



Practice Note No 12

DISPOSING OF RELIGIOUS PROPERTIES AND ASSOCIATED MATTERS

This Practice Note provides advice on disposing of religious properties and associated matters. The advice supports the Tasmanian Heritage Council's Works Guidelines, which provides guidance on seeking approval for works to a place entered in the Tasmanian Heritage Register. The Heritage Council recommends seeking advice from professionals with expertise in dealing with historic heritage places.

Introduction

Many religious properties are significant heritage places. They provide physical evidence of the history, social and cultural aspirations of their communities. The entry of religious properties in the Tasmanian Heritage Register indicates their significance to people and groups both within and outside of the congregations that use them.

When religious properties become redundant and are sold, their heritage values may be at risk and it is important that the risk be minimised.

The Heritage Council often becomes involved in the disposal process, particularly where local communities seek advice to address their concerns over the processes of disposal, or where potential purchasers seek advice on the particular aspects of significance and the possibility of adaptation.

This Practice Note applies principally to the disposal of churches, but is also applicable to other religious properties such as halls, cemeteries and residences. Whilst this Note is expressly relevant to religious authorities disposing of property, it is also applicable to other organisations managing a religious property, or religious properties that have previously been transferred to private ownership.

The approval for works to a heritage-listed property are governed by the *Historic Cultural Heritage Act 1995*, and the Heritage Council's Works Guidelines. The underlying principles of the *Works Guidelines* are the Australia ICOMOS *Burra Charter*.

1. Understand the significance of place

Prior to the sale of a religious property of heritage significance, it is recommended that the religious authority should undertake a process that will enable appropriate decisions to be made.

Investigate the place: Community attitudes and values mean that most religious properties will have potential heritage significance. The significance of a place can be investigated by compiling all known details and history of the place; researching the history; interviewing users and relevant community groups; understanding the context; and analysing the fabric and items of moveable heritage.

Assess the significance of the place: The Heritage Register entry provides a summary assessment of these values, however other aspects of significance may exist. Once a place has been investigated it is important to assess the importance of this place and its various components, including items of moveable heritage. The best way of assessing the significance is by first using the eight significance criteria listed in the *Historic Cultural Heritage Act 1995*, and then by comparing the place with other examples of similar places. The eight criteria are:

- a. the place is important to the course or pattern of Tasmania's history;
- b. the place possesses uncommon or rare aspects of Tasmania's history;
- c. the place has the potential to yield information that will contribute to an understanding of Tasmania's history;
- d. the place is important in demonstrating the principal characteristics of a class of place in Tasmania's history;
- e. the place is important in demonstrating a high degree of creative or technical achievement;
- f. the place has a strong or special association with a particular community or cultural group for social or spiritual reasons;
- g. the place has a special association with the life or works of a person, or group of persons, of importance in Tasmania's history;
- h. the place is important in exhibiting particular aesthetic characteristics.

Particular consideration should be given to the community significance of the place, and the importance of the place in the local townscape or streetscape. Consideration should also be given to landscape values as there may be elements of creative, aesthetic or community significance.

Once the significance has been established, it is helpful to identify the relative significance of each item, indicating whether it is of high medium, low or no significance. An awareness of the relative significance of the place's component parts will assist in making good decisions about future changes.

2. Consult with the community

The closure of religious buildings and their transfer into private ownership can be a distressful period for local communities. This distress reflects the community's regard for these places. It is important that, before disposing of a property, religious authorities have clear and thorough communication and stakeholder consultation strategies in place.

The consultation should be targeted to particular groups within society, for example, the active church community; the passive church community; and the broader local community. The results of the consultation will help establish the significance of the property and its contents, as well as how best to manage that significance.

3. Manage moveable cultural heritage

Religious properties often contain highly significant moveable cultural heritage items that have been accumulated during the life of the place.

Moveable cultural heritage items are protected by the *Historic Cultural Heritage Act 1995* and religious authorities should be aware that the definition of 'place' includes: "any item in or on, or historically or physically associated or connected with a site ... where the primary importance of the item derives in part from its association with that site".

Removal of any moveable cultural heritage item may require the approval of the Heritage Council.

Religious authorities should also be aware of any common law provisions for chattels and fixtures, as well as any other legal requirements that require consideration (e.g. covenants).

