Chapter 5: Codes and Related Provisions

Heritage Place Code

1 Application

This Code will apply in assessing building work (including demolition), reconfiguring a lot or operational work where:

• on a premises that includes a heritage place
• within a heritage precinct
• on a premises adjoining a heritage place
• on a premises adjoining a heritage precinct

Citations need not be prepared prior to inclusion of sites in the Heritage Register. However, Council will prepare a heritage report when an application is lodged over a site listed in the Heritage Register, to assist in assessment of the proposal against the Heritage Place Code. This report may demonstrate that the site is not worthy of retention on the Heritage Register. Council will then initiate the process of amending the Planning Scheme Policy to remove the site from the Register. The preparation of such a report does not override the need for the Heritage Place Code to be addressed as part of a development proposal.

The register of heritage place sites and heritage precincts is included in the Heritage Register Planning Scheme Policy. A heritage precinct may contain individual heritage places.

Matters covered in this Code will also be relevant in assessing proposals on sites other than those in the Heritage Register. The Heritage Register Planning Scheme Policy may be used in determining whether places have cultural heritage values.

1.1 This Code will not apply to any assessable development where an “Exemption Certificate” has been issued for the work under Section 35 of the Queensland Heritage Act 1992 and where the Heritage Place is included in the Queensland Heritage Register.

Where development on the site still triggers another level of assessment in Chapter 3 or 4, that level of assessment is still applicable.

1.2 Building work, including demolition, operational work, or subdivision on the site of a heritage place or within a heritage precinct is subject to impact assessment where it involves:

• partial or total demolition or removal of a heritage place or component in a heritage precinct

• assessable building work or operational work comprising:
  - alterations to a heritage place or a heritage precinct, unless considered to be code assessable
  - a change to landscaping, fencing or natural features of land referred to in the citation for the heritage place or heritage precinct
  - additions or extensions to a heritage place or a component of a heritage precinct unless considered to be code assessable
  - erecting a new or separate building on a heritage place site or in a heritage precinct
  - reconfiguring a lot.

1.3 Building work, including demolition, operational work, or subdivision on the site of a heritage place or in a heritage precinct is subject to code assessment where:

(a) Minor building work (as defined in Chapter 3), or

Note: Schedule 8 of the Integrated Planning Act 1997 and the Building Regulation should be consulted to identify if any building work is exempt or self assessable

(b) Minor demolition work (as defined in Chapter 3), or

(c) Approval has been issued under the superseded provisions of the Queensland Heritage Act 1992 where the heritage place is included in the Queensland Heritage Register.

But where the relevant development is subject to impact assessment for a material change of use, the impact assessment level of assessment will prevail, or

(d) The work is for the purpose of a Park and only involves buildings or structures listed in Acceptable Solution A2.1 and/or A2.2 of the Park Code, such as gazebos and toilet blocks

1.4 Heritage places and heritage precincts are included in different Areas. If an application for a material change of use is triggered by the Area provisions on a heritage place site or in a heritage precinct, the application will be required to comply with this Code. In many instances a material change of use will be beneficial to the ongoing viability of a heritage place or heritage precinct.

1.5 Unless impact assessment is required elsewhere in the level of assessment tables, relevant assessable development on land adjoining a heritage place or...
Chapter 5: Codes and Related Provisions

A heritage precinct is subject to **code assessment** where it involves:

- building work except for a house, or
- a change to landscaping, fencing or natural features of land where referred to in the citation for the adjoining heritage place or heritage precinct, except for a house, or
- reconfiguring a lot.

Where development on a site adjoining a heritage place or heritage precinct is triggered through the level of assessment tables in Chapter 3, this Code will be used to ensure development does not detract from the significance of that heritage place or heritage precinct.

## 2 Using this Code

The Code has 3 sections, referring respectively to a heritage place or heritage precinct with:

- cultural heritage significance
- special cultural significance to Indigenous people
- natural heritage significance.

In using this Code reference should also be made to Section 1.1—How to use the Codes, at the front of this Chapter.

### 3 Cultural heritage significance

#### 3.1 Purpose

The purpose of this Code is to:

- ensure that development does not detract from the cultural heritage significance of a heritage place or heritage precinct.
- ensure re-use of a heritage place is compatible with the premise cultural heritage significance.

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
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</thead>
<tbody>
<tr>
<td><strong>P1</strong> The proposal must not damage or diminish the cultural heritage significance of the heritage place or heritage precinct, but provides for its future protection</td>
<td><strong>A1</strong> A report accompanying the application that verifies the proposal has been prepared in accordance with the Australia ICOMOS Charter for the Conservation of ‘Burra Charter’ Places of Cultural Significance 1998</td>
</tr>
<tr>
<td><strong>P2</strong> The proposal must be based on, and take account of, all aspects of the cultural significance of the heritage place or heritage precinct</td>
<td><strong>A2</strong> A report accompanying the application that verifies the proposal has been prepared in accordance with the Guidelines to the Burra Charter: Cultural Significance</td>
</tr>
<tr>
<td><strong>P3</strong> The proposal must protect the fabric and setting of the heritage place or heritage precinct, while providing for its use, interpretation and management</td>
<td><strong>A3</strong> A report accompanying the application that verifies the proposal has been prepared in accordance with the Guidelines to the Burra Charter: Conservation Policy</td>
</tr>
<tr>
<td><strong>P4</strong> The proposal must be based on the issues relevant to the conservation of the heritage place or heritage precinct</td>
<td><strong>A4</strong> A report accompanying the application that verifies the proposal has been prepared in accordance with the Guidelines to the Burra Charter: Procedures for Undertaking Studies and Reports</td>
</tr>
</tbody>
</table>

When this Code is listed in a level of assessment table in Chapter 3 or a Local Plan in Chapter 4 as an Applicable Code for **code assessment** or a Relevant Code for **impact assessment**:

- the Code is to be read as being the Purpose, Performance Criteria and Acceptable Solutions/Information Requirements
- a Local Plan may include a Code that may vary or include additional Purposes, Performance Criteria or Acceptable Solutions.

