

## 7.2.11 Local heritage overlay code

### 7.2.11.1 Application

This code applies to assessable development:<sup>1</sup>

- (1) subject to the local heritage overlay shown on the overlay maps contained within Schedule 2; and
- (2) identified as requiring assessment against the local heritage overlay code by the tables of assessment in Part 5.

### 7.2.11.2 Purpose and overall outcomes

- (1) The purpose of the local heritage overlay code is to ensure that *development* on or adjoining a *heritage place* is compatible with the heritage significance of the place.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) the heritage significance of individual sites and places is conserved<sup>2</sup>;
  - (b) *development* on a local *heritage place* is compatible with the heritage significance of the place by:
    - (i) preventing the demolition or removal of the local *heritage place*, unless there is no prudent and feasible alternative to the demolition or removal<sup>3</sup>;
    - (ii) maintaining or encouraging, as far as practicable, the appropriate use (including adaptive reuse) of the local *heritage place* whilst protecting the amenity of adjacent uses;
    - (iii) protecting, as far as practicable, the materials and setting of the local *heritage place*;
    - (iv) ensuring that any exposed archaeological artefact/s and/or features are identified and managed prior to the redevelopment of a *site*<sup>4</sup>;
    - (v) ensuring, as far as practicable, development on the local *heritage place* is compatible with the heritage significance of the place; and
  - (c) *development* adjoining a local *heritage place* is sympathetic to the heritage significance of that place

<sup>1</sup> This code does not apply to indigenous cultural heritage which is protected under the *Aboriginal Cultural Heritage Act 2003*. In accordance with this legislation, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage ("the cultural heritage duty of care").

<sup>2</sup> Development on State heritage places is also regulated by the *Queensland Heritage Act 1992*.

<sup>3</sup> In considering whether there is no prudent and feasible alternative to the demolition or removal of a local heritage place, the Council will have regard to:

(a) safety, health and economic considerations; and  
(b) any other matters the Council considers relevant.

<sup>4</sup> Under the *Queensland Heritage Act 1992*, a person must report to the Department of Environment and Heritage Protection (DEHP) if they discover an archaeological artefact that is an important source of information about an aspect of Queensland's history. Under the *Queensland Heritage Act 1992*, archaeological artefacts include any relic or other remains located above, on or below the present land surface, or found in State waters, that relate to past human behaviour.

### 7.2.11.3 Assessment benchmarks

#### Part A – Assessment benchmarks for assessable development

**Table 7.2.11.3 - Assessment benchmarks for assessable development**

Performance outcomes	Acceptable outcomes
<b>For assessable development</b>	
<b>Material change of use involving a local <i>heritage place</i></b>	
<p><b>PO1</b> The material change of use is compatible with the conservation and/or management of the significance of the local <i>heritage place</i>.</p> <p>Note – Development on a site identified on the <b>Local heritage register overlay maps OM011a-d</b> is undertaken in accordance with the Australian ICOMOS Charter for Places of Cultural Significance (Burra Charter).</p>	<p><b>AO1.1</b></p> <p>No acceptable outcome provided.</p>
<b>Reconfiguring a lot involving a local <i>heritage place</i></b>	
<p><b>PO2</b> Reconfiguring a lot does not:</p> <ul style="list-style-type: none"> <li>(a) reduce public access to the local <i>heritage place</i>; or</li> <li>(b) obscure or destroy any of the following elements relating to the local <i>heritage place</i>: <ul style="list-style-type: none"> <li>(i) pattern of historic subdivision;</li> <li>(ii) the landscape setting; or</li> <li>(iii) the scale and consistency of the urban fabric.</li> </ul> </li> </ul> <p>Note – Development on a site identified on the <b>Local heritage register overlay maps OM011a-d</b> is undertaken in accordance with the Australian ICOMOS Charter for Places of Cultural Significance (Burra Charter).</p>	<p><b>AO2.1</b></p> <p>No acceptable outcome provided.</p>
<b>Building work or operational work involving a local <i>heritage place</i></b>	
<p><b>PO3</b> <i>Development</i> conserves and is subservient to the features and values of the local <i>heritage place</i> that contribute to its heritage significance.</p> <p>Note- A Heritage Impact Assessment Report Must be prepared by appropriately qualified persons that demonstrates to Council's satisfaction that the development does not detract from, or diminish the cultural heritage significance of the Heritage Place.</p>	<p><b>AO3.1</b> <i>Development</i> on a <i>site</i> identified on the <b>Local heritage register overlay maps OM011a-d</b></p> <ul style="list-style-type: none"> <li>(a) does not alter, remove or conceal significant features of the local <i>heritage place</i>; or</li> </ul> <p>is minor and necessary to maintain a significant use for the local <i>heritage place</i>.</p>

