Tasmanian Government Comment

On motions to be presented to the General Meeting on 12 May, 2010.

Motions 23.3
23.4
24.3

Comment was received after the distribution of the General Meeting Agenda papers
23.3 Heritage Legislation
Launceston City Council

That LGAT:

1. Canvas member Councils directly on this matter so as to arrive at a whole of industry stance on the Heritage Legislation changes.

2. Lobby the three political parties to give in principle commitment to fund any new Heritage Legislation to ensure there is no cost shifting to Local Government.

Tasmanian Government Agency Comment
The Land Use Planning and Approvals Act 1993 states as a key objective of the planning process the need ‘to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value’. The 1997 COAG Agreement on the Environment reinforced the need for local planning authorities, the State Government and the Commonwealth Government to adopt a tiered system of heritage protection and management.

The current reform process aims to ensure that local planning authorities are able to meet these obligations using a clear and consistent framework under which the Tasmanian Heritage Council will identify and manage matters of State significance and local planning authorities will identify and manage matters of local significance. This framework will also help to ensure a consistent approach to the management of historic heritage across Tasmania’s 30 planning authorities.

The emphasis and intent of the historic heritage legislative reform process has not changed since the State Government released its position paper Managing Our Heritage in September 2007.

The Bill currently before local planning authorities was developed in consultation with a Local Government Reference Group that draws representatives from 12 different planning authorities. It reflects the best practice principle that the identification and listing of historic heritage places should always be done in consultation with the community which ascribes the most value to the place, whether it be at a local, state or national level.

In his report to the State Government, Professor Richard Mackay noted that a centralised system for managing heritage was ‘impractical’. A more decentralised system in which planning authorities are able to opt into the system is the only way forward if historic heritage places are to be adequately managed in Tasmania. The proposed system is expected to encourage greater appreciation of heritage values, create greater opportunities for local communities to become more fully engaged with heritage management, and provide the easiest and clearest mechanism for heritage property owners requiring approval to undertake works on their property.

Collaboration with the Launceston City Council has been a strategic priority for the Department over the past three years. This recognises the importance of historic heritage to Launceston as a largely intact Victorian city, with many fine individual places and precincts. Testing new precinct provisions and collaboration between the Council, the University of Tasmania and Heritage Tasmania, has led the way in exploring how these reforms may and should be implemented.

The issue of resourcing has not been overlooked. The position paper recognised that not all planning authorities have the capacity to adequately resource the proposed reforms, particularly
in respect of securing professional services. This Paper also identified access to funds to implement and manage the reform process as an issue requiring further consideration.

Resourcing continues to be raised as a critical matter of concern to both local planning authorities and the Heritage Council. It is expected that a number of planning authorities will not be able to adopt the reforms without access to professional support and associated support services. However, what is critical is that a consistent framework is adopted and progressively adopted over time.

It is not possible to discuss any possible resourcing arrangements ahead of the budget process and future deliberation by Cabinet on the Bill. The position paper, a presentation to Mayors and General Managers in November 2009, and regional presentations on the Bill in February 2010, highlighted the areas where new resources are desired. Feedback from local planning authorities on the Bill will help to inform Cabinet’s deliberations.
23.4 Historic Heritage Bill 2010
Southern Midlands Council

That the Local Government Association of Tasmania lobby the State Government in relation to the Historic Heritage Bill 2010 to ensure that:

1. Local Councils are adequately resourced to shoulder the significant additional responsibilities in regard to cultural heritage management that the Bill will move to them from the State,
2. All places currently registered on the Tasmanian Heritage Register or on local planning scheme heritage schedules, that are of local significance, are mandatorily transferred to the new ‘local lists’, and
3. Ensure that local Council decisions pertaining to places of local significance are informed by appropriate advice and that any departure from such advice is justifiable and testable.

Tasmanian Government Comment
Throughout the legislative review and reform process and the ongoing consultation process, it has become evident that appreciation of historic heritage varies greatly. However, as mentioned against motion 23.3, the Land Use Planning and Approvals Act 1993 (LUPPA) clearly requires planning authorities to address matters of historic heritage value as part of the planning process.

Local planning authorities have obligations under LUPAA and COAG, in relation to community input into the planning process and in respect of community expectations concerning the protection of these places of greatest value to the community.

The Southern Midlands Council suggests that any new legislation should ‘provide clear direction to Local Government’ that all locally significant heritage across the state is afforded appropriate protection through listing and appropriate consideration during development applications.

As noted in Motion 23.3, the ability of planning authorities to endorse the adoption of a consistent framework and then opt into the system when able is considered an appropriate way forward given the diversity of heritage values within each municipality and the varying resourcing issues confronting individual planning authorities. It also gives Heritage Tasmania the ability to progressively develop cooperative relationships with individual planning authorities as time and resources allow.

Collaboration with the Southern Midlands Council has been a strategic priority for the Department over the past three years. This recognises the importance of historic heritage to this municipality given its intact precincts and unique history. Similar to urban Launceston, testing new precinct provisions and collaboration between Council and Heritage Tasmania has helped to lead the way in exploring how these reforms may and should be implemented.

The need for appropriate resourcing to assist planning authorities has been acknowledged throughout the consultation process. The position paper Managing our Heritage recognised that not all planning authorities have the capacity to resource the proposed reform, particularly in respect of securing professional services. The paper state that ‘for this reason a mandatory approach to heritage management is not being pursued’. The Paper also identified access to funds to implement and manage the reform process as an issue requiring further consideration.

If is not possible to discuss any possible resourcing arrangements ahead of the impending budget process and future deliberation by Cabinet on the Bill. The position paper, a presentation to Mayors and General Managers in November 2009 and regional presentations on the Bill in February 2010 highlighted the areas where new resources are desired. Feedback from local planning authorities on the Bill will help to inform Cabinet’s deliberations.
24.3  Motion - Integrated Approach To Environmental Management
        Council - Northern Midlands

That LGAT lobby the State Government to review the current approach to environmental management and sustainable use of resources in Tasmania, with a view to developing an integrated approach with reference to overall natural systems.

That water management plans take into account other water use (such as plantations); and that there should be coordination of usage (including plantations) within a catchment.

Tasmanian Government Comment
Water management planning considers issues such as plantations when assessing the hydrology of catchments. Where specific modelling has been done it shows water use by plantations to be in the order of three percent of total usage.

Water management plans cover a range of users but do not require specific allocations for plantations, stock or domestic use.

Water quality is managed under the State Water Quality Policy. There are not the heads of power to manage water quality under the Water management Act 1999.