
4.4 PA2021.0070 - 200 STONY RISE ROAD STONY RISE - REMOVAL OF ITEMS

Author: **Emma Pieniak, Planning Officer**

Endorser: **Kylie Lunson, Development Services Manager**

RECOMMENDATION

That the Planning Authority, pursuant to the provisions of the *Tasmanian Planning Scheme – Devonport 2020* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2021.0070 and grant a Permit for land identified as 200 Stony Rise Road, Stony Rise for the following purposes:

- Removal of items (*Historic Cultural Heritage Act 1995*)

Subject to the following condition:

1. The removal of items; ten (10) pews, one (1) baptism font, and one (1) communion table can proceed subject to the recommendations contained within the Notice of Heritage Decision, THC Works Ref: 6586 a copy of which is attached and endorsed as documents forming part of this Planning Permit.

Note: The following is provided for information purposes.

In regard to condition 1 the applicant should contact the Tasmanian Heritage Council – Ph 1300 850 332 with any enquiries.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 2.1.1 Apply and review the Planning Scheme as required, to ensure it delivers local community character and appropriate land use
- Strategy 2.1.2 Provide consistent and responsive development assessment and compliance processes

SUMMARY

The purpose of this report is to enable Council, acting as a Planning Authority to make a decision regarding planning application PA2021.0070.

BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Address:	200 Stony Rise Road, Stony Rise
Applicant:	Trustees of The Diocese of Tasmania
Owner:	The Trustee of The Diocese of Tasmania
Proposal:	Removal of items
Existing Use:	Community Meeting and Entertainment
Zoning:	Community Purpose
Decision Due:	27/07/2021

SITE DESCRIPTION


The 2403m² subject site is situated north-east of Stony Rise Road at the junction with Forth Road and Laphorne Close. The subject site comprises an existing weatherboard chapel and cemetery. Surrounding developed properties are a mixture of residential and industrial uses. The use and development of the subject site and surrounding area are illustrated in Figure 1.





Figure 1 – Aerial view (LISTmap)

APPLICATION DETAILS

The applicant is seeking approval for the removal of 10 pews, 1 baptism font and 1 communion table which are no longer required. The items to be removed are illustrated below.

Faculty Item No	Description	Photograph
4	12 wooden pews, 11 with backs and 1 without. All with cushions and a collection of 20 padded kneelers.	 Two photographs showing wooden pews and a padded kneeler. The top photograph shows a row of wooden pews with cushions. The bottom photograph shows a close-up of a padded kneeler.

6	1 Baptism Font, small wooden with lid and internal bowl. Small plaque mounted which reads "A.M.D.G. The gift of Mrs.W.J.Dilger, July 1973"	
11	1 Communion Table and coloured frontals	

	Faculty Recommendation of 2020	Present Location February 2021	Intended Future Destination
Faculty Item No 6. Font	Return to family of Mrs W.J. Dilger	Returned as per Faculty following deconsecration service in 2017	Remain with the family of Mrs W.J. Dilger
Faculty Item No 4. Pews (x12)	Leave with building if requested by new owner. Otherwise sell – with first option to parishioners.	Within the church	Retain 2 pews as representative sample Sell 1 pew to former parishioner as per faculty. Sell remainder to neighbouring property owner (located at 1 Laphorne Close, Don) Intention of neighbour would be to incorporate pews into design of new residential premises.
Faculty Item No11. Communion Table	Leave with building if requested by new owner. Otherwise sell.	Within the church	Offer to neighbouring property owner for incorporation into the design of new residential premises (located at 1 Laphorne Close, Don) If unwanted offer to parishioners or sell to interested parties.

A copy of the application is **appended as an attachment** forming part of this report.

PLANNING ISSUES

The land is zoned Community Purpose under the *Tasmanian Planning Scheme – Devonport, 2020*. The purpose of the Community Purpose zone is:

- 27.1.1 To provide for key community facilities and services including health, educational, government, cultural and social facilities.
- 27.1.2 To encourage multi-purpose, flexible and adaptable social infrastructure.

The proposal does not seek to change the Community Meeting and Entertainment use of the site or construct or develop the land in any way.

The property is a registered place under the *Historic Cultural Heritage Act 1995*, (place no. 358). Any application for works at a historical place must be accepted under Section 57 of the *Land Use Planning and Approvals Act 1993*.

The application was referred to the Tasmanian Heritage Council whom pursuant to Section 36(3)(b) of the *Historic Cultural Heritage Act 1995* declared an interest in involvement in determining the application. The Tasmanian Heritage Council reviewed the application and representation received during the public advertising process, and have issued consent subject to conditions, pursuant to Section 39(6)(b) of the *Historic Cultural Heritage Act 1995*.

