



Representation

Draft *Hobart Local Provisions Schedule*

Mountain Local Historic Landscape Precinct

PART I

A Tasmania's Planning Commission planner once said to ENSHRINE, "Legislative Purposes? Management Plans? Roles, Goals, Strategies, Values: they're important, but there is *nothing* like that red-hatched shape in a planning scheme. When people see that, they take notice."

Hear, hear! Our Representation asks Council to lay a red-hatched shape over the mountain in its new planning scheme.

Our Representation is in three parts: 1. this introductory letter. 2. A draft Datasheet for a Local Historic Landscape Precinct (C6.1.1.X). And 3. *Background Report*.

Regarding these three parts, the *Background Report* has been adapted to explain and justify a Local Historic Landscape Precinct. It was prepared by suitably qualified persons and externally assessed, but because it was drafted as a Request to the city's General Manager for landowner consent to lodge a planning scheme amendment under HIPS for a Cultural Landscape Precinct some minor inconsistent vestiges of the original HIPS CLP's DNA may remain in the *Report*. We apologise, but we take heart from the Draft LPS's recognition that "The Hobart LPS is primarily a direct translation of the *Hobart Interim Planning Scheme*."

Contrariwise, our Representation's Datasheet (compromising the Statement of Significance, Conservation Policy and Precinct boundary map) was formulated *from the outset* to fit the statewide planning scheme directives. This Datasheet was prepared by a suitably qualified person and externally assessed. We believe it conforms to the Tasmanian Planning Commission's Practice Note 8, section 7.4 and the Table C6.3 Datasheet format.

In this letter, the third part of our Representation, we summarise our Representation and examine the Draft LPS's approach to mountain heritage.

We aim to demonstrate to Council four things:

1. The mountain is a highly (get it?) significant cultural place
2. The mountain's historic heritage barely appears in the draft Schedule
3. Inserting a Mountain Local Historic Landscape Precinct into the Schedule is the most appropriate response.
4. Inclusion will be beneficial to the people, the city and the Council.

Hobart's draft *Local Provisions Schedule* is an extraordinary (not to say stupendous) feat. We compliment its hard-working dedicated formulators. With our interest in cultural heritage we greatly admire how it marshals the evidence supporting a precinct by precinct, street by street, block by lot, and in some cases frontage metre-by-metre, recognition of heritage values throughout the urban parts of the municipality. It is exactitude and fastidiousness personified. We applaud it. The LPS Appendices include a *Central Area Heritage Review*, *A Thematic History of Central Hobart*, a description of *Heritage Precinct amendments*, 90 pages of *New Heritage Places datasheets*, and a specific *Queens Domain Cultural Heritage Management Plan*.

Above the city, defining the city, is the mountain; thousands of pages—literally—of official reports have been published on the heritage assets upon the mountain too: Heritage Audits, expert Reviews, Thematic Histories, historic Studies, databases and datasheets, and Precinct report recommendations. Over 100 historic heritage assets dot Hobart's face of the mountain. In comparison to the other quadrants of the Park (in Kingborough, Glenorchy, Derwent and Huon), Hobart had the highest density of high value heritage and landscape assets. Over the past 40 years many suitably qualified persons have recommended that places on the mountain be recognised in heritage codes. The doyen cultural historian Gwenda Sheridan concluded that no mountain in Australia is so culturally rich and significant as kunanyi/Mount Wellington.

A history of these histories can be found in our essay *The Invisible Mountain* (together with extensive accounts of the historic and cultural values of the subject land) on our website Listthemountain.org. That is our first thing. The mountain is a highly significant cultural place.

Where then is the mountain in the Draft LPS? Search the document for the word “mountain” and find two results. Search for “heritage” outside the urban area: no results. There is no equivalent *Mountainous Area Heritage Review*, no *Thematic History of the Mountain*, no *Mountain Heritage Precinct amendments*, no specific *Mountain Cultural Heritage Management Plan*. The Draft adds only a single Datasheet (C6.1.2840) for Pinnacle Road. The Draft simply carries over the mountain’s EMZ zoning from HIPS. The only justification we can find for this is in a single dot point in the last Appendix. More on that directly.

