

**From:** [Scott Carlin](#)  
**To:** [Heritage Enquiries](#)  
**Subject:** National Trust Tasmania submission on the Draft Historic Cultural Heritage Amendment Bill 2023  
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The Director

Heritage Tasmania

GPO Box 618

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Dear Sir,

**National Trust Tasmania submission on the Draft Historic Cultural Heritage Amendment Bill 2023**

**COMMENTARY: HERITAGE LEGISLATION CHANGES**

The Tasmanian Planning Commission (TPC) continues the rollout of the Tasmanian Planning Scheme (TPS), to replace the interim and older planning schemes. What does this mean for protection of our historic heritage places at a local government level?

Whilst a consistent approach to planning is always encouraged, there are some concerning backward steps in heritage management that arise from the TPS. For example, places included on the Tasmanian Heritage Register are exempt from the Local Historic Heritage Code. Whilst this is not of concern on a 'place by place' basis (as the Tasmanian Heritage Council (THC) has sufficient jurisdiction to manage those values), it essentially means that the entire code – including Heritage Precincts, Cultural Landscapes and Places of Archaeological Potential are now exempt from local heritage provisions and in many cases the THC does not have the jurisdiction to pick up these wider values. As an example, the development of a state listed heritage place within a local heritage precinct does not need to have regard to anything within the wider heritage precinct – where previously it did.

Further, the TPS does not require local governments to populate a local heritage list at all – and some planning authorities have completely dropped their local heritage place lists. There are issues with the wording of the Performance Criteria in the TPS local heritage provisions – words like 'have regard to' replace previously stronger words like 'must demonstrate', and planning authorities are now to have regard to the 'surrounding built context' (whether that's a heritage context or not). Mid last year, the TPC sought comment on a 5-year review of the State Planning Provisions. Submissions closed in August and several submissions were made which highlight these issues. Responses are awaited from the commission, however a summary response paper recently released does acknowledge that submissions highlighted the need for the population of local heritage lists and that exemptions from the local historic heritage code for THR listed places should be removed.

Many practitioners feel that the disconnect between the Planning and Heritage Systems has been exacerbated by the TPS and that heritage management in Tasmania has been set back by many decades - like a return to the 1960s and a negation of the community's work to protect their heritage through the National Trust and other mechanisms.

We hope that the respective Heritage and Planning Ministers engage in dialogue about how these systems need to work better together, rather than diverging.

Regards,

Scott Carlin

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## **Scott Carlin** | Managing Director



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