

Module 9. Queensland heritage

9.1 Queensland heritage place state code

9.1.1 Purpose

The purpose of this code is to regulate development on and adjoining a State heritage place to:

- (1) Conserve cultural heritage significance for the benefit of the community and future generations
- (2) Minimise or mitigate unavoidable impacts on cultural heritage significance
- (3) Maintain or enhance the setting and streetscape adjoining the State heritage place, and views to and from the State heritage place, where these aspects form part of its cultural heritage significance.

In addition, if it is demonstrated that there is no prudent or feasible alternative to development on a State heritage place destroying or substantially reducing the place's cultural heritage significance, ensure that the place's significance is interpreted and incorporated as appropriate.

Editor's note:

- (1) The cultural heritage significance of a State heritage place is described in the entry for the place in the Queensland Heritage Register available at www.qld.gov.au/environment/land/heritage/.
- (2) Exemption Certificates are available for development that has no more than a minimal detrimental impact on cultural heritage significance, and involve a separate assessment process to the Integrated Development Assessment System (IDAS) which is administered by the Department of Environment and Heritage Protection. A General Exemption Certificate is also available for upfront approval of development that has no impact on cultural heritage significance. For information on Exemption Certificates or General Exemption Certificates, refer to www.qld.gov.au/environment/land/heritage/development/approvals/.
- (3) Guidance for achieving the performance outcomes and acceptable outcomes for this code is available in the *State Development Assessment Provisions Guideline – Module 9: Queensland heritage*.

9.1.2 Criteria for assessment

Development on a State heritage place should demonstrate compliance with the relevant provisions of Table 9.1.2. For further details of the specific performance outcomes to be addressed, please refer to Table 9.1.1.

A material change of use on land adjoining a State heritage place should demonstrate compliance with Table 9.1.3.

Table 9.1.1: Applicable criteria for development on a State heritage place

Type of development on a state heritage place	Relevant provisions of code
All <u>development</u> on a <u>State heritage place</u> , other than <u>development</u> proposing to <u>destroy</u> or <u>substantially reduce</u> the <u>cultural heritage significance</u> of a <u>State heritage place</u>	Table 9.1.2—PO1–PO3
<u>Development</u> proposing to <u>destroy</u> or <u>substantially reduce</u> the <u>cultural heritage significance</u> of a <u>State heritage place</u>	Table 9.1.2—PO4

Table 9.1.2: Development on a State heritage place

Performance outcomes	Acceptable outcomes
<p>PO1 Development on a <u>State heritage place</u>:</p> <p>(1) Does not have a detrimental impact on the <u>cultural heritage significance</u> of the <u>State heritage place</u>; or</p> <p>(2) Where it is demonstrated that (1) is not reasonably achievable:</p> <p>(a) Minimises and mitigates unavoidable detrimental impacts on its <u>cultural heritage significance</u>;</p> <p>(b) Provides opportunities for public appreciation of its <u>cultural heritage significance</u>; and</p> <p>(c) Where adaptive reuse is proposed, is compatible with its ongoing <u>conservation management</u>.</p>	No acceptable outcome is prescribed.
<p>PO2 Where open space, or the relationship between built and open spaces at a <u>State heritage place</u> is identified as forming part of its <u>cultural heritage significance</u>, development:</p> <p>(1) Maintains or enhances the significance of the <u>setting</u>, including significant views, circulation, access, spatial patterns and layout; and</p> <p>(2) Maintains a lot size and layout which permits viable adaptive reuse or <u>conservation</u> of significant heritage buildings and open spaces.</p>	No acceptable outcome is prescribed.
<p>PO3 Development on a <u>State heritage place</u> with <u>identified archaeological potential</u> avoids or appropriately manages detrimental impacts on <u>artefacts</u>.</p>	No acceptable outcome is prescribed.
Development proposing to destroy or substantially reduce the cultural heritage significance of a State heritage place	
<p>PO4 Development destroying or substantially reducing the <u>cultural heritage significance</u> of a <u>State heritage place</u> must:</p> <p>(1) Demonstrate that there is no prudent and feasible alternative to carrying out the <u>development</u> due to:</p> <p>(a) an extraordinary economic cost to the state, all or part of a community, or an individual; or</p> <p>(b) an extraordinary environmental or social disadvantage; or</p> <p>(c) a risk to public health or safety; or</p> <p>(d) another extraordinary or unique circumstance; and</p> <p>(2) Interpret and incorporate the place's history and significance into any development of the site.</p> <p>Editor's note: The State Assessment and Referral Agency (SARA) will seek advice from the Queensland Heritage Council (via the Department of Environment and Heritage Protection) on any application that will</p>	No acceptable outcome is prescribed.

