

Non-legislative changes to the management of Tasmania's Historic Environment

Introduction

The '*Managing our heritage*' position paper, released in September 2007, provided an outline of State Government's plans to reform management of Tasmania's historic environment. The drafting of the proposed *Historic Environment Bill* commenced in mid 2009, and is expected to replace the *Historic Cultural Heritage Act 1995*. It will develop a more integrated approach to historic heritage management across 31 statutory bodies and introduce a system that generates greater clarity, consistency and predictability. A range of changes that do not require legislative changes have also been introduced to help to achieve these aims. This paper provides a brief outline of these changes.

National Heritage System

The National Heritage System came into effect on 1 January 2004. It created the Australian Heritage Council, National Heritage List and provision for Commonwealth Heritage Lists. This move was in line with the Council of Australian Governments (COAG) Agreement on the Environment (1997) to create a more integrated approach to the management of Aboriginal, natural and historic heritage between local, State, Territory and the Australian Governments. As part of this move the former Australian Heritage Commission was disbanded and the Register of the National Estate (RNE) has ceased to operate, becoming instead an archived information resource. Heritage Tasmania coordinates Tasmania's responses to the National Heritage System through an Inter Departmental Committee.

Engaging owners

Historically, heritage listing has often come “out of the blue”. The introduction of a new consultation process early in the process now means heritage owners are immediately informed of receipt of a nomination to list their place and are given the opportunity to be involved much earlier in the assessment process. This recognizes that owners have insight into the character and features of their own place and ensures they are involved as a willing party. Experience is showing that this is great assistance to the assessment process. For those owners who are not fully aware of the heritage values of a place, this process can help them obtain useful feedback on the features that make their home or business unique. This is making early discussions during the assessment phase mutually beneficial.

Heritage surveys

In recent years jointly funded heritage surveys have been conducted across a number of municipalities in Tasmania. They have provided the opportunity for planning authorities to work with the Heritage Council and Heritage Tasmania to identify places of local and state heritage significance. This helps to comprehensively identify the unique history of different municipalities, identifying the places that reflect the area’s heritage and allows places to be recognized through a local, state or heritage precinct listing. Current work in Launceston and the Southern Midlands Council areas has also been used to explore and test new heritage precinct provisions as a way of recognizing the importance and character of a large area, when the values are greater than the sum of each individual building or parcel of land. Further details on precinct provisions are in the ‘*Managing our heritage*’ position paper.

Smarter listings

The way in which heritage listing occurs has also started to change for the better. Traditionally, listing has often primarily focused exclusively on the title boundary of an individual place causing confusion for owners who have a combination of old and new features within the one title boundary. In some cases a place might be so important it includes a large number of titles. In other circumstances the full title boundary or only a portion of the title, such as one part of a larger rural property might be listed. New listings

that cover places that are linked historically but are some distance apart are also starting to be introduced. This illustrates a new flexibility that exists within the listing process. The primary consideration is often on focusing the listing to the areas of heritage value.

Management guidelines

Management guidelines are increasingly being developed for unique or complex sites, especially when the consequences of listing are unclear. These ensure heritage values and features and the expectations about how those values should be managed are clear - to the owner, local planning authority and the Heritage Council. Management guidelines have been developed for several unique sites including the Cascades Female Factory, York Town Settlement Site, d'Entrecasteaux visit sites and the Cornelian Bay Boat Sheds.

Development consultation

Increasingly planning authorities are encouraging heritage owners to engage in pre-lodgment consultation for development and planning applications. The Heritage Council and Heritage Tasmania also encourage this practice with works applications on heritage listed places. Experience has demonstrated that the earlier an owner, who is contemplating works on a heritage listed place, engages the assistance of one of the Heritage Tasmania's advisors the better. As long as an owner has an idea of what they want to do and how they might achieve it, advisors can sit down and discuss their options with them. The result can often lead to a speedier development assessment process, and an outcome that balances the owner's needs with the need to ensure that the place's values are protected. Advisors are also available to provide free advice and information on heritage conservation, management and maintenance, and at the same time Heritage Tasmania is starting to build-up its collection of self-help information and resources available on its website.

Works exemptions

The Heritage Council has adopted a process that gives heritage owners the opportunity to request an exemption certificate for works that do not impact on the values of a heritage listed place. This provision is governed by guidelines endorsed by the Heritage Council and implemented by Heritage Tasmania. Further details are available on the website.

Conservation funding

The Heritage Conservation Funding Program is the main source of State Government grants the urgent and essential works for places on the Tasmanian Heritage Register. Historically, the eligibility criteria were not clear and the program was open-ended. This meant it was not subject to set rounds. Grants could not be prioritized and people's awareness of the program varied greatly as it was not openly advertised. The Funding Program is now governed by a Heritage Council policy, eligibility criteria and guidelines are clear and published on the website; dedicated annual grant rounds are held and are advertised widely. This helps to maximise the distribution of grants to the highest priorities across the state.

