Proactively managing historic heritage

These guidelines provide an outline of the desired content for consultant’s briefs and role when an historic heritage assessment is proposed by a private or public developer, who has an interest in proactively identifying and managing historic heritage values.

Introduction

Historic heritage places are an important and notable feature of Tasmania. Such places may be recognised and protected through heritage listing or registration at one of three levels, at:

- a local level in the heritage schedule of a local planning authority’s planning scheme;
- a State level by being entered on the Tasmanian Heritage Register; or
- a National, Commonwealth or World level by being listed on the National, Commonwealth or World Heritage lists.

A strategic and proactive approach to assessing heritage values prior to a development reflects general community expectations that developments can and should occur, but in a way that ensures affected heritage places will be identified, protected and managed.

Guiding principles

Heritage places may be identified by reviewing existing lists, surveys or reports, and undertaking a field survey within the boundaries of the development in the pre-feasibility, feasibility and business case development or the full assessment phases.

Existing lists and reports cannot be regarded as being comprehensive. There can be serious limitations on the information available for undertaking a thorough desk-top analysis. However, field surveys can also be limited by factors such as the scale of the area under examination, presence of inaccessible terrain or the concealment of features.

It therefore needs to be recognized that heritage values may also be discovered later in the process, once works have commenced. These guidelines aim to ensure that the importance of both known (listed and unlisted) and unknown heritage values are recognised, and where appropriate protected, as part of the proactive management of developments.

It is a general expectation that any known, listed or registered heritage sites are clearly identified so any impacts of the development can be dealt with in accordance with the relevant legislation, whether it be a local planning scheme; the Historic Cultural Heritage Act 1995; or the Environment Protection and Biodiversity Conservation Act 1999.

It is recommended to proactively identify known sites that are not listed, while also ensuring the monitoring for unknown sites occurs during the construction phase. Desk top surveys can identify known sites and field surveys can identify the majority of previously unknown heritage sites. Developing a protocol to guide responses to previously undiscovered heritage will also strongly recommended.
Taking these measures is an important component of environmental scans, feasibility assessments, business case development and risk management, and can limit the risk of 11th hour listings or the imposition of stop work orders.

Proactively identifying heritage values does not mean all heritage is of equal value or significance, or that all heritage needs to be protected. However, it does involve an expectation that an assessment is undertaken so that an appropriate and informed response can be developed and negotiated, or mitigation strategies applied where needed.

Under the Environmental Management and Pollution Control Act 1994, Level 2 activities require an Environmental Effects Report (EER) or a Development Proposal and Environmental Management Plan (DPEMP).

An EER must include details of any place on the Tasmanian Heritage Register or the Tasmanian Historic Places Index on or near the proposed development and ‘specific, unambiguous written commitments for avoiding, minimising and managing’ the potential impacts of the proposal.

A DPEMP must include places in a heritage schedule, the Register of the National Estate (RNE) and any other places of heritage significance, including places on the Heritage Register, together with proposed regulatory requirements for historic heritage values, places and landscapes established on the advice of Heritage Tasmania.

These guidelines have been developed by Heritage Tasmania as a generic resource to help guide such assessments, based on contemporary best practice in Australia and the principles contained in the Burra Charter.

They are expected to be of particular use in the following specific circumstances:

- private or public sector infrastructure developments across the State;
- guiding the assessment of projects of Regional or State significance;
- Assessing Level 2 activities under the Environmental Management and Pollution Control Act 1994; and
- assessing structures or land owned by the Crown being assessed for divestment.

The statutory requirements associated with any sites entered on the Heritage Register are available at www.heritage.tas.gov.au or by Dealing with unknown sites

During the development phase previously unknown or unlisted heritage sites may be discovered or unearthed. It is recommended that proactive planning ensures a clear protocol for handling such circumstances is developed and communicated to those individuals and groups responsible for its management.