Performance outcomes	Acceptable outcomes
potentially <u>destroy or substantially reduce the cultural heritage significance</u> of a <u>State heritage place</u> .	

Table 9.1.3: Material change of use on land adjoining a State heritage place

Performance outcomes	Acceptable outcomes
<p>PO1 <u>Development</u> on land <u>adjoining a State heritage place</u>:</p> <p>(1) Is located, designed and scaled so that its form, bulk and proximity does not have a detrimental impact on the <u>cultural heritage significance</u> of the <u>State heritage place</u>; or</p> <p>(2) Where it is demonstrated that (1) is not reasonably achievable, the <u>development</u> minimises and mitigates unavoidable detrimental impacts on <u>cultural heritage significance</u>.</p>	No acceptable outcome is prescribed.

9.2 Reference documents

Department of Environment and Heritage Protection 2016 [State Development Assessment Provisions Guideline – Module 9: Queensland heritage](#)

9.3 Glossary of terms

Adjoining means premises that share all or part of a common boundary with a State heritage place. A common boundary may be a single point such as a corner point.

Artefact see the *Queensland Heritage Act 1992*, schedule.

Editor's note: Artefact means an archaeological artefact or underwater cultural heritage artefact. The terms archaeological artefact and underwater cultural heritage artefact are defined in the *Queensland Heritage Act 1992*

Conservation see *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Heritage Significance 2013*.

Editor's note: Conservation means all the processes of looking after a place so as to retain its cultural heritage significance.

Cultural heritage significance of a State heritage place is described in the entry for the place in the Queensland Heritage Register available at www.qld.gov.au/environment/land/heritage/.

Editor's note: In describing the cultural heritage significance of a State heritage place, the entry for the place in the Queensland Heritage Register may address the aesthetic, architectural, historical, scientific, social, or other significance of a place or a feature of a place to the present generation or past or future generations. Cultural heritage significance is embodied in the place itself: its fabric, setting, use, associations, meanings, records, related places and related objects, as described in the entry for the place in the Queensland Heritage Register. This definition is based on the *Queensland Heritage Act 1992* and *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Heritage Significance 2013*.

Destroy or substantially reduce means to destroy or substantially reduce the cultural heritage significance of the State heritage place, including:

- (1) by demolishing all elements or features of the place that contribute to the place's cultural heritage significance described in the place's entry in the Queensland Heritage Register; and
- (2) by changing the place so that the place no longer satisfies any of the criteria for entry in the Queensland Heritage Register.

Development means development as defined by the *Sustainable Planning Act 2009*, as well as all types of work and/or changes to built, archaeological, natural and landscape features on the site of a State heritage place. This includes, but is not limited to:

- (1) altering, repairing, maintaining or moving a built, natural, or landscape feature;
- (2) excavating, filling or other disturbances to land that may damage, expose or move archaeological artefacts;

- (3) altering, repairing or removing artefacts that contribute to the place's cultural heritage significance, including, for example, furniture or fittings; and
- (4) altering, repairing or removing building finishes that contribute to the place's cultural heritage significance, including, for example, paint, wallpaper or plaster.

Identified archaeological potential means that a place has been entered in the Queensland Heritage Register as it has potential to contain an archaeological artefact or other feature that is an important source of information about an aspect of Queensland's history. Places with identified archaeological potential satisfy criterion C of the cultural heritage criteria on which places are assessed for entry on the Queensland Heritage Register.

Queensland Heritage Register means the list of places that have State-level cultural heritage significance available at www.qld.gov.au/environment/land/heritage/.

Editor's note: Places in the Queensland Heritage Register have been assessed as satisfying one or more of eight cultural heritage criteria and have been entered in accordance with the requirements of the *Queensland Heritage Act 1992*. All applicants are encouraged to obtain a certified copy of the entry for the relevant State heritage place(s) from the Queensland Heritage Register prior to making a development application. A certified copy of entry is an official and complete copy of a place's entry in the Queensland Heritage Register. To request a certified copy of entry submit an Application form: Request for a certified copy of entry available at www.qld.gov.au/environment/land/heritage/publications/ to the Department of Environment and Heritage Protection along with the required fee.

Setting see The *Burra Charter: The Australia ICOMOS Charter for Places of Cultural Heritage Significance 2013*.

Editor's note: Setting means the immediate and extended environment of a State heritage place that is part of or contributes to its cultural heritage significance and distinctive character. Urban form, setbacks, landmarks, spatial character and layout, landscape elements and historically significant views to or from the heritage place can contribute to the cultural heritage significance of a setting.

State heritage place see the *Queensland Heritage Act 1992*, schedule.

Editor's note: State heritage place means a place entered in the Queensland Heritage Register as a State heritage place under part 4 of the *Queensland Heritage Act 1992*.