National Trust reform

The reform of the National Trust has been a major effort on the part of the State Government that has generated an outstanding result for heritage and the Trust itself. Since 2004 the Trust has been the subject of considerable reform and received substantial financial assistance. This has helped reshape it as a more contemporary and sustainable organization, with a sound and clear governance structure and distinct roles and responsibilities. This work has helped to distinguish the role of the Trust from the Heritage Council, so it can focus on the statutory protection of heritage, including reaching agreement to cease all National Trust classification and covenant activities. The National Trust continues its roles of presenting heritage places and undertaking advocacy activities. It has also maintained its role coordinating the Tasmanian Heritage Festival as the State's premier heritage event, and has taken on a wider role of supporting local communities through the new Community Heritage Program. All this builds upon the work of the National Trust over nearly fifty years, and also gives it a clear and valuable future moving forward.

Community Heritage Program

The Community Heritage Program is a new initiative coordinated by the National Trust, sponsored by the State Government. It aims to support and encourage community participation in, learning from, enjoyment and valuing of Tasmania's historic environment, and includes a number of elements that support the work of local communities and local heritage groups to present and care for heritage. It includes the Heritage Conservation Appeals Program, which offers tax deductible gift status for conservation projects; an Auspice Program for non-incorporated bodies seeking grants; and the Heritage Assistance Program, which is able to support and assist local heritage groups and initiatives. It helps the National Trust to offer practical support to local communities across Tasmania.

Communications initiatives

The introduction of a Communications Program has led to major gains in the way in which heritage is promoted and portrayed in Tasmania, the relationships that have been developed with key stakeholder groups involved in the management of heritage and through an increased capacity to research and develop new technical guidelines and practice notes.

Five key areas of reform that have been pursued in recent years are:

- 1. Increased accessibility:** Heritage Tasmania is the branch of the State Government responsible for coordinating the management of the historic environment in Tasmania. It also plays a role in supporting the work of the Heritage Council to implement the *Historic Cultural Heritage Act 1995*. Heritage Tasmania employs professionals who provide free advice to heritage owners, managers and local government. The opening a street front office in Hobart and a field office in Launceston has been applauded and enhanced access to services across the state. The expansion of on-line web resources and the introduction of a 1300 telephone service have also increased lines of communications for clients to engage with us. These measures help provide a much more accessible service across the state.

- 2. Information dissemination:** Distributing information of interest to heritage owners, managers and local government has in the past been seen as a serious issue of concern in the sector, especially with regards to the promotion of grant and funding opportunities. In response, Heritage Tasmania now produces a monthly email bulletin with information on funding opportunities, local events, heritage places of interest and professional development. Available on a subscription basis, it also comes in a format that enables it to be posted on notice boards. It also gives stakeholders the opportunity to promote events to an engaged audience.

- 3. Heritage Council deliberations:** The work of the Heritage Council itself also continues to be subject to revision. Adoption of a Membership Policy and development of a Memorandum of Understanding has better defined the roles, responsibilities and relationships between the Council, its members and Heritage Tasmania, including the way by which it handles any potential conflicts of interest. The Heritage Council also offers heritage owners the opportunity to present personally at its meetings. Notices of Decisions are proactively provided to owners as soon as possible following a meeting and endorsed Minutes are soon to be made available on its website. The Heritage Council has developed an annual meeting program that includes holding one regional meeting every year to give attention to work occurring across the state. Such visits include field visits to local heritage places, engagement with local groups and a regional stakeholder function. It is expected that these changes will further evolve as the reform process continues.

- 4. Informative publications:** A range of printed and electronic publications have been generated to highlight local stories and answer common questions. The '*Heritage Solutions*' booklet provides case studies to dispel the myth that development cannot occur on heritage-listed sites; brochures respond to common questions and concerns like buying, selling and insuring a heritage place; and the use of illustrated case studies in Heritage Council and Departmental annual reports has enhanced the understanding of the importance of heritage conservation.

- 5. Information seminars:** Notable examples of this effort include engagement in the Local Government Association of Tasmania (LGAT) annual conference, seminars with the Australian Institute of Architects (AIA), the occasional seminar series run in regional centers and the provision of guest speakers and assistance in developing local initiatives such as ‘*Restoration Central*’, as free community heritage trade day conducted in conjunction with the Southern Midlands Council.
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Want to know more?

To receive regular updates on the reform process and keep abreast of developments across the sector why not subscribe to the monthly e-news produced by Heritage Tasmania. To subscribe you can email Robyn Shaw, our Communications Coordinator at: robyn.shaw@heritage.tas.gov.au

For further details on the work of the Tasmanian Heritage Council, Heritage Tasmania or the ongoing reform process you can go to the website: www.heritage.tas.gov.au