The Heritage Council suggests religious authorities prepare an inventory of all moveable heritage items. This should include a discussion on whether the item is of low, medium or high significance; outline the provenance of the items, and define the most appropriate way in which to deal with those items. In descending order of preference, options likely to be acceptable are:

- a. **Retain on site:** Where possible, items of heritage significance should be retained with the place, unless retention on site makes these items vulnerable (for example, a church organ can be safely retained on site, while a lectern would be vulnerable to eventual loss).
- b. **Relocate to nearby ecclesiastical property:** Where the religious authority can demonstrate that retention on site is not appropriate, the preference is for items to be relocated to a nearby ecclesiastical property, ensuring that adequate provenance and documentation exists.
- c. **Curate appropriately:** Where neither retention nor relocation is available, the items may be removed to a secure and appropriate location managed by the religious authority, ensuring that adequate provenance and documentation exists.
- d. **Distribute to donors:** Where items have been donated to a particular property, these items may be returned to the original donor, or their representative, provided that adequate provenance and documentation exists.
- e. **Dispose:** Where the religious authority can demonstrate that none of the above four actions are appropriate, it may sell or donate the items, ensuring that adequate provenance and documentation exists. The Heritage Council considers this the least appropriate action, and the religious authority should demonstrate why the other options cannot be carried out.

Where retention on site is not possible, the Heritage Council may recommend an extant recording of the items according to Practice Note No. 3 *Procedure for Extant Recording of a Heritage Place*.

4. Consider the opportunities and constraints for adaptation

After assessing the heritage values of the place, consideration should be given to the opportunities and constraints for adaptation. In doing so, there must be regard for the hierarchy of significance [e.g. which spaces and fabric are of higher significance and which are

of lower significance] and appropriate development guidelines be prepared.

Heritage Tasmania is able to provide advice on guidelines, or alternatively guidelines can be prepared by a heritage practitioner engaged by the owner. The heritage practitioner should forward the guidelines to the Heritage Council.

Where a religious property is of very high heritage significance, it is recommended that a Conservation Management Plan be completed. This plan should be prepared by a multi-disciplinary team of heritage practitioners that investigates and assesses the significance of the place, and makes recommendations for management of this significance. The best option for the conservation of any place is always to retain the significant aspects.

Adaptation and works

Works to places that are entered in the Heritage Register require the approval of the Heritage Council in accordance with the *Historic Cultural Heritage Act 1995*. In determining applications, the Heritage Council has regard for its *Works Guidelines* which have as their foundational basis the Australian ICOMOS *Burra Charter*.

If it has not already been completed, the Heritage Council may request that an investigation and assessment of the heritage significance of a place be completed, along with a Conservation Management Plan.

Subdivision may affect the significant values of the place and should be discussed with the Heritage Council before the subdivision application is lodged.

A change of use or sale of a religious building does not require the approval of the Heritage Council; however, the physical works or development that in most cases accompany a change of use will require approval.

Considerations to be addressed when proposing works to religious properties should include retaining the 'openness' of the nave space of a church, even though in some cases it will be acceptable to introduce new building fabric into that space.

Issues of site planning should also be addressed. New buildings or structures on the

site may be considered acceptable where they have a low impact on the heritage values of the place.

Religious buildings are frequently dominant elements in a local streetscape or townscape and new works that obscure prominent public views are unlikely to be approved.

In some cases, an adaptive re-use may not be possible without a large new structure or addition. This may not always be possible to achieve with an acceptably low level of impact. The Heritage Council's *Works Guidelines* provide guidance on how additions and new structures can be planned to minimise their impact.

Cemeteries

Cemeteries will often be a very important aspect of the significance of a religious property. The Heritage Council's *Managing the Heritage Value of Cemeteries Practice Note*, provides advice on managing the heritage values of cemeteries. This advice will be relevant to any works to a cemetery.

If the religious authority decides that it will retain possession of a cemetery, but subdivide it from other buildings, consideration should be given to questions of continuing public access to the cemetery.

A strong barrier separation between a religious building and its cemetery is not considered appropriate because it may have an adverse

impact on the important traditional relationship that exists between the two parts of the heritage place. Low, transparent fences or hedging may provide a more appropriate solution.

Where management rights of a cemetery are transferred to another group or individual, the new owners are required to comply with the management provisions of the *Burial and Cremation Act 2002*.

Relocation of religious buildings

The significance of any building is more than its physical structure. A place includes the building, and also the land, landscape, associated structures, contents, spaces and views, along with the social and community values attached to the place. Religious buildings will also frequently be a dominant element in a local streetscape or townscape. These attributes mean that the Heritage Council will in most cases consider relocation to be an unacceptable solution unless this is the sole practical means of ensuring a church building's survival. A clear and sound rationale will assist the Heritage Council in considering an application for the relocation of a religious or other building which is entered in the Heritage Register.

For further information contact

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