COMMUNITY ENGAGEMENT

On 18/07/2021, Council received an application for the above development. Under Section 57(3) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority must give notice of an application for a permit. As prescribed at Section 9(1) of the *Land Use Planning and Approvals Regulations 2014*, the Planning Authority fulfilled this notification requirement by:

- (a) Advertising the application in *The Advocate* newspaper on 23/06/2021;
- (b) Making a copy of the proposal available in Council Offices from the 23/06/2021;
- (c) Notifying adjoining property owners by mail on 22/06/2021; and
- (d) Erecting a Site Notice for display from the 22/06/2021.

The period for representations to be received by Council closed on 06/07/2021.

REPRESENTATIONS

One representation was received within the prescribed 14 day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*. The representation is replicated below.



Mail: I trust <hillierbmi@gmail.com>
To: Devonport City Council

Wed 30/06/2021 8:23 PM

I wish to submit an application to Council in regards to the Planning application PA2021.0070 at St Olaves Church Don.

I note that the application states that the option is to offer the remaining pews and communion table to the owners of Lot 1 Laphorne Close after they retain 2 pews and a parishioner is gifted 1 pew.

As the church has been part of the Don community since approximately 1876 on both sides of the river before its present location and these items are an important part of the history of Don. I would like to see these remaining 9 pews and table retained in public possession and retained in the community before they are just sold off to anyone as could well happen if only 1 person is offered 9 of them.

The pews could be loaned or donated to the Don River Railway (DDR) to be used in their new function space or stored on the site for a future use in the developments that are listed to happen. These pews/table could be marked with a small plaque to give details of where they were originally placed within the community and help show locals and visitors that we as a city are trying to retain our heritage.

I have spoken with DDR manager Barry Pickett and he has stated that they could assist with the storage and use of the pews and table within their Museum facilities.

I would also like to ask if the church had a war memorial honourboard on site could it be retained within the Don Hall which has a wonderful collection of war memorials on its walls of locals who gave their service to Australia. I note this as the old South Spreyton Church has their memorial displayed within the Spreyton Hall.

All available options should be looked at so we can retain these pews and table within the Don and greater Devonport community before they are possibly sold off.

Regards

Matt Hillier
8 Cornelia Place
Don

The representation notes the intended recipients of the items to be disposed of and suggested the Don River Railway would be a more suitable beneficiary. The concerns of the representor do not relate to any planning scheme considerations and have been addressed in the Tasmanian Heritage Council's recommendation.

FINANCIAL IMPLICATIONS

No financial implications are predicted, unless an appeal is made against the Council's decision to the Resource Management and Planning Appeal Tribunal. In such instance, legal counsel will likely be required to represent Council. The opportunity for such an appeal exists as a result of the Council determining to either approve or refuse the permit application.

RISK IMPLICATIONS

In its capacity as a planning authority under the *Land Use Planning and Approvals Act 1993* (LUPAA), Council is required to make a determination on this application for a discretionary planning permit. Due diligence has been exercised in the preparation of this report and there are no predicted risks associated with a determination of this application.

CONCLUSION

The application satisfies the relevant parts of the *Tasmanian Planning Scheme – Devonport 2020* and a permit can be issued, subject to the recommendations made by the Tasmanian Heritage Council.

ATTACHMENTS

1. Application - PA2021.0070 - 200 Stony Rise Road [**4.4.1** - 10 pages]

Office use
Application no. _____
Date received: _____
Fee: _____
Permitted/Discretionary

Devonport City Council

Land Use Planning and Approvals Act 1993 (LUPAA)

Tasmanian Planning Scheme - Devonport

Application for Planning Permit

Use or Development Site

Street Address: 200 Stony Rise Rd, Stony Rise

Certificate of Title Reference No.: 163007/2

Applicant's Details

Full Name/Company Name: Trustees of the Diocese of Tasmania

Postal Address: GPO Box 748, Hobart TAS 7000

Telephone: (03) 6220 2020

Email: redressproject@anglicantas.org.au

Owner's Details (if more than one owner, all names must be provided)

Full Name/Company Name: as above

Postal Address: _____

Telephone: _____

Email: _____



ABN: 47 611 446 016
PO Box 604
137 Rooke Street
Devonport TAS 7310
Telephone 03 6424 0511
www.devonport.tas.gov.au
council@devonport.tas.gov.au

Sufficient information must be provided to enable assessment against the requirements of the planning scheme.

Please provide one copy of all plans with your application.

