

Practice Note No 12

GUIDELINES FOR THE DISPOSAL OF RELIGIOUS PROPERTIES AND ASSOCIATED MATTERS

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 outside 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 is often involved in the disposal process, particularly where adequate consultation has not been held with local communities over the processes of disposal, or where potential purchasers are unaware of adaptation possibilities.

This Practice Note provides a framework for the disposal of religious properties entered in the Heritage Register.

The main application will be for 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 religious property, or religious properties that have previously been transferred to private ownership.

Religious places are sometimes nominated for entry in the Heritage Register, at the 'eleventh' hour before sale, adaptation or relocation and this note additionally provides guidance in anticipation of the possibility that the place may be entered in the Heritage Register.

Where the power to dispose of properties exists with the central religious authority, the Heritage Council will not accept applications made by local parishes or congregations.

Advice, management policies, and works are governed by the *Burra Charter* and the *Historic Cultural Heritage Act 1995*.

I. Understand the significance of place

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

- i.) **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 owners, users and relevant community groups; understanding the context; and analysing the fabric.
- ii.) **Assess the significance of the place:** The entry of the place in the Heritage Register will provide 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. The best way of assessing the significance is by first using the seven significance criteria listed in the *Historic Cultural Heritage Act 1995*, and then by comparing the place with other examples. The seven criteria are listed on the following page.

Seven significance criteria

- a. It is important in demonstrating the evolution or pattern of Tasmania's history;
- b. It demonstrates rare endangered aspects of Tasmania's heritage;
- c. It has potential to yield information that will contribute to an understanding of Tasmania's history;
- d. It is important as a representative in demonstrating the characteristics of a broader class of cultural places;
- e. It is important in demonstrating a high degree of creative or technical achievement;
- f. It has strong or special meaning for any group or community because of social, cultural or spiritual associations;
- g. It has a special association with the life or work of a person, a group or an organisation that was important in Tasmania's history.

Particular emphasis 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 which will possibly have creative or community significance.

Once the significance has been established, the various components should have levels of significance ascribed to them from exceptional (where applicable), to little, or no significance.

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 and it is important that, before disposing of a property, religious authorities have clear and thorough communication and 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. This community consultation

must be demonstrated. The results of the consultation will help govern the future of the property and its contents.

3. Manage movable cultural heritage

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

Movable 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 cultural heritage items requires the approval of the Heritage Council.

Religious authorities should also be aware of any common law provisions for chattels and fixtures.

Religious authorities must carry out and report on the following procedure for movable heritage items:

- a. **Retain on site:** The general policy is that 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 items should be relocated to a nearby ecclesiastical property.
- c. **Curate appropriately:** Where neither retention nor relocation is available, the items should be removed to a secure an appropriate location managed by the religious authority.
- 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, the religious authority may sell or donate the items. The Heritage Council considers this the least appropriate action, and the religious authority must demonstrate why the other options cannot be carried out.

Where retention on site is not possible, the Heritage Council will require 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 assessment of the heritage values of the place, consideration should be given to the opportunities and constraints for adaptation. Emphasis should be given to the hierarchy of significance [eg which spaces and fabric are of higher significance and which are of lower significance] and acceptable usage guidelines 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 for approval.

Where a religious property is of very high heritage significance, the Heritage Council may require a Conservation Management Plan. The Management Plan should be prepared by a multi-disciplinary team 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 significant place is always to retain the significant aspects.

Adaptation and works

Works for places that are entered in the Heritage Register require the approval of the Heritage Council. Works should, where possible, retain the significant values of the place and must be in accordance with the *Burra Charter*.

An investigation and assessment of the heritage significance of a place, or a Conservation Management Plan, should govern future works.

The Heritage Council may approve works that will destroy or reduce the heritage significance of a place only where there are no prudent and feasible alternatives to carrying out the works. The onus for demonstrating that there are no prudent and feasible alternatives rests with the applicant who will be required to prove their case to the satisfaction of the Heritage Council.

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

A change of use of a religious building does not require the approval of the Heritage Council. Only proposed changes to the fabric and to the significant values of the place 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 some new fabric can be introduced to that space.

Issues of site planning should also be addressed. New buildings or structures on the site may be appropriate where they have an acceptably 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.

Large extensions may be best achieved with a 'separate' structure, with a link back to the heritage structure.

Cemeteries

Cemeteries will often be a very important aspect of the significance of a religious property. Religious authorities are advised that the Heritage Council has a specific Practice Note (Practice Note 11) for managing the heritage values of cemeteries and this will be applied for works involving cemeteries.

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

A strong barrier separation between a religious building and its cemetery is not appropriate because it would have an adverse impact on the important traditional relationship that exists between the two. Low, transparent fences or hedging are more appropriate.

Where management rights of a cemetery are transferred to another group or individual, there must be compliance 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. Religious buildings will also frequently be a dominant element in a local streetscape or townscape. These attributes will generally mean that the Heritage Council will not approve the relocation of a religious or other building which is entered in the Heritage Register unless it is demonstrated that there are no prudent and feasible alternatives.

In respect of relocation, the *Burra Charter* states that relocation is generally unacceptable unless this is the sole practical means of ensuring its survival.

For further information contact

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