

## 8.2.5 Heritage overlay code

### 8.2.5.1 Application

This code applies to assessing building work, material change of use, reconfiguring a lot or operational works development applications for development identified as being of heritage significance as shown on the **Heritage overlay maps (OM-005)** contained in Schedule 2 and identified as requiring assessment against the **Heritage overlay code** by the tables of assessment in Part 5.

When using this code, reference should be made to section 5.3.2 and, where applicable, section 5.3.3 located in Part 5.

### 8.2.5.2 Purpose

- (1) The purpose of the Code is to ensure assessable development on, or adjacent to, a local heritage place is compatible with the cultural heritage significance of the place.
- (2) This purpose will be achieved through the following overall outcomes:
  - (a) The cultural heritage significance of local heritage places is conserved<sup>1</sup> unless there is no prudent or feasible alternative.
  - (b) The adaptive reuse of local heritage places, where that use is consistent with, or similar to, the identified cultural heritage significance, is supported.
  - (c) Development that occurs on land adjoining a local heritage place does not impact the cultural heritage significance of the place unless there is no prudent or feasible alternative.
- (3) In considering whether there is no prudent or feasible alternative, Council will have regard to:
  - (a) Safety, health and economic considerations.<sup>2</sup>
  - (b) Any other matters Council considers relevant.<sup>3</sup>

### 8.2.5.3 Assessment benchmarks

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<sup>1</sup> According to the *Queensland Heritage Act 1992*, '**conservation** includes protection, stabilisation, maintenance, preservation, restoration, reconstruction and adaptation'.

<sup>2</sup> Refer to the Department of Environment and Heritage Protection *Guideline: No Prudent and Feasible Alternative*. It establishes the criteria Council may consider when determining safety, health and economic considerations. Information in the guideline that relates specifically to requirements applying only to Queensland Heritage Places is not deemed relevant in the case of local heritage places.

<sup>3</sup> 'Other matters' may include, but are not limited to, the potential for environmental, social and community disadvantage.

Part A - Criteria for accepted and assessable development

Table 8.2.5.1 – Heritage overlay code

Performance outcomes	Acceptable outcomes
<b>For accepted, accepted subject to requirements and assessable development (code, code (fast tracked) and impact)</b>	
<p><b>PO1</b> Development of a local heritage place is compatible with the conservation of the cultural heritage significance of the local heritage place.</p>	<p><b>AO1.1</b> Development is compatible with <i>The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013</i>.</p> <p><b>AO1.2</b> Development is consistent with a Conservation Management Plan for the place prepared in accordance with the <i>Burra Charter</i>.</p> <p>Note: Council may request the preparation of a heritage impact statement that demonstrates how the proposed development will conserve and/or impact the cultural heritage significance of the place. The statement should generally conform to the Department of Environment and Heritage Protection’s guideline: <i>Preparing a Heritage Impact Statement</i> or other standards as approved by Council. Changes to local heritage places are required to be documented to the satisfaction of Council.</p>
<p><b>PO2</b> A local heritage place may not be demolished, removed or disturbed unless it can be demonstrated that there is no prudent or feasible alternative to the demolition, removal or disturbance.</p>	<p><b>AO2.1</b> Where a local heritage place is to be demolished, removed or disturbed because it has been satisfactorily demonstrated that there is no prudent or feasible alternative, a Heritage Management Plan to manage the impact to identified cultural heritage values must be developed in accordance with the <i>Burra Charter</i> and approved by Council.</p> <p>Note: A Heritage Management Plan must incorporate an archival recording of the place or particular features of the place affected by the demolition, removal or disturbance. The archival recording should meet the standards required in the Department of Environment and Heritage Protection <i>Guideline: Archival Recording of Heritage Places</i> or other standards as approved by Council. Where archaeological components are identified as a component of the significance of the local heritage place, a Management Plan should be prepared and implemented by a suitably qualified professional as part of the Heritage Management Plan. Changes to local heritage places are required to be documented to the satisfaction of Council.</p>
<p><b>PO3</b> Part of a local heritage place may not be demolished, removed or disturbed unless it can be demonstrated that: There is no prudent or feasible alternative to the demolition, removal or disturbance. The part of the local heritage place does not contribute to the cultural heritage significance of the place.</p>	<p><b>AO3.1</b> Where a part of a local heritage place is to be demolished, removed or disturbed because it has been satisfactorily demonstrated that there is no prudent or feasible alternative, a Heritage Management Plan to manage the impact to identified cultural heritage values must be developed in accordance with the <i>Burra Charter</i> and approved by Council.</p>
<b>Performance outcomes</b>	<b>Acceptable outcomes</b>
	Note: A Heritage Management Plan must incorporate an archival recording of the place or particular features of

