

AMENDMENTS TO THE STATE PLANNING PROVISIONS LOCAL HISTORIC HERITAGE CODE

Purpose

This advice is issued by the Planning Policy Unit (PPU), Department of Justice to provide information on Local Historic Heritage Code in the State Planning Provisions (SPPs) and the opportunities for transferring existing local heritage places, local heritage precincts and significant trees under the transitional provisions in Schedule 6 of the *Land Use Planning and Approvals Act 1993* (the Act).

Background

The Local Historic Heritage Code provides a single statewide code for the assessment of development relating to:

- local heritage places;
- local heritage precincts;
- local historic landscape precincts;
- places and precincts of archaeological potential; and
- significant trees.

The code provides each planning authority with the ability to identify local heritage places, precincts, and significant trees in their relevant Local Provisions Schedules (LPSs), many of which will be transferred from current planning schemes.

The SPPs currently require a statement of local historic heritage significance and historic heritage values to be identified for each local heritage place, to be completed in Local Provisions Schedules Requirements – Appendix A – Table C6.1. The requirements of the SPPs represent ‘best practice’ for the management of local heritage places however, it is acknowledged that some councils have a large number of existing local heritage places with either no statements or statements that are not consistent with the definition for local historic heritage significance as defined in the Code.

To overcome this immediate issue and enable councils to progress with the preparation of their LPS, amendments were made to the transitional provisions under Schedule 6 of the Act to provide for the automatic inclusion of existing heritage code overlays and lists in the LPSs.

Amendments are also proposed to the SPP Local Historic Heritage Code to align with the amended transitional provisions under the Act.

How do the transitional provisions under the Act operate?

Schedule 6, Clause 8D of the Act provides for certain code provisions (referred to as ‘code-applying provision’) to be transferred to the LPS.

Code-applying provisions are those provisions that indicate the spatial application of the code such as overlays or lists for local heritage places, precincts or significant trees.

Schedule 6, Clause 8D(2) of the Act specifically requires a draft LPS, and an approved LPS, to contain such overlays and lists that applied under the planning scheme that was in operation in that municipal area immediately before 17 December 2015, unless otherwise declared by the Minister.

Importantly, Schedule 6, Clause 8D(5) and (6) of the Act also provides for the Minister to specify that certain SPP requirements do not apply to the code-applying provisions. This provides the ability for the Minister to declare that existing local heritage places can be included in an LPS without the need to prepare a statement of local historic heritage significance and historic heritage values if one is not already available.

However, planning authorities are encouraged to work towards providing a statement of local historic heritage significance and historic heritage values consistent with the SPPs Code, for all local heritage places in their LPS in the future.

What amendments are proposed to the SPP Local Historic Heritage Code?

Amendments are proposed to the SPP Local Historic Heritage Code to align with the recently amended transitional provisions in the Act, specifically to provide for the assessment of local heritage places that do not include a statement of local heritage significance and historic heritage values.

It is intended that the amendments to the Code will be in place prior to the submission of draft LPSs to the Tasmanian Planning Commission for assessment. Amendments are also proposed to *Guideline No 1 – Local Provisions Schedules (LPS): zone and code application* (Guideline No. 1) to align with the amendments to the code and the transitional provisions under the Act.

Can places listed on the Tasmanian Heritage Register be included in the local heritage place lists?

Concerns have been raised by some planning authorities with the exclusion from the Code of places listed on the Tasmanian Heritage Register (THR). This policy setting is consistent with the commitment to remove unnecessary duplication of assessment. However, it is acknowledged

that many local heritage place lists in current planning schemes contain current THR listed places.

While the SPP Local Historic Heritage Code does not apply to places listed on the Tasmanian Heritage Register (THR), any THR listed places that are contained in local heritage lists in current planning schemes will need to be brought across to the LPS in accordance with the transitional provisions under the Act. The inclusion of THR listed properties on the LPS local heritage list will not impact on the operation of the Code, but provides for the immediate operation of the Code if the property is de-listed from the THR in the future. This avoids the need for future amendments to the local heritage place list to include any de-listed properties.

Amendments are proposed to Guideline No. 1 to align with this approach.

Where can I get more information?

Further information of the transitional provisions under the Act can be found in the [Minister's Advisory Statement – Transitional Arrangements for Existing Provisions](#).

General information about the Tasmanian Planning Scheme and the preparation of draft LPSs can be found on the Department of Justice's [Tasmanian planning reform website](#).

General enquiries about the transitional provisions under the Act should be directed to:

Planning Policy Unit, Department of Justice
GPO Box 825 HOBART TAS 7001
Ph (03) 6166 1429
email planning.unit@justice.tas.gov.au

Enquiries on the assessment process for draft Local Provisions Schedules should be directed to:

The Tasmanian Planning Commission
GPO Box 1691 HOBART TAS 7001
Ph (03) 6165 6828
email tpc@planning.tas.gov.au

23 August 2017