Assessment of an application for a Use or Development

What is proposed?: See Development Application Letter attached

Description of how the use will operate: See Development Application Letter attached

Use Class (Office use only):

Attachment 4.4.1 Application - PA2021.0070 - 200 Stony Rise Road

Applications may be lodged by email to Council - council@devonport.tas.gov.au
The following information and plans must be provided as part of an application unless the planning authority is satisfied that the information or plan is not relevant to the assessment of the application:

Application fee	
Completed Council application form	
Copy of the current certificate of title, including title plan and schedule of easements	
Any written permission and declaration of notification required under s.52 of LUPAA	
A site analysis and site plan at an acceptable scale on A3 or A4 paper (1 copy) showing:	
• The existing and proposed use(s) on the site	
• The boundaries and dimensions of the site	
• Topography including contours showing AHD levels and major site features	
• Natural drainage lines, watercourses and wetlands on or adjacent to the site	
• Soil type	
• Vegetation types and distribution including any known threatened species, and trees and vegetation to be removed	
• The location, capacity and connection point of any existing services and proposed services	
• The location of easements on the site or connected to the site	
• Existing pedestrian and vehicle access to the site	
• The location of existing and proposed buildings on the site	
• The location of existing adjoining properties, adjacent buildings and their uses	
• Any natural hazards that may affect use or development on the site	
• Proposed roads, driveways, parking areas and footpaths within the site	
• Any proposed open space, common space, or facilities on the site	
• Proposed subdivision lot boundaries (where applicable)	
• Details of any proposed fencing	
Where it is proposed to erect buildings, a detailed layout plan of the proposed buildings with dimensions at a scale of 1:100 or 1:200 on A3 or A4 paper (1 copy) showing:	
• Setbacks of buildings to property (title) boundaries	
• The internal layout of each building on the site	
• The private open space for each dwelling	
• External storage spaces	
• Parking space location and layout	
• Major elevations of every building to be erected	
• The relationship of the elevations to existing ground level, showing any proposed cut or fill	
• Shadow diagrams of the proposed buildings and adjacent structures demonstrating the extent of shading of adjacent private open spaces and external windows of buildings on adjacent sites	
• Materials and colours to be used on roofs and external walls	
Details of any signage proposed	

Value of use and/or development

\$ NIL

Notification of Landowner/s (s.52 *Land Use Planning and Approvals Act 1993*)

If land is not in applicant's ownership

I, _____ declare that the owner/s of the land has/have been notified of my intention to make this application.

Applicant's signature: _____ Date: _____

If the application involves land owned or administered by the Devonport City Council

Devonport City Council consents to the making of this permit application.

General Manager's signature: _____ Date: _____

If the application involves land owned or administered by the Crown

Crown consent must be included with the application.

Signature

I apply for consent to carry out the use and development described in this application. I declare that all the information given is true and correct. I also understand that:

- if incomplete, the application may be delayed or rejected; and
- more information may be requested in accordance with s.54 (1) of LUPAA.

PUBLIC ACCESS TO PLANNING DOCUMENTS - DISCRETIONARY PLANNING APPLICATIONS (s.57 of LUPAA)

I understand that all documentation included with a discretionary application will be made available for inspection by the public.

Applicant's signature: _____ Date: 25/5/2021

PRIVACY ACT

The personal information requested on this form is being collected by Council for processing applications under the *Land Use Planning and Approvals Act 1993* and will only be used in connection with the requirements of this legislation. Council is to be regarded as the agency that holds the information.

Fee & payment options



Pay by Direct Deposit – BSB: 067-402 Account No. 000 000 13 – Please quote your application number.



Pay in Person at Service Tasmania – Present this notice to any Service Tasmania Centre, together with your payment. See www.service.tas.gov.au for opening hours.



Pay by Phone – Please contact the Devonport City Council offices on 64240511 during office hours, Monday to Friday.



Pay by Post – Cheques should be made payable to Devonport City Council and posted to PO Box 604, Devonport, Tasmania, 7310.

CERTIFICATE OF TITLE

LAND TITLES ACT 1980



TASMANIA

TORRENS TITLE

VOLUME 163007		FOLIO 2
EDITION 1	DATE OF ISSUE 06-Dec-2011	
Page 1		of 1

I certify that the person described in Schedule 1 is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries specified in Schedule 2 and to any additional entries in the Folio of the Register.

Alice Kawa

Recorder of Titles.



DESCRIPTION OF LAND

City of DEVONPORT
Lot 2 on Sealed Plan 163007
Derivation : Part of Lot 3507, 50 Acres Gtd to James Fenton
Prior CTs 124726/2 and 124726/1

SCHEDULE 1

THE TRUSTEES OF THE DIOCESE OF TASMANIA

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP163007 FENCING PROVISION in Schedule of Easements

FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



OWNER THE TRUSTEES OF THE DIOCESE OF TASMANIA		PLAN OF SURVEY		REGISTERED NUMBER SP163007
FOLIO REFERENCE F/R 124726-1 F/R 124726-2		BY SURVEYOR PAUL PLUNKETT of MICHELL HODGETTS & ASSOC. P/L Po.Box 712 DEVONPORT, 7310		APPROVED - 6 DEC 2011 EFFECTIVE FROM <i>Alice Kawa</i> Recorder of Titles
GRANTEE PART OF LOT 3507, 50 ACRES GTD TO JAMES FENTON		LOCATION CITY OF DEVONPORT		
SCALE 1: 600		LENGTHS IN METRES		
MAPSHEET MUNICIPAL CODE No. 108 (4444-51)	LAST UPI No FHK39 FHK40	LAST PLAN No. P.124726	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN	

<i>Inf Callum</i>	24/11/2011
COUNCIL DELEGATE	DATE

05 May 2021




Development Application

For the Removal of Pews, Font & Communion Table

From St Olave's Church, 200 Stony Rise Rd, Stony Rise

In response to Heritage Tasmania's request to the Anglican Diocese of Tasmania to formally seek Discretionary Approval for the permanent removal of the **font, pews** and **communion table** from the heritage listed place known as St Olave's Church & Cemetery, 200 Stony Rise Rd, Stony Rise (THR ID Number: 1358) the following has been prepared for consideration via the Devonport City Council Development Application process.


The items in question include the following, as identified in the attached document entitled *Faculty St Olave's, Stony Rise*, prepared in 2017 and submitted as part of the Certificate of Exemption Application of October 2020:

Faculty Item No	Description	Photograph
4	12 wooden pews, 11 with backs and 1 without. All with cushions and a collection of 20 padded kneelers.	 Two photographs showing wooden pews with cushions. The top photo shows a row of pews in a church interior. The bottom photo is a close-up of a single pew with a cushion.

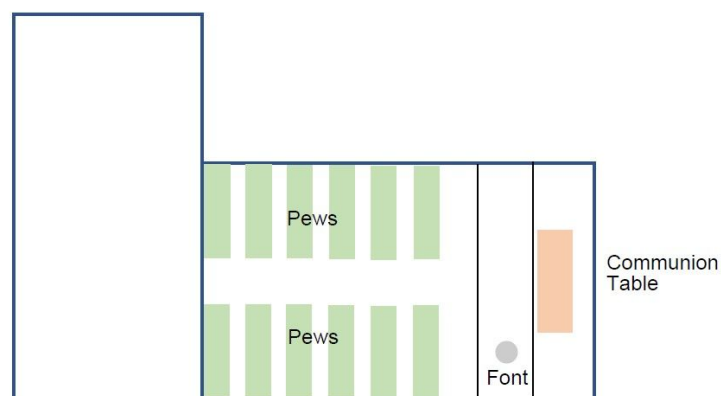
A church for Tasmania, making disciples of Jesus.

1st Floor, Church House, 125 Macquarie Street, Hobart TAS 7000 | GPO Box 748, Hobart TAS 7001
+ 61 3 6220 2020 | www.anglicantas.org.au

05 May 2021

6	1 Baptism Font, small wooden with lid and internal bowl. Small plaque mounted which reads "A.M.D.G. The gift of Mrs.W.J.Dilger, July 1973"	
11	1 Communion Table and coloured frontals	

The location of the items within the building at the time of the Faculty being prepared in 2017 were as follows:



The Faculty recommendations as presented to Heritage Tasmania in 2020, the present location of the items and the intended dispersal of the items subject to Discretionary Approval are detailed in the Table below:

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05 May 2021

	Faculty Recommendation of 2020	Present Location February 2021	Intended Future Destination
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Faculty Item No11. Communion Table	Leave with building if requested by new owner. Otherwise sell.	Within the church	Offer to neighbouring property owner for incorporation into the design of new residential premises (located at 1 Laphorne Close, Don) If unwanted offer to parishioners or sell to interested parties.

Efforts have been made to secure the alternative future management of the pews & communion table. These include;

- Offering these items to the purchaser; they remain too large and not in keeping with the intended community use of the property
- Offering these items to nearby ecclesiastical properties – these are surplus to requirement and can not be used or stored appropriately
- Offering these items to TMAG – these items are not deemed suitable for collection

As per the above the Anglican Diocese of Tasmania seeks Discretionary Approval for;

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+ 61 3 6220 2020 | www.anglicantas.org.au

05 May 2021

- The St Olave's font to remain with the donating family of Mrs W.J. Dilgar.
- The retention of a representative sample (x2) pews at St Olave's under new ownership
- The gifting of x1 pew to a former parishioner of St Olave's
- The offer of the remainder (x9) to the neighbouring property owner.
- The gifting of the St Olave's communion table to the neighbouring property owner and, if unwanted, approval for the alternative option of gifting to an interested parishioner or sale to interested party.

We thank you for your time in considering this application and ask that if you have any other questions please do not hesitate to contact me.

Regards,



Judson Williams.

Manager – Redress Team
Anglican Diocese of Tasmania.

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