1.

### Heritage and neighbourhood character overlay code[[1]](#footnote-1) [[2]](#footnote-2) [[3]](#footnote-3)

#### Application

This code applies to development:-

1. subject to the Heritage and neighbourhood character overlay shown on the overlay maps contained within **Schedule 2 (Mapping)**, a cultural heritage place identified in the Queensland Heritage Register or the National Heritage Database, or on premises otherwise determined to have cultural heritage significance; and
2. identified as requiring assessment against the Heritage and neighbourhood character overlay code by the tables of assessment in **Part 5 (Tables of assessment)**.

#### Purpose and overall outcomes

1. The purpose of the Heritage and neighbourhood character overlay code is to:-
	1. ensure that development on or adjoining a heritage place is compatible with the cultural heritage significance of the place;
	2. the significance of neighbourhood character areas is conserved and enhanced.
2. The purpose of the code will be achieved through the following overall outcomes:-
	1. the cultural heritage significance of individual sites and places is conserved;
	2. development on a local heritage place is compatible with the cultural heritage significance of the place by:-
		1. preventing the demolition or removal of the local heritage place, unless there is no prudent and feasible alternative to the demolition or removal;

Note—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:-

safety, health and economic considerations;

any other matters the Council considers relevant.

* + 1. 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;
		2. protecting, as far as practicable, the materials and setting of the local heritage place;
		3. ensuring that any exposed archaeological artefact/s and/or features are identified and managed prior to the redevelopment of a site[[4]](#footnote-4);
		4. ensuring, as far as practicable, development on the local heritage place is compatible with the cultural heritage significance of the place;
	1. development adjoining a local or Queensland heritage place[[5]](#footnote-5) or a national heritage place is sympathetic to the cultural heritage significance of that place;
	2. development in a commercial or residential neighbourhood character area:-
		1. is sympathetic and complementary to the key character elements and preferred character of the applicable area[[6]](#footnote-6);
		2. retains buildings and structures that contribute to the preferred character of the area through their age, form, style, siting and character; and
		3. complements, rather than mimics or replicates, the predominant building styles in the street.

#### Specific benchmarks for assessment

Table 8.2.9.3.1 Benchmarks for assessable development – on a local heritage place or adjoining a national, Queensland or local heritage place

| **Performance outcomes** | **Acceptable outcomes** | **Compliance / Representations** |
| --- | --- | --- |
| ***Material change of use involving a local heritage place*** |  |
| **PO1**The material change of use is compatible with the conservation and/or management of the cultural significance of the local heritage place.  | **AO1**Development is undertaken in accordance with the Australian ICOMOS[[7]](#footnote-7) Charter for Places of Cultural Significance (Burra Charter). | Provide a brief description how your proposal complies with the relevant Acceptable outcome (if applicable) or a detailed analysis how compliance is achieved with the Performance outcome. |
| ***Reconfiguring a lot involving a local heritage place*** |  |
| **PO2**Reconfiguring a lot does not:-* + - * 1. reduce public access to the local heritage place;
				2. result in the local heritage place being severed or obscured from public view; or
				3. obscure or destroy any of the following elements relating to the local heritage place:-

(i) pattern of historic subdivision;(ii) the landscape setting; or(iii) the scale and consistency of the urban fabric. | **AO2**Development is undertaken in accordance with the Australian ICOMOS Charter for Places of Cultural Significance (Burra Charter). | Click and provide your representations. |
| ***Building work or operational work involving a local heritage place*** |  |
| **PO3**Development conserves and is subservient to the features and values of the local heritage place that contribute to its cultural heritage significance. | **AO3**Development:-* + - * 1. does not alter, remove or conceal significant features of the local heritage place; or
				2. is minor and necessary to maintain a significant use for the local heritage place.
 | Click and provide your representations. |
| **PO4**Changes to a local heritage place are appropriately managed and documented. | **AO4.1**Development is compatible with a conservation management plan prepared in accordance with the Australian ICOMOS Charter for Places of Cultural Significance (Burra Charter).**AO4.2**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 *Guideline: Archival Recording of Heritage Registered Places* (Department of Environment and Heritage Protection). | Click and provide your representations. |
| **PO5**Development does not adversely affect the character, setting or appearance of the local heritage place, including removal of vegetation that contributes to the cultural heritage significance of the place. | **AO5.1**The scale, location and design of the development are compatible with the character, setting and appearance of the local heritage place.**AO5.2**The development is unobtrusive and cannot readily be seen from surrounding streets or other public places.**AO5.3**Existing vegetation that forms part of the local heritage place is retained and incorporated into the design and layout of development. | Click and provide your representations. |
| **PO6**Excavation or other earthworks on a local heritage place do not have a detrimental impact on archaeological values. | **AO6.1**The impact on excavation is minor and limited to parts of the local heritage place that have been disturbed by previous excavation.**AO6.2**An archaeological investigation is carried out for development on a local heritage place involving a high level of surface or sub-surface disturbance.  | Click and provide your representations. |
| ***Development adjoining a national, Queensland or local heritage place*** |  |
| **PO7**Where on a lot or premises adjoining a national, Queensland or local heritage place, development is designed and constructed in a manner that does not adversely affect the cultural heritage significance of the heritage place, including its context, setting, appearance and archaeology. | **AO7.1**The scale, location and design of the development is compatible with the cultural heritage significance of the adjoining heritage place, including its context, setting and appearance. **AO7.2**Where the site adjoins a heritage place that has been identified as an archaeological place, an archaeological investigation is carried out for development involving a high level of surface or sub-surface disturbance. | Click and provide your representations. |
| **Advertising devices (all heritage places)** |  |
| **PO8**Advertising devices located on a local heritage place or adjoining a national, Queensland or local heritage place are sited and designed in a manner that:-* + - * 1. is compatible with the cultural heritage significance of the place;
				2. does not obscure the appearance or prominence of the heritage place when viewed from the street or other public places.
 | **AO8**No acceptable outcome provided. | Click and provide your representations. |

