

## MANAGING OUR HERITAGE – POSITION PAPER

### NATIONAL TRUST OF AUSTRALIA (TASMANIA) – RESPONSE

- 1 Do you or your organisation support the principle that Tasmania needs to define heritage as being of “local” or “state” heritage significance?

The National Trust supports the principle that heritage significance needs to be defined as being of “local”, “state” or “national” to ensure the management of Tasmania’s heritage in a manner consistent with that adopted in other states and territories.

The National Trust recognises the need for a standardised approach to the management of heritage throughout Australia. The 1997 COAG Agreement provides the basis for such an approach. A key element of such a uniform approach to heritage management is the development of nationally uniform criteria for the assessment of significance at both state and local levels.

The National Trust consider that the current review of the Tasmanian Historic Cultural Heritage Act must result in the establishment by the Tasmanian Government of nationally compatible criteria for the assessment of the state or local significance values of buildings, places including gardens and archaeological sites, precincts and cultural landscapes. Failure to achieve this will ensure a continuation of community confusion about heritage significance in Tasmania in comparison with other jurisdictions in Australia.

The National Trust considers that a clear priority for Heritage Tasmania is the development and promotion of nationally consistent criteria that provide a clear and logical framework within which the significance of a building, place, precinct, archaeological site or cultural landscape can be assessed. The Trust considers that given the amount of work undertaken by other state heritage authorities in Australia this should be able to be achieved within a very short period of time.

- 2 Do the proposed reforms provide the opportunity to create a system that is clear, more consistent and integrated?

The National Trust considers that the proposed reforms if properly resourced and modified to take into account the Trusts concerns as outlined in this response has the potential “to create a system that is clear, more consistent and integrated” than the present system.

- 3 Do you, or your organisation, support the approach proposed for listing and managing places of “local” and “state” heritage significance?

The National Trust considers that the right of individuals and groups to make nominations at any time is fundamental to the process of managing Tasmania’s heritage.

The historic lack of resources available for the identification and documentation of Tasmania’s heritage has resulted in the development of a number of heritage listings by various government and community groups including the National Trust over time. The value of these lists has been compromised by the lack of standardised assessment criteria with the result that differing assessment criteria have been used over time and between lists. The lack of resources for heritage documentation has also forced both organisations and communities to adopt a reactive approach

to heritage site management with frequent adverse consequences for both heritage and development proposals.

This review offers the opportunity of overcoming these problems.

The proposal that comprehensive heritage surveys be undertaken across municipalities and wider areas is welcomed as a very necessary first step in the effective management of our heritage. While such surveys provide necessary broad base line data for heritage documentation and planning they can by no means truly comprehensive. There is inevitably a need for more specialist surveys which often arise from special interest studies undertaken for a wide variety of purposes by a wide range of institutions, community groups and individuals.

The National Trust considers that municipal wide comprehensive heritage surveys are in fact only the first stage in the effective documentation of our heritage. Such surveys should provide sufficient data on all aspects of our built heritage including archaeological sites and cultural landscapes to enable heritage listings to be developed as part of local government planning schemes. However, they can not be considered either fully comprehensive or definitive. For this reason there is a need for the capacity (and the right) to be able to make further nominations to heritage listings as further more specialised research is undertaken.

Given the fundamental limitations of the broad "comprehensive heritage surveys" of the type now being undertaken by local government in Tasmania the National Trust considers that it is essential that nominations at both state and local government levels can be made at any time by the public. The National Trust strongly objects to the proposal to limit public nominations to planning scheme review periods or when a heritage survey is being undertaken or reviewed as this will inevitably fossilise heritage listings. The frequency of reviews of planning schemes or heritage studies is such they will always be years behind our knowledge and the community's rapidly evolving and changing understanding of what constitutes our heritage.

**The National Trust considers that there is a need to establish a transparent, independent and reviewable process to consider the recommendations and make determinations of significance arising from heritage surveys.**

The National Trust supports the value of heritage surveys in providing a rigorous framework within which the initial assessment of heritage values can take place. However, while broad municipal based surveys provide valuable base line data the Trust is concerned that they might be regarded as completely comprehensive when this is clearly not the case as reviews of current heritage surveys have shown. There is a need for a substantial program of thematic region or statewide studies which go well beyond one municipality. For such studies co-ordination by local government would seem both impractical and inappropriate.

While there is considerable value in heritage surveys the current proposals are ambiguous on how the results of the survey should be applied, (assuming that there is a uniform set of assessment criteria). The National Trust considers that any assessment of heritage values for multiple properties such as occurs in municipality wide heritage surveys when undertaken by a single consultant (even if operating as a small team) runs the risk of being fundamentally flawed if reliant to any large extent of the opinion of the consultant alone.

The National Trust considers that the new heritage legislation must provide for a transparent, independent and reviewable assessment process to assess the recommendations and make determinations of significance arising from such heritage surveys. Few local government

authorities in Tasmania have the heritage resources that would enable them to be able to make determinations of significance. Inevitably local government will not be seen by many in the community as being completely independent when heritage values are seen so often to conflict with development and consequential increased rate income for councils. There is a clear need for the Heritage Council of Tasmania to be involved in this process to ensure transparency and independence in the assessment process whether it is for places of state or local significance under the current planning framework.

**The National Trust is concerned that local government in Tasmania is completely under resourced to be able to effectively manage those heritage places defined as being of local significance**

In recent years there has been a massive increase in responsibilities being given to local government by both the Federal and State governments. Almost inevitably this places additional resource demands upon local government which is under considerable financial stress.

