

State code 14: Queensland heritage

14.1 Purpose statement

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.

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 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 state code is available in the Guideline – SDAP State code 14: Queensland heritage, Department of Environment and Heritage Protection, 2017 available at www.ehp.qld.gov.au/management/planning-guidelines/legislation/developing-application-process/

14.2 Performance outcomes and acceptable outcomes

Development on a **state heritage place** should demonstrate compliance with the relevant provisions of table 14.2.2. For further details of the specific performance outcomes to be addressed, please refer to table 14.2.1. A material change of use on land **adjoining** a **state heritage place** should demonstrate compliance with table 14.2.3.

Table 14.2.1: Applicable criteria for development on a state heritage place

Type of development on a state heritage place	Relevant provisions of code
All development on a state heritage place , other than development proposing to destroy or substantially reduce the cultural heritage significance of a state heritage place	Table 14.2.2 – PO1 – PO3
Development proposing to destroy or substantially reduce the cultural heritage significance of a state heritage place	Table 14.2.2 – PO4

Table 14.2.2: Development on a state heritage place

Performance outcomes	Acceptable outcomes
PO1 Development of a state heritage place: <ol style="list-style-type: none"> 1. does not have a detrimental impact on the cultural heritage significance of the state heritage place; or 2. where it is demonstrated that 1 is not reasonably achievable: <ol style="list-style-type: none"> a. minimises and mitigates unavoidable detrimental impacts on its cultural heritage significance b. provides opportunities for public appreciation of its cultural heritage significance c. where adaptive reuse is proposed, is compatible 	No acceptable outcome is prescribed.

Performance outcomes	Acceptable outcomes
with its ongoing conservation management.	
PO2 Where open space, or the relationship between built and open spaces at a state heritage place is identified as forming part of its cultural heritage significance, development:	No acceptable outcome is prescribed.
<ol style="list-style-type: none"> 1. maintains or enhances the significance of the setting, including significant views, circulation, access, spatial patterns and layout 2. maintains a lot size and layout which permits viable adaptive reuse or conservation of significant heritage buildings and open spaces. 	
PO3 Development on a state heritage place with identified archaeological potential avoids or appropriately manages detrimental impacts on artefacts .	No acceptable outcome is prescribed.
Development proposing to destroy or substantially reduce the cultural heritage significance of a state heritage place	
PO4 Development destroying or substantially reducing the cultural heritage significance of a state heritage place must:	No acceptable outcome is prescribed.
<ol style="list-style-type: none"> 1. demonstrate that there is no prudent and feasible alternative to carrying out the development due to: <ol style="list-style-type: none"> a. an extraordinary economic cost to the state, all or part of a community, or an individual; or b. an extraordinary environmental or social disadvantage; or c. a risk to public health or safety; or d. another extraordinary or unique circumstance 2. interpret and incorporate the place's history and significance into any development of the site. <p>Statutory note: In accordance with the <i>Planning Act 2016</i>, 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 potentially destroy or substantially reduce the cultural heritage significance of a state heritage place.</p>	

Table 14.2.3: Material change of use on land adjoining a state heritage place

Performance outcomes	Acceptable outcomes
PO5 Development on land adjoining a state heritage place:	No acceptable outcome is prescribed.
<ol style="list-style-type: none"> 1. is located, designed and scaled so that its form, bulk and proximity does not have a detrimental impact on the cultural heritage significance of the state heritage place; or 2. where it is demonstrated that 1 is not reasonably achievable, the development minimises and mitigates unavoidable detrimental impacts on cultural heritage significance. 	

14.3 Reference documents

Australia ICOMOS 2013, [The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance](#)

Department of Environment and Heritage Protection 2017, [Guideline – SDAP State code 14: Queensland heritage](#)

14.4 Glossary of terms

Adjoining means premises that share a common boundary with a **state heritage place**, including premises that meet at a single point on a common boundary.

Artefact see the *Queensland Heritage Act 1992*.

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 Significance, 2013.

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/.

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 Significance, 2013.

Destroy or substantially reduce see section 277 of the *Planning Act 2016*.

Note: **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 *Planning Act 2016*, 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/.

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 Significance, 2013.

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*.

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*.