Performance outcomes	Acceptable outcomes
<p><b>PO4</b> Changes to a local <i>heritage place</i> are appropriately managed and documented.</p>	<p><b>AO4.1</b> <i>Development</i> on a <i>site</i> identified on the <b>Local heritage register overlay maps OM011a-d</b> is compatible with a conservation management plan prepared in accordance with the <i>Australian ICOMOS Charter</i><sup>5</sup> for Places of Cultural Significance (Burra Charter).</p> <p><b>AO4.2</b> An archival quality photographic record is made of the features of the place that are destroyed because of the development that meets the standards outlined in the <i>Department of Environment and Resource Management Guideline: Archival of Heritage Registered Places</i>.</p>
<p><b>PO5</b> <i>Development</i> does not adversely affect the character, setting or appearance of the local <i>heritage place</i>, including removal of vegetation that contributes to the heritage significance of the place.</p> <p>Note - A Heritage Impact Assessment Report must be prepared by appropriately qualified persons that demonstrates to Council's satisfaction that the development does not detract from, or diminish the cultural heritage significance of the Heritage Place.</p>	<p><b>AO5.1</b> Existing vegetation is retained and protected for the duration of development works being carried out on the premises.</p>
<p><b>PO6</b> Excavation or other earthworks do not have a detrimental impact on archaeological sites.</p> <p>Note - An archaeological investigation is carried out for development involving a high level of surface or sub-surface disturbance.</p>	<p><b>AO6.1</b> No acceptable outcome provided.</p>
<p><b>PO7</b> <i>Advertising devices (billboard)</i> proposed on a local <i>heritage place</i> are sited and designed in a manner that:</p> <ul style="list-style-type: none"> <li>(a) is compatible with the heritage significance of the place; and</li> <li>(b) does not obscure the appearance or prominence of the <i>heritage place</i> when viewed from the street or other public places.</li> </ul>	<p><b>AO7.1</b> No acceptable outcome provided.</p>

<sup>5</sup> Australia ICOMOS Inc. is the national chapter of ICOMOS (International Council of Monuments and Sites), a non-government international organisation primarily concerned with the philosophy, terminology, methodology and techniques of cultural heritage conservation.

Performance outcomes	Acceptable outcomes
Development adjoining a local <i>heritage place</i>	
<p><b>PO8</b></p> <p>Where on a <i>lot</i> or <i>premises</i> adjoining a local <i>heritage place</i>, development is designed and constructed in a manner that does not adversely affect the heritage significance of the <i>heritage place</i>, including its context, setting, appearance and archaeology.</p> <p>Note - A Heritage Impact Assessment Report must be prepared by appropriately qualified persons that demonstrates to Council's satisfaction that the development does not detract from, or diminish the cultural heritage significance of the Heritage Place. The following points give guidance as to the specific items that need to be considered when proposing a development in proximity to a Heritage Place:</p> <ul style="list-style-type: none"> <li>• development should not attempt to replicate or mimic the architectural detailing of all or part of the Heritage Place;</li> <li>• the architectural composition of facades should include transitional elements of a similar scale to an adjoining Heritage Place;</li> <li>• where a new facade abuts the facade of a Heritage Place, a clear transition between the old and new should be established and maintained;</li> <li>• projecting elements such as canopies, awnings, sunshades, banners and signage should not substantially interrupt views of a Heritage Place from the street or a public place;</li> <li>• the new development should complement the existing streetscape or prevailing architectural character of the street and the Heritage Place; and</li> <li>• an archaeological investigation is carried out for development involving a high level of surface or sub-surface disturbance.</li> </ul>	<p><b>AO8.1</b></p> <p>No acceptable outcome provided.</p>