

Historic Cultural Heritage Amendment Bill 2023

FACT SHEET

The primary aim of this Bill is to afford greater protection to historic heritage places, address anomalies and improve administrative processes. Most of the amendments have arisen from legal advice and were not foreseen as part of the last suite of amendments that came into effect in 2019.

In summary, the Bill:

- enables development applications that include some unauthorised works elements to be assessed retrospectively (after works have commenced), consistent with current local government practice, as prescribed under the *Land Use Planning and Approvals Act 1993* (LUPAA);
 - removes the responsibility from local government for regulating moveable heritage by establishing a new approval pathway for a proponent to seek statutory approval directly from the Heritage Council to remove, alter or damage a registered heritage object that contributes to the historic heritage significance of a place (ie. moveable objects such as pews in a church or an honour board in a community hall);
 - enables the THC to undertake more holistic assessments of heritage impacts by considering the impacts that works to one registered place have on adjacent registered places;
 - removes the current 30 day statutory timeframe for the THC to give notice to the owner of a registered place to take or stop action and gives the THC the ability to determine an appropriate timeframe on a case by case basis,
 - provides greater clarity for landowners and the development sector regarding an application to undertake heritage works by replacing the words 'certificate of exemption' with 'minor works approval';
 - reduces the period in which a person or entity can make an objection or submission relating to a permanent entry in the Tasmanian Heritage Register (THR) from 60 to 30 days to improve administrative processing times;
 - extends the time period for the THC to determine a permanent entry in the Tasmanian Heritage Register following provisional entry from 120 to 180 days to better align with THC reporting timeframes;
 - provides the THC with authority to remove THR entries that have been superseded by updated entries in a more efficient manner;
 - allows Certificates of Affected Place to be issued electronically and signed by officers other than the Chairperson of the THC.
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