The proposal that local government assume responsibility for the management (identification, assessment and planning) of places of local significance is in principle a reasonable and pragmatic one. The present general lack of resources facing local government in Tasmania and more specifically the lack of heritage management expertise in all but a small number of local government authorities means that it is unlikely that the proposed transfer of responsibility will result in effective management of local heritage values.

Clearly the provision of adequate resources for local government to manage local heritage would overcome the current problems. However the Trust would wish to see unequivocal evidence of the commitment of such resources as an integral part of the any action arising from the current heritage review before endorsing the transfer of responsibility for the management of places of "local" heritage significance to local government.

#### **4 Which of the reforms help to address the current concerns and are worthwhile; and what is concerning or problematic?**

**The National Trust considers that the proposals canvassed for the assessment of nominations for precincts are problematic and that there should be no power of local government veto in the inclusion of precincts onto the State Register.**

The lack of clarity about the identification and assessment of precincts has been a major weakness in the application of the current heritage legislation. The need for change as flagged in the discussion paper is endorsed. While many of the proposals for the definition, assessment and management of precincts are supported the Trust is concerned that key stages of the process are dependent upon the agreement of local government. In particular the Trust is concerned with the proposals that:-

- Before a nomination is accepted for vetting and assessment a program organised by local government with the assistance of Heritage Tasmania is organised. While welcoming the opportunity for direct community consultation the Trust considers that there is need for the capacity to provide interim protection for the precinct if required
- The Trust considers that there should be no power of veto for local government in the decision to enter a precinct on the list.

**The National Trust considers that the proposed changes to the composition of the Heritage Council are flawed to the extent that they do not ensure the Council will have a member with heritage expertise.**

The National Trust considers that the proposal to reduce the size of the Heritage Council from 15 to 9 members is a reasonable one. However, it is concerned with the proposal to reduce the selection of direct heritage professional representation on Council to being from a pool of three which also includes a range of non heritage professional backgrounds is fundamentally flawed. Put simply it would be possible for membership from this group to be entirely drawn from "planning, building surveying, or local government" so that there is no specific heritage expertise representation.

The Trust considers that provision must be made for explicit heritage profession representation on the committee.

**The National Trust strongly endorses the initiative to prepare statements of significance for all properties included on both local and state heritage listings.**

The preparation of statements of significance is an essential requirement for the effective management of heritage properties at both state and local level. The resources requirements for the preparation of such statements of significance for all local level heritage listings are considerable. It is also one that is well beyond the capacity of local government. In order for this essential management resource to be developed there will need to be substantial resources provided by the state government

**The National Trust considers that the proposals to clearly define the roles of Heritage Tasmania, the Tasmanian Heritage Council and the National Trust are welcome.**

The lack of clarity of the roles of the Tasmanian Heritage Council and the National Trust following the introduction of the Historic Cultural Heritage Act in 1995 caused considerable confusion in the community about the responsibility for heritage management in Tasmania. The proposals to clearly define the role of the Trust as a community based heritage educator, advocate and management organisation that is not part of the formal statutory mechanism for heritage management in Tasmania is welcome.

**The National Trust endorses the initiative to establish an effective process of managing heritage records through a non-statutory records initiative.**

The retention of a range of non-statutory records relating to places in Tasmania is a most welcome initiative that overcomes a significant gap in the documentation of Tasmania's cultural heritage at present. While there have been some initiatives in this area most notably that of the Queen Victoria Museum's heritage documentation program there is a need for an effective statewide program to ensure the retention of heritage information on a continuing basis. A key element in the success of such an initiative is the development of an effective record management system.

**5 Are there any major issues or reforms that are not addressed and need to be considered as part of this process?**

The National Trust considers the proposal to defer consideration of archaeological, moveable cultural heritage and cultural landscape values to an indefinite time in the future is a matter of concern.

The National Trust considers that the current arrangements in place for the management of archaeological values of heritage sites are seriously deficient. The current high level of redevelopment project in sites of high archaeological values in central Hobart and Launceston is placing key early colonial archaeological sites at considerable risk. There is a need for a considerable level of increased resourcing for the development of the current initiative of archaeological overlays to reduce the potential for conflict in future development projects in these and other areas of the state.

As significantly there is currently no effective system in place in Tasmania for the management of material recovered from archaeological surveys as part of redevelopment projects. There is no repository for such material so that it can continue to be used as a research resource. There is no effective provision for the transfer of title of such material to the crown nor are there procedures in place to ensure that the future cost of the management (including storage and conservation) of this community heritage resource is funded as part of the development project. All of this is commonplace elsewhere in Australia and overseas so that the development of policies and procedures for the management of archaeological heritage in Tasmania does not require any innovative initiatives but rather the application of proven approaches.

While the development of management prescriptions for cultural landscapes is undoubtedly more challenging than is the case for archaeological sites the need for their inclusion in the current review of the heritage legislation is equally as pressing. Tasmania's cultural landscapes are an integral part of Tasmania's core brand and contribute significantly to external perceptions of Tasmania as a climatically temperate island. As with our archaeological sites our cultural landscapes are under increasing threat from rapidly changing land use practices. There is a need for effective landscape management prescriptions that recognise the economic value of landscape to the state (in the same way that wilderness is now recognised) and provides appropriate guidelines and encouragement for its management.

Failure to consider the heritage values of cultural landscapes, moveable cultural heritage and archaeology as part of this review will only result in a continuation of the current community conflict over heritage values.

**6 Do the support or resource provisions proposed address your needs; are there others you would like to include?**

The National Trust considers that enhanced resources particularly for local government to document and manage our heritage are critical to the success of the proposed reforms.

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