According to the Draft on page 22, all LPSs are “required” to be consistent with the *Regional Land Use Strategy*. In Appendix J, the last appendix, at J1.5 Cultural Values 21 such values for Council are enumerated. For example:

CV2, 2.2, 2.3 and 4. Where does the draft LPS: “Recognise” or “protect” the “historic cultural heritage values [of the mountain]... for [its] character, sense of place, contribution to our understanding history and contribution to the region’s competitive advantage”. Where does the Draft LPS “Promulgate the nationally adopted tiered approach to the recognition of heritage values and progress towards the relative categorisation of places” [by] “listing” places of local significance within the Local Historic Heritage Code.” Where does the Draft LPS “apply Local Historic Landscape Precincts to recognised significant landscapes, particularly key skylines and ridgelines around Greater Hobart.” Well, in its self-assessment the Draft adjudges itself “consistent” with the regional policies and likely to further the outcomes in 4 dot points. ☐ Only one of them can be applied to the mountain. This one:

“Applying the Environmental Management or Local Historic Landscape Precincts, to recognised significant landscapes, particularly key skylines and ridgelines around Greater Hobart.”

Would that Local Historic Landscape Precincts *were* slated for the mountain in the Draft! But there are none. No, instead, the whole hinges on the zoning. The mountain is zoned for Environmental Management, and yes, an EMZ specifically includes protection of scenic, scientific and cultural values, we acknowledge that. But notwithstanding that, as noted respectfully above, this one-liner approach is in stark contrast to the voluminous attentiveness given in urban areas. Is it the most appropriate approach? Imagine how much effort could have been saved if the same blanketing catch all had been thrown over the urban heritage. This EMZ mechanism does not confer any specific recognition of the landscape value of the mountain’s places. This is generic, virtually aleatory coverage. So, our second thing is that the specific cultural, historic and

landscape values of a significant proportion of the municipality's parkland (its largest cultural asset by size) remain unrecognised in the Draft.

The blanket may be appropriate if Council had no heritage planning responsibility on the mountain. Is that so? It has been put to ENSHRINE by various heritage officials inside and outside government that the omission of specific landscapes, areas, heritage precincts, places and sites on the mountain in HIPS and now the LPS (and the State Heritage Register) is justified. Reasons we have heard are:

1. Heritage protection is an express purpose in the *Wellington Park Act*
2. A central purpose for establishing the Wellington Park Trust was to provide unified, over-riding management for the Wellington Range and both cultural and natural heritage are protected in the *Wellington Park Management Plan*
3. The eastern face is zoned for Environmental Management, which provides for the protection and conservation of land with significant scientific, cultural or scenic value—as well as ecological value.
4. The *Historic Heritage Act* could be relied upon to give any highly significant historic places additional protection.
5. By a clause in LUPAA, the management plan trumps the planning scheme and any consideration in the planning scheme would therefore be redundant if it said the same thing as the management plan and ineffective if it were in conflict with the management plan.
6. For all these protections, the risk of damage to the landscape values is extremely low—or even that because the place has been clear-felled, mined, roaded, built-upon and trampled: there's nothing to save.

We note that such approaches are not shared in the advice of agencies' own heritage experts who have called for heritage recognition on the mountain.

Further:

1. The *Wellington Park Act* does not mention landscape or culture. The closest it gets is a generic Purpose to preserve or protect places or features of natural beauty or scenic, historical, Aboriginal, archaeological, scientific, architectural or geomorphological *interest*. Part 2 (5) (c) and (d). None of these are defined.

^[1] One applies to the coast and the other two relate to the Local Historic Heritage Code—which is not applied on the mountain.

2. The *Wellington Park Management Plan* only specifically protects heritage that is recognised in a planning scheme or the Tasmanian Heritage Register. (A4.2). The Trust is a creation of the state and naturally more concerned with state-level and national heritage recognition matters. Unsurprisingly, its management plan envisages lodging state heritage register nominations and a national heritage nomination, but *not* a local heritage nomination. ENSHRINE is effectively lodging a local heritage nomination right here, right now. Perhaps a future review of the management plan will alter this approach, and should the Trust subsequently lodge an Amendment, some parts (but not all) of our local landscape precinct may be made redundant, but what in the meantime? And what if it does not lodge, for we have been here in 1998 and 2013.

