

SOUTHERN
MIDLANDS
COUNCIL



Heritage Tasmania
GPO Box 618
HOBART TAS 7001

29th June 2023

Dear Sir/madam

Re – Submission regarding the Historic Cultural Heritage Act Amendment Bill 2023

At Council's meeting of 28th June, elected members considered the attached report by Council's Manager Heritage Projects regarding the *Historic Cultural Heritage Act Amendment Bill 2023*.

We understand that the tenor of the amendments to be:

- To allow for the inclusion of objects which contribute to the significance of a place to be included in the registration.
- Change of the exemption process to a minor work process.
- Introducing the ability for the THC to consider impacts upon listed places adjacent to a place upon which works are proposed.
- To better empower the THC for enforcement action.
- Various administrative matters relating to entries, amendments and removals from the THR.

The officer report was endorsed by Council, and we provide our support to the proposed amendments.



Cr. Edwin Batt
MAYOR

DECISION

Moved by Clr R McDougall, seconded by Deputy Mayor K Dudgeon

THAT council provide support for the Draft *Historic Cultural Heritage Act Amendment Bill 2023* and that Council’s Manager Heritage Projects prepare a letter of support for the Mayor’s Signature.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr D F Fish	✓	
Clr R McDougall	✓	
Clr F Miller	✓	

15.1.2 Southern Midlands Council submission to consultation for the Historic Cultural Heritage Act Amendment Bill 2023.

Author: MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)

Date: 21 June 2023

Attachment(s):

Proposed Amendments Fact Sheet

Draft Historic Cultural Heritage Amendment Bill 2023

ISSUE

This report seeks Council's support of proposed amendments of the Historic Cultural Heritage Act 1995 and to provide a submission to Heritage Tasmania.

BACKGROUND

On the 26th May 2023, the Minister for Heritage released the Draft *Historic Cultural Heritage Act Amendment Bill 2023*. The public consultation period will close on 10th July 2023.

The tenor of the Bill is to amend the HCHA95 to:

- Allow for the inclusion of objects associated with a place to be included on the Tasmanian Heritage Register entry (and associated administrative provisions).
- Amendment to timeframes associated with registrations, amendment of registrations and removals of registered places.
- Revising the current 'certificate of exemption' process to provide for a 'minor works' process.

DETAIL

The Draft Bill is provided here as ATTACHMENT A. A Fact Sheet provided by Heritage Tasmania is provided here as ATTACHMENT B.

The following table provides a summary of the tenor of the Bill, with commentary from the Manager Heritage Projects as to the desirability of the amendment (and possible implications for Council).

Point	Tenor	Discussion
1-6	Relate to the ability of the Tasmanian Heritage Council to have regard to important objects within a registered place that contribute to the historic heritage significance of the place.	<p>The introduction of the ability of the Tasmanian Heritage Council to register and consider actions associated with significant objects within a heritage place is considered to be a positive initiative which has the potential for positive heritage outcomes for significant furnishings, items and collections (including archaeological).</p> <p>Heritage practitioners have long been lobbying the Tasmanian Government</p>

		for a better recognition and protection of significant contents and objects associated with heritage places, which previously have not been afforded any statutory protection.
7-12	Relate to timeframes and administration relating to entry, amendment or removal of a place in the Tasmanian Heritage Register.	An administrative matter.
14-16	Relate to a revised process for obtaining a 'Certificate of Exemption' and replacing that with a process for 'Minor Works Approval', including a process for obtaining retrospective approval for works already carried out.	This is considered an appropriate means of revising the current 'exemption' process to be replaced with a 'minor works' process which is more consistent with the Act but allows for a 'less red tape' approach to minor works. It presumably also allows the THC to place conditions on 'minor works approvals' whereas currently an exemption cannot be conditioned.
17-21	Relate to changes in how the THC participates in retrospective works applications, changing 'exemption certificates' to 'minor works approval' and giving power to the THC to consider the impact of works to a heritage place upon an adjoining heritage place.	It also allows for a more pragmatic approach for pursuing retrospective approval which could require actions to mitigate heritage impact.
22	Provides more explicit powers to the THC for enforcement and notices to take or stop action.	This is considered an important amendment to allow for more effective enforcement of the Act.
23	Relates to protection of heritage objects and process around such.	As per 1-6. This is considered to be a positive amendment to the Act responding to many years of lobbying from heritage practitioners. Note that there are provisions proposed which bypass the planning system for matters relating solely to objects – i.e. Planning Authorities will not be required to facilitate the process for objects as they do with works to places.
24	Relates to delegations and electronic signatures.	An administrative matter.
25	Allows for guidelines relating to heritage objects.	Allows for plain-language guidelines to assist with the application of the Act to objects.

26	Allows for amendment of entries relating to objects.	An administrative matter.
27	Transitional arrangements.	An administrative matter.

Human Resources & Financial Implications

This submission does not have any human resources or financial implications to Council. It is proposed that Council's Manager Heritage Projects prepare a submission supporting the amendment for the Mayor's signature.

Community Consultation & Public Relations Implications

Nil.

Policy Implications

It is possible that Council-owned places included on the Tasmanian Heritage Register may be subject to a revised Tasmanian Heritage Entry to include significant items associated with that place. This is consistent with the tenor of Council's Historic Heritage Strategy and provides no conflict with existing Council policy.

Priority - Implementation Time Frame

The submission is due on 10th July 2023.

RECOMMENDATION

THAT council provide support for the Draft *Historic Cultural Heritage Act Amendment Bill 2023* and that Council's Manager Heritage Projects prepare a letter of support for the Mayor's Signature.

DECISION

Moved by Cllr R McDougall, seconded by Deputy Mayor K Dudgeon

THAT council provide support for the Draft *Historic Cultural Heritage Act Amendment Bill 2023* and that Council's Manager Heritage Projects prepare a letter of support for the Mayor's Signature.

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Cllr F Miller	✓	