Any such a protocol should include:

- ceasing all construction activities within 100 metres of the place immediately;
- arranging for a qualified specialist to assess the place’s significance and determine appropriate actions;
- notifying Heritage Tasmania of the find and the proposed course of action; and
- seeking guidance on the measures or steps that should be taken.

Aboriginal heritage

Concurrent Aboriginal and historic heritage assessments are often needed to identify both forms of heritage. Proactive consultation with Aboriginal Heritage Tasmania is recommended. Owners, proponents and consultants need to ensure they are aware of their obligations under the Aboriginal Relics Act 1975, when dealing with Aboriginal relics or sites.

Heritage Tasmania Guidelines (November 2009)
Recommended content of briefs

The following should be included in a consultant’s brief where an assessment of historic heritage values is required. This is generic information and does not allow for every possible scenario. It recognises assessments may entail a stand alone process or a wider multi-disciplinary pre-development assessment, such as the development of an Environmental Impact Statement (EIS). These assessments should be undertaken by a consultant or team with recognised qualifications and expertise in historic heritage management.

1. Project description

1.1 Provide a description of the development or project, and reason for requiring an historic heritage assessment. Include a map of the study area, which may be larger than the proposed development in order to provide context, to identify and assess indirect effects, or to provide information on possible alternative locations.

1.2 Provide a statement of intent, for example: The [Name of agency] wishes to ensure that historic cultural heritage values which may be affected by [the development] are identified and if possible protected and that any unavoidable impacts are appropriately mitigated. The proponent also wishes to identify any risks to the development at any early stage in planning, so that these can be appropriately managed and all statutory approvals and other requirements can be confirmed and met in a timely manner.

1.3 It is important to state if the report must also meet specified performance criteria, such as the requirements set out for a DPEMP.

2. Survey requirements

2.1 A survey to identify historic cultural heritage (including places with historic, scientific {such as archaeological}, aesthetic or social heritage values; cultural landscapes; and shared heritage places, such as places with Aboriginal and historic heritage values in the study area, comprising the following components:

2.1.1 A review of existing reports, surveys and sources, including but not limited to the: relevant heritage schedules; Tasmanian Heritage Register (THR); Tasmanian Historic Places Index (THPI); State Heritage Audit; heritage surveys; and heritage reports. This process should entail a literature search of published and unpublished material, including reports held by Heritage Tasmania, DPIPWE, other State Government agencies or relevant local planning authorities.

2.1.2 An historical outline of the area, which identifies the principal themes in the history of the area, major historical phases or events and potential heritage places from documentary sources. The consultant is expected to undertake a literature search of secondary historical studies, and in some circumstances undertake primary historical research as necessary, in order to help to identify heritage places and any related documents.
2.1.3 A field survey of the study area (or development footprint) in order to locate and record (or update the record of) places identified in the heritage review and historical study, and to identify other places not previously recorded. If the study area is very large and the location of the development uncertain, it may be more appropriate and cost effective to survey targeted sample areas initially and to complete a more detailed survey of the actual development footprint later or rely on the monitoring provisions used in the development phase, according to need.

2.1.4 An appropriate level of community consultation or engagement to identify heritage places, including social or community values, is recommended. The nature and extent of such consultation needs to be judged on a case-by-case basis. It should be noted that the use of such a process can be desirable ahead of the Development or Works Application process. The report should indicate the individuals and groups who participated in the consultation process.

2.2 An assessment of the cultural heritage significance of all of the heritage places identified during the course of the desktop review and field survey. The history together with broader comparative information should be referenced to provide context for these assessments. Each place identified should be assessed against criteria in the Historic Cultural Heritage Act 1995.

Each place should then be assessed as being of: nil or negligible significance; local significance; or State significance. An assessment of each place against each of the seven criteria contained in the Historic Cultural Heritage Act 1995 is desirable but not essential. The language used in describing significance should at least be consistent with the terminology and concepts that underpin the criteria.

