



PORT ARTHUR HISTORIC SITE MANAGEMENT AUTHORITY

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Your ref:
Our ref: C24835-12PLA

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Tasman Council,
1713 Main Road,
Nubeena, Tas 7184

By email to: planning@tasman.tas.gov.au

Dear Madam/Sir

Re: Tasman Council Draft Local Provisions Schedule (LPS)

The Port Arthur Historic Site Management Authority (PAHSMA) is pleased to make a submission on Tasman Council's draft LPS. PAHSMA notes that it has made regular contributions to the processes and debates on heritage matters, both specific and general, since the moves towards the introduction of a standardised Tasmanian Planning Scheme. These submissions have included specific commentary on the draft planning provisions (zoning, codes and overlays) specific to the Port Arthur and Coal Mines Historic Sites and more general commentary on the Local Heritage Code provisions.

PAHSMA recognises that the new LPS incorporates the TAS-S1.0 Specific Area Plan for the Port Arthur Historic Site and the Coal Mines Historic Site. As Council will be aware, the Port Arthur Historic Site and the Coal Mines Historic Sites are components of the Australian Convict Sites World Heritage property and are all included on the National Heritage List (NHL); these listings impose considerable responsibility on the Authority for protecting the values of not only the sites themselves but those of adjoining areas which are relevant to the listings. Indeed, I note that the World Heritage listing identifies not only the boundaries of the sites themselves but also the extent of each site's buffer zone within which development activities may trigger Commonwealth interests. Both the national and international listings mean that PAHSMA's management responsibilities are reinforced through obligations set out in both the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the *Operational Guidelines for the Implementation of the World Heritage Convention* (<http://whc.unesco.org/en/guidelines/>). We continue to support the SAP provisions as a mechanism for triggering notifications to PAHSMA of development applications that might need to activate those responsibilities.

PAHSMA's interests in the more general planning reforms extend beyond its own sites management focus. They respond to its role, expertise, and experience as an

internationally recognised heritage management organisation and its responsibilities to the conservation of the heritage values of the Tasman Peninsula community (see various provisions of the *Port Arthur Historic Sites Statutory Management Plan 2008*).

Thus, of its several contributions to the proper consideration of heritage matters in the development of Tasmania's new planning instruments, the Authority notes in particular its submission to the Tasmanian Planning Commission in May 2015 regarding, *inter alia*, the "intent, provisions, applicability and general workability of the Local Historic Heritage Code" (letter to the TPC, our reference C21973_12PLA).

As PAHSMA's position since then has not changed, it is worth restating as it remains germane to our consideration on the draft LPS recently advertised for comment:

"The stated intent of the LHHHC is:

To recognise and protect the local historic heritage significance of local places, precincts, landscapes and areas of archaeological potential and significant trees by regulating development that may impact on their values, features and characteristics.

In general, PAHSMA supports any initiative that would provide greater recognition of and protection for local heritage places. Any such initiative, however, needs to follow accepted standards and approaches to the identification of places of heritage significance prior to implementing development regulations; we submit, therefore, that there should be in the statement of intent a clear distinction between 'recognition' and 'protection'.

The accepted standard-setting instrument for heritage management in Australia is the *Australia ICOMOS Charter for Places of Cultural Significance 2013*, commonly known as the *Burra Charter*. Given its widespread use in multiple jurisdictions we suggest it be used to inform the processes of identification and management of local heritage places and that it be identified as an 'applied, adopted or incorporated' document that attaches to the DSPP. It represents Australian and, arguably, global best practice and is regularly updated following professional reconsiderations of, and developments in heritage practice."

Local heritage issues have been the subject of considerable debate and correspondence for the past decade as they pertain to the development of the Tasmanian Planning Scheme and, more recently, local heritage codes. Issues of practicality to which we have drawn attention in previous submissions are the capacity of councils to (a) develop registers of local heritage places that both identify heritage places and *justify* their

inclusion within the Local Historic Heritage Code (LHHC), and (b) the capacity of local Councils to assess the heritage implications of development application relating to places identified in the LHHC.

Although we – and others – are aware of several *descriptive* lists of historic places and landscapes within the Tasman Council area that have been developed since the mid-1980s, there clearly has been no intent or capacity to develop these into heritage assessments of *values* that could form the basis of a meaningful list of places for inclusion into the LHHC in 2021. This is disappointing, and we urge Council to seek funding for the employment of heritage expertise to develop the catalogues of historic places for inclusion as places of heritage significance on the LHHC. PAHSMA would gladly offer assistance with the development of a project brief to achieve that aim. PAHSMA remains committed to local heritage conservation and looks forward to continuing its contributions to the local debates and about how that might best be enhanced through the provisions of the Tasman Planning Scheme.

Yours sincerely,



Dr David Roe,
Director, Conservation and Infrastructure (Acting)