

10 July 2023

Heritage Tasmania

Email: enquiries@heritage.tas.gov.au

Dear Sir/Madam

Submission – Draft Historic Cultural Heritage Amendment Bill 2023

Thank you for the opportunity to comment on the *Draft Historic Cultural Heritage Amendment Bill 2023* (draft Bill), which proposes changes to the operation of the *Historic Cultural Heritage Act 1995*.

The Planning Institute of Australia, Tasmanian Division (PIA Tas) commends Heritage Tasmania for its efforts in formulating the draft Bill and believes that, if well reviewed and implemented, this Bill has the potential to afford greater protection to historic heritage places, address anomalies, and improve administrative processes.

Notwithstanding this, PIA Tas considers that the draft Bill should be further revised to consider the following:

- Applications for a change of use (such as from Residential to Visitor Accommodation) that do not involve development may also pose a risk of damage to the integrity of historic heritage places. Such scenarios must be adequately regulated to prevent the materialisation of the above risk, particularly considering that:
 - The Tasmanian Planning Scheme (TPS), now operating in most municipalities, contains an exemption in clause 4.1.6 that facilitates the use of dwellings for Visitor Accommodation without regard to whether those dwellings are in historic heritage places;
 - There are no Use Standards on the Local Historic Heritage Code of the TPS; and
 - Heritage Tasmania does not currently regulate uses in historic heritage places unless those uses also involve development.

The draft Bill provides opportunity to review consideration of use to heritage values.

- The draft Bill incorporates the following definition:

“object, in relation to a place, includes fittings, artifacts and other objects in or on the place other than a fixture in or on the place;” (highlighted added).

While it can be assumed that significant historic plantings are excluded from the above definition as they are typically considered fixtures of a place, it would be beneficial to clarify whether this is the case or not. This clarification is important to understand if these plantings

are considered heritage objects for the purpose of handling approvals as, given their fragility, they call for special protection during transplanting to prevent early or unnecessary death (e.g., the transplanting works must be undertaken by an experienced contractor).

- One of the purposes of the draft Bill is to improve administrative processes. Hence, there should be a strong justification as to why the draft Bill is seeking to reduce the timeframe for objections and submissions relating to permanent entries in the Register from 60 to 30 days but increasing the timeframe for the Heritage Council to decide on such objections or submissions from 120 to 180 days. While there may be valid reasons behind this, it is difficult to argue that the administrative process is being improved when it overall entails additional time.

We thank you for the opportunity to make a submission. If you would like to discuss this submission further with PIA, please contact me on 0418 597 997.

Yours sincerely,



Michael Purves
President Tasmania
Planning Institute of Australia