3. The (in)effectiveness of EMZ status was illustrated in the cableway development application. That development's proposed footprint was entirely within Hobart's Environmental Management Zone and, as noted above, "the purpose of the environmental zone is to provide protection for ... cultural ... values", but this protection proved vain—unless historic heritage has no cultural value. The term EMZ occurs just twice in TASCAT's judgement, and only in passing. Environmental Management Zoning was irrelevant, illusory, or both at the pointy, legal end of a development application decision.

4. Tasmania's *Historic Heritage Act* cannot be relied upon to even recognise local heritage. It specifically can *not* recognise places of local historic heritage significance. Moreover, the state is hardly likely to recognise a place as of state significance that the city of Hobart itself has turned a blind eye to, and rates as *insignificant*. Only Council can recognise in its planning scheme—and thereby give its heritage protection to—the places that are of significance only to the people in the region of Hobart.

5. The redundancy or conflict dichotomy argument between the two Statutory plans (the WPMP and the Hobart LPS) is false. 'Not in conflict' does not mean 'must be in agreement'.

In short, for Council to act on the basis that heritage on the mountain is not the responsibility of Council is wishful. Council has heritage responsibilities that cannot be achieved by other instruments, in particular by the *Wellington Park Management Plan*. On

the contrary, in that plan local planning authorities are specifically referenced and their “actions”, “duties” and “planning instruments” are integral to the plan’s management. The management plan says:

“The Management Plan provides over-arching policy and strategic direction, however delegates much of the detailed actions to subsidiary planning strategies (refer chapter 11).”

“Pursuant to s 27 of the *Wellington Park Act*, it is the duty of all owners or occupiers of land in the Park to use and manage the land in a manner that is consistent with the purposes for which it is set aside and with any management plan. Consequently, agencies with management responsibilities for land within the Park have continued their day-to-day management practices, utilising the previous management plans and other subsidiary strategies, policies and guidelines prepared by the Trust. These agencies include: ... Hobart City Council.”

And

It is the Trust’s role to be the strategic planning and management authority for the Park, and also to co-ordinate the implementation of both the Management Plan and other planning instruments. This requires close cooperation with the above-mentioned agencies ...”


6. In the light of all of the above, how serious a risk does the mountain’s historic heritage face today? Consider the cableway. In its DA, the MWCC did not examine the heritage impacts of their development because, correctly, “The proposal does not involve a place listed on the Tasmanian Heritage Register and is not listed in the Heritage Code of the Planning Scheme.” Historic heritage was never considered by the proponent, the external Assessors, Council or TASCAT. More concerning to us is the current management plan itself. As noted in Trust reports and by Professor Jamie Kirkpatrick and others: The Springs and The Pinnacle are two of the three most significant heritage places in the Park; yet, The Pinnacle and The Springs are in the Management Plan the two areas specified for development. The two places with the highest heritage significance face the highest risk of development impact. On a risk matrix, this is the danger quadrant. That is our third thing. Council has a fundamental role in the mountain’s heritage and a legislative duty to recognise and protect its landscape, historic and cultural values. We propose that its best option in the LPS is a Mountain Local Historic Landscape Precinct. We urge Council to get out that red pen!

Our fourth and final thing is that we believe that a time will come when the mountain is specifically recognised equally as a cultural, as well as a natural, landscape. It will be the most farsighted act for the mountain by any Council. It will be equal, perhaps even eclipse, the action by the state government in declaring over a century ago the mountain's natural landscape worthy in their own right and promulgating The Mountain Park. That recognition will be of immense benefit to the city, the state, and the nation and the Council that enshrines the mountain's historic values will be remembered forever. This Council can have this honour this year by inserting into its stupendous *Hobart Local Provisions Schedule* the historic landscape precinct datasheet attached.

Yours faithfully



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