosion of the historic townscape character, with new dwellings 'crammed' into the site.	future works or development at the place.
Bosch, O	"It would be good to restrict the type of dwelling" that can be permitted on the undeveloped part of the site, to ensure that it will fit in.	(a) Heritage approval will be required for any future works or development at the place. (b) Section 8 of the THC's Works Guidelines prescribe outcomes for new buildings, the object of which is to ensure that these new buildings are an acceptable fit with the heritage features of a place. (c) Consideration could be given to imposing a restriction though a condition on the permit currently being sought.
Lethborg, P	1. Demolition of non-heritage components will enhance the heritage values of the place, and the re-zoning will itself not affect the place's heritage values. 2. A dwelling had formerly occupied the vacant part of the site. 3. If a dwelling were to be erected on the site in future, it "would be in keeping with the precinct and would not effect the stand alone aesthetic".	1. The THC accepts that the demolition will enhance the place's heritage values provided that it is carried out with adequate controls. Hence the proposed condition of approval. 2. The fact that the site had originally been occupied by a dwelling was information taken into consideration by the THC delegate. 3. See THC response to concern raised by Bosch, O.

ANALYSIS OF CONCERNS

The concerns relate principally to:

- (a) a change of use for the former Baptist tabernacle that the representors consider inconsistent with its social values;
- (b) future development on the grassed block south of the chapel, which presently affords an unobstructed view to the side of the chapel which the representors note as having a desirable character; and,
- (c) future development on the grassed block, and affecting the heritage buildings themselves, which will detract from the heritage character of the place, the streetscape and the town.

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

In relation to (c), the Heritage Tasmania report showed that there is a precedent for a residential development on the site. Proposed new development will be anticipated if the permit is granted, and would be regulated with regard to section 8 of the THC's Works Guidelines. However, consideration could be given to conditioning the approval to a building envelope and building of a character that references the historical precedent. The success of implementation would to a large extent be dependent on the designer's capability to respond appropriately to the heritage context.

RECOMMENDATIONS

That Condition 1 of the THC's determination made under section 39A(6)(b) of the Act on 4 May 2020 be incorporated into any permit that is granted; and additionally, consideration be given to including a condition that requires that any residential development on proposed Lot 1 be designed to reference the dwelling that historically existed on that site

and match as close as practicable its building envelope, and that the design for the development be prepared by an architect with well-established credentials in heritage conservation.

Please contact the undersigned on 1300 850 332 if you require clarification of the matters contained in this report.



Ian Boersma

Works Manager – Heritage Tasmania

Under delegation of the Tasmanian Heritage Council