2.3 Management requirements, and recommendations, including:

2.3.1 the identification of specific procedures needed to obtain any statutory approvals or other related statutory requirements;

2.3.2 recommendations for protecting and managing historic cultural heritage, which may include its retention, conservation, mitigating impacts or recording and destruction of places where such disturbance is unavoidable; and

2.3.3 a contingency protocol for managing sites discovered during the course of the development, as noted on page two, ‘Dealing with unknown sites’.

2.4 Test excavations or other forms of interventionist research may be expected as part of the field survey or to confirm assessments. It is recommended that all archaeological excavations should meet the standards set by the Tasmanian Heritage Council in Practice Note No 2 (Version 2), ‘Managing Historical Archaeology in the Works Application Process’ (May 2006), which is a standard requirement for places entered on the Heritage Register. Test excavations or other interventionist research on heritage listed places cannot commence without first obtaining the necessary statutory approvals.
If the consultant is required to consult with or obtain permission from landowners to access private land, this should be stated. Any other consultation requirements should also be stated, such as with Heritage Tasmania, other Departments, the Aboriginal community, etc.

3. Resources

Any known resources, such as existing documentation or preliminary studies that are available from the proponent should be clearly identified, listed or provided. Drawing upon the results of earlier assessments or studies can save both time and money.

4. Deliverables and outputs

The main deliverable is a professional report, with appropriate references, that includes all the relevant information outlined below. Such a report may be a stand-alone document, or a section or chapter of a wider planning study, environmental analysis or development proposal.

A standard report should include the follow content:

- Objectives, methods and sources of the study.
- History of the study area including, where applicable, a chronology of historical phases and events, and/or overlay maps.
- Results of the survey, including an inventory of all historic places on statutory heritage lists, all other historic places identified from the review of all sources and surveys, and all historic places identified from the documentary research or recorded during the field survey. Where applicable, a map should be included to show the location of heritage places in relation to the proposed development.
- An outline of the necessary approval processes and management recommendations for all places identified that are on a statutory heritage list, as noted at 2.3.1.
- An assessment of the cultural heritage significance of all places identified, but are not on a statutory heritage list, as noted at 2.2.
- Generic and specific management prescriptions or recommendations for any unlisted places with historic heritage significance consistent with the standard for managing places in a local heritage schedule or entered on the Tasmanian Heritage Register.
- Recommendations that help to address, minimise and, where able work to avoid, any adverse impacts on setting, streetscapes, townscapes or cultural landscapes.
- A contingency protocol for managing heritage places discovered during construction, for example, as listed under ‘Dealing with unknown sites’ on page two.
- An appendix that provides an inventory of place records. Ideally these should meet the standards required for the entry of a place in the Heritage Management System database, which is held and managed by Heritage Tasmania.
The brief or contract of engagement should require a draft copy of the report to be provided to the proponent or their agent for review and feedback. Heritage Tasmania may be able to assist by reviewing draft reports, but may not always be able to provide this service.

It should also specify: how many copies of the final report are to be provided, in what format and with whom copies are to be lodged. It is strongly recommended at a minimum that copies are lodged with the proponent and Heritage Tasmania as future reference material.

5. Capacity to undertake the brief

In responding to the brief, consultants must specifically state who will be undertaking the desktop research, the historical/documentary research, the fieldwork survey or investigations and the final report. Their qualifications and relevant experience must be included. It is important to ensure that historical, archaeological, architectural and social heritage research are undertaken by persons with the relevant qualifications and expertise.

FOR FURTHER DETAILS CONSULT:
Heritage Tasmania @ www.heritage.tas.gov.au

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Level 1, 53 St John Street  LAUNCESTON

T: (03) 6233 2037 or 1300 850 332 for the cost of a local call
E: enquiries@heritage.tas.gov.au

The Tasmanian Heritage Services Directory is available at:
www.heritage.tas.gov.au/heritage_services_directory.html