

TASMANIAN PLANNING SCHEME – HERITAGE

The Local Historic Heritage Code in the Tasmanian Planning Scheme (TPS) provides a single statewide code for regulation and protection of heritage significance, in a clear, consistent way which provides certainty for all Tasmanians.

The code provides certainty in regulating development which may impact on the values, features and characteristics of places and precincts of recognised local heritage significance.

The Local Historic Heritage Code applies to:

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

The code provides each planning authority with the flexibility to populate the respective place and precinct lists and apply the overlay maps in their relevant Local Provisions Schedule, which forms part of the TPS.

Aligning with the current approach in planning schemes, each planning authority will be responsible for identifying places and precincts suitable for listing, many of which

can be transferred from existing planning schemes.

This approach maintains local government's important role in identifying heritage values, features and characteristics of local significance.

The code does not apply to a registered place entered on the Tasmanian Heritage Register (THR).

This approach removes duplication of decision making and the potential for conflicting decisions from the Tasmanian Heritage Council and planning authorities dealing with the same issue.

While a THR registered place may be located within a heritage precinct or historic landscape precinct under the Code, it cannot be assessed under the Code's controls. The Code's precinct controls only apply to land within the precinct that is not part of a THR listing.

If a site is listed as a local heritage place and also within a precinct under the Code, it is only necessary to demonstrate compliance with the standards for the local heritage place unless demolition, buildings and works are proposed for an area of the site outside the identified specific extent of the local heritage place.

The code also does not apply to use, only development. This approach is consistent with the operation of existing heritage codes in interim planning schemes. The assessment of use is largely considered against the zone provisions, particularly the relevant zone use tables.

Clause 7.4 in the TPS also allows for the planning authority to consider a use that would normally be prohibited under the planning scheme for a place listed in the Local Historic Heritage Code, or a place registered on the THR. Clause 7.4 is very similar to provisions that currently operate in most interim planning schemes. The clause provides an opportunity for a prohibited use of a heritage place, if it supports restoring, conserving, and maintaining a heritage place where other uses may not provide suitable outcomes.

Key considerations include the local historic heritage significance of the place in addition to:

- the degree to which the restoration, conservation, and future maintenance of the heritage significance of the place is dependent on the proposed use;
- likely impacts of the proposed use on the amenity, or operation, of surrounding uses; and
- the purpose and provisions of the applicable zone and any applicable code.

The TPS provides consideration of adaptive reuse and repurposing of heritage buildings, as this is an effective way of maintaining many of our State's key heritage assets. It extends the life cycle and the legacy of our built heritage, while maintaining them as a vibrant component of our built environment.

Internal buildings and works are exempt from requiring a planning permit under the TPS, as they are outside the responsibilities of planning authorities under the *Land Use Planning and Approvals Act 1993*.

The range of exemptions in the Local Historic Heritage Code have been drafted to intentionally avoid duplication of the exemptions or permissions already prescribed under other legislation, including the *Historic Cultural Heritage Act 1995*, or other codes in the TPS.

Where can I get more information about the Tasmanian Planning Scheme?

General information about the Tasmanian Planning Scheme and the preparation of Local Provisions Schedules can be found on the [Tasmanian Planning Reform website](#).

General enquiries about the preparation of the Tasmanian Planning Scheme 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](mailto:planning.unit@justice.tas.gov.au)

Enquiries on the public exhibition and assessment process should be directed to:

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

November 2017