	<p>the place affected by the demolition or removal. The archival recording should meet the standards required in the Department of Environment and Heritage Protection <i>Guideline: Archival Recording of Heritage Places</i> or other standards as approved by Council. Where archaeological components are identified as a component of the significance of the local heritage place, a Management Plan should be prepared and implemented by a suitably qualified professional as part of the Heritage Management Plan. Changes to local heritage places are required to be documented to the satisfaction of Council.</p>
<p><b>PO4</b> Development on land adjoining a local heritage place does not adversely affect the cultural heritage significance of the local heritage place.</p>	<p><b>AO4.1</b> The scale, location and design of the development are compatible with the cultural heritage significance of the local heritage place, including its context, setting, appearance and archaeology.</p> <p>Note: A Heritage Management Plan must incorporate an archival recording of the place or particular features of the place affected by the demolition or removal. The archival recording should meet the standards required in the Department of Environment and Heritage Protection <i>Guideline: Archival Recording of Heritage Places</i> or other standards as approved by Council. Where archaeological components are identified as a component of the significance of the local heritage place, a Management Plan should be prepared and implemented by a suitably qualified professional as part of the Heritage Management Plan. Changes to local heritage places are required to be documented to the satisfaction of Council.</p>
<b>Reconfiguring a Lot</b>	
<p><b>PO5</b> Development does not:</p> <ul style="list-style-type: none"> <li>(a) Reduce public access to the place of local cultural heritage significance;</li> <li>(b) Result in a place of local heritage significance being severed or obstructed from public view; and</li> <li>(c) Obscure or destroy any pattern of historic subdivisions, the landscape setting or the scale and consistency of the urban fabric relating to the place of local cultural heritage significance.</li> </ul>	<p><b>AO5</b> No acceptable outcome</p> <p>Note: A Heritage Management Plan must incorporate an archival recording of the place or particular features of the place affected by the demolition or removal. The archival recording should meet the standards required in the Department of Environment and Heritage Protection <i>Guideline: Archival Recording of Heritage Places</i> or other standards as approved by Council. Where archaeological components are identified as a component of the significance of the local heritage place, a Management Plan should be prepared and implemented by a suitably qualified professional as part of the Heritage Management Plan. Changes to local heritage places are required to be documented to the satisfaction of Council.</p>

Performance outcomes	Acceptable outcomes
<b>Building Work or Operational Work</b>	
<p><b>PO6</b></p> <p>Development conserves features and values of the local heritage place that contributes to its cultural heritage significance.</p>	<p><b>AO6</b></p> <p>No acceptable outcome</p> <p>Note: A Heritage Management Plan must incorporate an archival recording of the place or particular features of the place affected by the demolition or removal. The archival recording should meet the standards required in the Department of Environment and Heritage Protection <i>Guideline: Archival Recording of Heritage Places</i> or other standards as approved by Council. Where archaeological components are identified as a component of the significance of the local heritage place, a Management Plan should be prepared and implemented by a suitably qualified professional as part of the Heritage Management Plan. Changes to local heritage places are required to be documented to the satisfaction of Council.</p>