

DRAFT SECOND READING SPEECH

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Historic Cultural Heritage Amendment Bill 2024

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Madam Speaker, I move that the Bill now be read a second time.

The management and administration of State level historic heritage has been well served by the application of the *Historic Cultural Heritage Act 1995*.

A key factor in the success of this Act has been regular updates, ensuring that it remains current in its approach and its consistency with other related land use planning legislation.

Since the last amendments to the Act were proclaimed in 2019, it has become apparent that additional minor changes are warranted to afford greater protection to places of historic cultural heritage significance, to minimise red tape and duplication of process, and to clarify terminology and simplify the administration of the Act.

The *Historic Cultural Heritage Act 1995* was previously amended in 2014 and 2019 to better align with the *Land Use Planning and Approvals Act 1993* (LUPAA) and to provide greater consistency, clarity and certainty for property owners and practitioners working within the development sector.

Since that time, development approval issues in respect to the assessment of retrospective applications under the Act have been identified. These issues were not foreseen as part of the last suite of amendments.

It has been identified that the *Historic Cultural Heritage Act 1995* does not currently allow the Tasmanian Heritage Council to undertake an assessment of a planning permit application where works have commenced prior to the application being considered.

While the practice of retrospective review has previously been used by local government authorities and the Tasmanian Heritage Council to manage situations, it has been identified that the Tasmanian Heritage Council does not have the capacity under the Act to undertake any action in relation to where works have commenced without the required approvals. As a result, the Tasmanian Heritage Council cannot take part in assessing any part of a development application that has a retrospective element.

This situation does not provide Tasmania's historic heritage places with comprehensive protection should unauthorised works occur, because the Tasmanian Heritage Council cannot require, through a planning permit if needed, that works be appropriately remediated. This legislative amendment will ensure the Act is revised to be consistent with the functions that local government exercises under LUPAA to deal with these sorts of scenarios.

Under this amendment, a planning permit application will be assessed as though none of the works have been commenced, with any completed works that are subsequently not approved then required to be unmade if that is deemed appropriate.

Many of the minor amendments within this Bill are aimed at improving efficiencies in the operation of the Act with regard to processes for registering new places on the Tasmanian Heritage Register, removing places that have been superseded, and reducing the timeframe within which a person can make an objection to a permanent entry on the Tasmanian Heritage Register. These changes are considered minor, uncontentious and administrative in nature.

This Bill will also provide greater clarity to landowners about the requirements for obtaining a works approval from the Tasmanian Heritage Council prior to undertaking works on heritage listed properties. The previously misleading term 'Certificate of Exemption' is to be replaced with the term 'Minor Works Approval'.

To allow the Tasmanian Heritage Council to take a more holistic approach to assessing impacts on heritage significance, it is proposed that the Tasmanian Heritage Council be authorised to consider the broader impacts that works to one heritage place

have on adjacent Tasmanian Heritage Registered places. This will address the current situation whereby the impact of works on one terrace house to an adjacent row of individually listed terrace houses cannot be considered under current provisions.

This Bill seeks to tighten the definitions of building, land, fixtures and objects that contribute to the historic heritage significance of a place to, where possible, make them consistent with LUPAA. This will help to provide clarity, particularly around the requirement to obtain works approval for the removal or relocation of significant heritage objects from a place.

This Bill will ensure the Tasmanian Heritage Council is not unnecessarily restricted in its role to enforce compliance with a notice to take or stop action where the heritage fabric of a place is at immediate risk. Currently, an action to stop work cannot be enforced in less than 30 days from the date of notice. It is proposed to provide the ability, in urgent circumstances, to require actions to be undertaken in less than a 30-day timeframe.

In preparation for moves to expand the accessibility of the Tasmanian Heritage Register through the Land Information System Tasmania, this Bill will enable the Chair of the Tasmanian Heritage Council to delegate the ability to sign Certificates of Affected Place to officers within Heritage Tasmania. This delegation will also allow the signing to be done in an electronic form, which will facilitate the future delivery of Certificates of Affected Place via a self-help portal within the Land Information System Tasmania.

Madam Speaker, I commend the Bill to the House.