

# 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/](http://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 Science. 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/](http://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/](http://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 <b>development</b> on a <b>state heritage place</b> , other than <b>development</b> proposing to <b>destroy or substantially reduce</b> the <b>cultural heritage significance</b> of a <b>state heritage place</b>	Table 14.2.2 – PO1 – PO3
<b>Development</b> proposing to <b>destroy or substantially reduce</b> the <b>cultural heritage significance</b> of a <b>state heritage place</b>	Table 14.2.2 – PO4

**Table 14.2.2: Development on a state heritage place**

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

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

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

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

## 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/](http://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/](http://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/](http://www.qld.gov.au/environment/land/heritage/publications/) to the Department of Environment and Science along with the required fee.

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

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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*.