*Note: the location of heritage places and heritage precincts is indicated on the Scheme Maps and DVD version of the Plan.*
3.2.2 Development on land adjoining a heritage place or heritage precinct

### Performance Criteria

#### Operational work or changes to buildings

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>P1  Views of the heritage place or heritage precinct identified as significant in the Heritage Register citation must not be impaired by any aspect of the proposal, including landscape and building elements</td>
<td>A1  No Acceptable Solution is prescribed</td>
</tr>
</tbody>
</table>

#### Subdivision

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>P2  The subdivision pattern must not result in buildings or structures that would impair visible attributes of the heritage place or heritage precinct identified as significant in the Heritage Register citation</td>
<td>A2  No Acceptable Solution is prescribed</td>
</tr>
</tbody>
</table>

### 4 Special cultural significance to Indigenous people

#### 4.1 Purpose

The purpose of the Code for development on or adjoining a place of special cultural significance to Indigenous people is to:

- ensure that development respects and incorporates any relevant aspects of Indigenous cultural interests and values in the heritage place
- ensure that the impacts of development on the heritage place are assessed and mitigated.

#### 4.2 Performance Criterion and Acceptable Solution

A cultural heritage assessment will be undertaken by a suitably qualified person holding a permit under the Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987 to assess the proposed development against this Code. This assessment is to involve a consultative, transparent and participative approach that is to be acceptable to the Indigenous traditional owners. Opportunities should be provided for Indigenous people to undertake the assessment and participate in policy development for protecting significant areas.

In applying the Code, note that significant attributes of a heritage place may be affected by things such as:

- clearing of vegetation
- public access
- altering natural topography and drainage patterns
- constructing roads
- erecting/locating buildings and structures
- extractive industry
- impacts on water courses.

#### 4.2.1 Development of or in a heritage place

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>P1  The proposal must not impair culturally significant attributes of the heritage place identified by the Indigenous people for whom the place is significant</td>
<td>A1  No Acceptable Solution is prescribed</td>
</tr>
</tbody>
</table>
5 Natural heritage significance

5.1 Purpose
The purpose of the Code for development on or adjoining a place of natural heritage significance is to:

- ensure development does not degrade, disturb or cause encroachment on the heritage place
- conserve the biodiversity and geodiversity of the heritage place
- protect the ecological corridor linkages of the heritage place to other natural areas.

5.2 Assessment guidance
A Conservation Policy and Management Plan will be prepared in order to assess the proposed development against this Code. This will be undertaken in accordance with the Australian Natural Heritage Charter and include a statement of the natural significance of the place and the desired future condition of the place. The Conservation Plan or Management Plan will outline the conservation outcomes the Plan is to achieve, the strategies to be used, and the intended monitoring program.

5.3 Performance Criteria and Acceptable Solutions

5.3.1 Development of or in a heritage place

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>P1</td>
<td>The proposal must not adversely impact on the natural features and values of the heritage place, particularly any significant flora, fauna or vegetation types as listed in the Natural Assets Planning Scheme Policy</td>
</tr>
</tbody>
</table>

5.3.2 Development on land adjoining a heritage place

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>P1</td>
<td>The likely siting of buildings or other structures must not detract from the landscape values of the heritage place</td>
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<tr>
<td>P2</td>
<td>The proposal and consequential future site works must not impact on the natural drainage from, into or around the heritage place</td>
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<td>A2.2</td>
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<td>• allows for risk associated with blockages</td>
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<td></td>
<td>• prevents prolonged ponding</td>
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<td>• identifies the lawful point of discharge</td>
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<td>• ensures ready access for maintenance</td>
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<td>• allows for practical maintenance requirements</td>
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<td></td>
<td>• achieves acceptable risk to property and to public safety associated with floodways, causeways and overland flow paths</td>
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<tr>
<td>Performance Criteria</td>
<td>Acceptable Solutions</td>
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<tr>
<td><strong>P3</strong> The siting of buildings and other structures must not cause the removal of native flora and/or fauna habitat from the adjacent heritage place</td>
<td><strong>A3</strong> The layout and planning of the proposal retains, protects and manages the ecological features and processes identified on or adjacent to the site, such as fauna and flora habitat areas, ecological corridors, habitat trees, waterways (in-stream habitats), riparian zones and wetlands</td>
</tr>
<tr>
<td><strong>P4</strong> Site landscaping must be sympathetic to and consistent with the species composition and habitat values of the adjacent heritage place</td>
<td><strong>A4</strong> Where applicable the proposal meets the management intent for any Significant Flora Species, Significant Fauna Species or Significant Vegetation Communities, as defined in the Natural Assets Planning Scheme Policy, or in any existing Council Conservation Action Statements, Natural Area Management Plans or other relevant conservation or management plans</td>
</tr>
<tr>
<td><strong>P5</strong> Site layout must allow for the retention of ecological corridors for fauna travelling between the adjacent heritage place and nearby natural habitat areas</td>
<td><strong>A5</strong> The design of ecological corridors is consistent in the principles as contained in the Brisbane City Council Ecological Assessment Guidelines 1998</td>
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