



Practice Note No 5

PROTOCOL FOR SALE OF CROWN OWNED HERITAGE PROPERTIES

PREAMBLE

The common practice of commissioning a site-specific conservation plan prior to the sale of a Crown-owned heritage property has not always achieved satisfactory results.

A Conservation Plan written without a specific re-use in mind invariably does not address the real issues a prospective purchaser may be faced with.

At times a plan may inappropriately limit re-use options and work against the sale – and therefore against the longer-term maintenance of the property.

It may also be the case that re-use will require no, or very minor, change to the heritage fabric. In these situations the costs of a Conservation Plan have not returned any benefit.

A preferred course of action is for the purchaser to enter into a Heritage Agreement under Part 7 of the *Historic Cultural Heritage Act 1995*.

Such a Draft Heritage Agreement would be prepared by the Heritage Council prior to sale and a copy attached to the Contract for Sale.

Frequently such an Agreement would provide for the Purchaser to prepare a Conservation Plan – but only for those purposes and for those parts of the property as may require such detailed study.

The Heritage Council will decide whether or not the Crown will be required to have a Conservation Plan done for those places on the Tasmanian Heritage Register which are being sold.

This practice note provides some guidance on the general requirements of the Tasmanian Heritage Council in regard to sales by the Crown.

For further information contact

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In which circumstances would a Conservation Plan be required before sale?

A Conservation Plan may be required in advance of sale for complex or very large sites where the redevelopment options are limited and very obvious.

In which circumstances would a Conservation Plan be required after sale?

Complex redevelopment proposals requiring substantial demolition of heritage fabric or a large number of small fabric modifications, the modification of important public views of the heritage place, or major extensions would normally require a Conservation Plan to ensure that sensible heritage decisions are made.

A Conservation Plan will not be required where proposed modifications are of a minor nature. For example, the introduction of bathrooms or kitchens within existing rooms, discrete single door openings, catch-up maintenance and normally the construction of a garage or carport would not require a Plan.

In these cases the Heritage Council will prepare a Draft Heritage Agreement for annexation to the Contract for Sale.

When should a Conservation Plan be written?

For all circumstances other than for 1 above the Plan should be written at the time when redevelopment proposals are being considered by the new owner and are broadly defined but still flexible.

Who should commission the Plan?

When the Plan is written after sale the new owner shall commission the Plan and pay all costs. The Tasmanian Heritage Council will provide advice on writing a brief or selecting a consultant if required by the owner.

Who would approve the Plan? The Tasmanian Heritage Council will appraise the Plan and approve, or otherwise whether it be prepared under 1 or 2 above.

Certainty for the prospective owner

If the prospective owner needs some certainty about the future views of the Heritage Council in relation to a particular redevelopment idea, the Heritage Council should be contacted for preliminary discussions and site inspections. The Council will provide general advice on the acceptability of the redevelopment idea.