Table 8.2.9.3.2 Benchmarks for assessable development – within a neighbourhood character area

| **Performance outcomes** | **Acceptable outcomes** | **Acceptable outcomes** |
| --- | --- | --- |
| ***Infill development*** |  |
| **PO9**Infill development within a neighbourhood character area, including development on vacant sites, is compatible with the key character elements for the area, having regard to:-1. scale and form;
2. materials;
3. landscaping.
 | **AO9**No acceptable outcome provided. | Click and provide your representations. |
| **PO10**The existing streetscape is maintained in terms of:-1. building orientation;
2. side and front boundary setbacks;
3. significant landscaping.
 | **AO10**No acceptable outcome provided.  | Click and provide your representations. |
| **PO11**Development provides front boundary setbacks that ensure new additions and building works are consistent in alignment with adjoining lots. | **AO11**No acceptable outcome provided. | Click and provide your representations. |
| **PO12**New buildings respect the architectural style of surrounding development and complement, rather than replicate, period building styles. | **AO12**No acceptable outcome provided. | Click and provide your representations. |
| ***Demolition of character buildings***  |  |
| **PO13**Existing buildings or structures are not wholly or partially demolished or removed, unless one of more of the following circumstances apply:-1. the building or structure is not from the Victorian, Federation or Interwar period;
2. the building or structure is not capable of structural repair;
3. repair is not feasible having regard to economic, safety and health considerations; or
4. the building or structure does not contribute to the historical or architectural character of the area.
 | **AO13**No acceptable outcome provided. | Click and provide your representations. |
| ***Modifications to character buildings*** |  |
| **PO14**Modifications to buildings, including associated landscaping and fencing:-1. do not interfere with the integrity of the façade and continuity of the streetscape;
2. utilise traditional materials and design elements consistent with other character buildings in the area and the period or characteristics of significance;
3. complement the form and proportions of the existing building; and
4. where located in a commercial neighbourhood character area, complement the features of the existing building, including:-

(i) ornamentation on the existing façade;(ii) windows;(iii) verandahs; (iv) awnings. | **AO14.1**Where located in a commercial neighbourhood character area:-1. development retains, reuses and refurbishes existing facades;
2. any repair or restoration of buildings constructed of masonry is undertaken using materials, mortar composition and colours that closely match the original;
3. windows and doors are of similar style to those of existing buildings with heritage character;
4. finials, where missing on gable ends, are reinstated to re-establish original building skylines;
5. new shopfronts are designed and constructed in compatible heritage style to existing examples in the streetscape;
6. shopfronts and windows comprise materials with similar profiles and incorporate splayed recessed entrance and timber framed windows;
7. renovations of buildings which exhibit a heritage character are designed with appropriate detailing for the period of the building;
8. building facades are compatible in height to existing adjacent buildings and incorporate any repetitive architectural accent common both along the streetscape and the horizontal or vertical accents.

**AO14.2**Where located in a residential neighbourhood character area, no acceptable outcome provided.  | Click and provide your representations. |
| ***Reconfiguring a lot in a residential neighbourhood character area*** |  |
| **PO15**Reconfiguring a lot in a residential neighbourhood character area does not obscure or adversely impact upon any of the following elements relating to neighbourhood character:-1. the pattern of historic subdivision;
2. the landscape setting; or
3. the scale and consistency of the urban fabric.
 | **AO15**No acceptable outcome provided.  | Click and provide your representations. |

1. Editor’s note—the elements referred to in this code include:-

Queensland heritage places and national heritage places listed in the Queensland Heritage Register or National Heritage Database;

local heritage places and neighbourhood character areas identified on the Heritage and neighbourhood character overlay maps in **Schedule 2 (Mapping)**;

premises adjoining a national, Queensland or local heritage place.

Statements of significance for the identified local heritage places and key character elements and preferred character statements for neighbourhood character areas are contained in the **Planning scheme policy for the heritage and neighbourhood character overlay code**. [↑](#footnote-ref-1)
2. Editor’s note—the *Aboriginal Cultural Heritage Act 2003* (ACHA) and *Torres Strait Islander Cultural Heritage Act 2003* (TSICHA) provide for the recognition, protection and conservation of Aboriginal and Torres Strait Islander cultural heritage and impose a duty of care in relation to the carrying out of activities. The requirements of the ACHA and TSICHA apply separately and in addition to the planning scheme. [↑](#footnote-ref-2)
3. Editor’s note—the **Planning scheme policy for the heritage and neighbourhood character overlay code** provides guidance for satisfying certain outcomes of this code. [↑](#footnote-ref-3)
4. Editor’s note—under the *Queensland Heritage Act 1992*, a person must report to the Department of Environment and Heritage Protection 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. [↑](#footnote-ref-4)
5. Editor’s note—Development on Queensland heritage places is regulated by the *Queensland Heritage Act 1992*. [↑](#footnote-ref-5)
6. Editor’s note—key character elements and preferred character statements for each neighbourhood character area are contained in the **Planning scheme policy for the heritage and neighbourhood character overlay code**. [↑](#footnote-ref-6)
7. Editor’s note—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. [↑](#footnote-ref-7)