

## GUIDE TO USING THE IDAS DEVELOPMENT APPLICATION FORMS

*Guide 19***Development in a heritage place**

This guide has been prepared to assist applicants and local governments determine if an application requires assessment by the Environmental Protection Agency (EPA) or local government of a heritage place.

**What is a heritage place?**

A heritage place includes Queensland heritage places and Local heritage places.

**A Queensland heritage place** is a registered place including a State Heritage place, an Archaeological place or a Protected Area that is entered into the Queensland Heritage Register (referred to as “the Register”).

Queensland heritage places are entered in the Register by the Queensland Heritage Council (referred to as “the Heritage Council”) because they satisfy one or more of the criteria listed in the *Queensland Heritage Act 1992* (QH Act).

The Queensland Heritage Council maintains the Register in accordance with the provisions of the QH Act and each place has a register number.

An abbreviated version of the Register entry is available on the EPA website at [www.epa.qld.gov.au/cultural](http://www.epa.qld.gov.au/cultural). For the full register entry contact your regional office of the EPA.

**A Local heritage place** is a place that is entered into a Local Heritage register under Part 11 of the QH Act (a register kept by Local Government of places of cultural heritage significance in its local area).

Local heritage place provisions or requirements will not apply to your proposed development if your local government does not keep a Local Heritage register. However, your application may still require assessment of local heritage matters by the local government under the planning scheme.

Contact your local government office for more information about whether there is a Local Heritage register for your area, or to view your Local Heritage register, or determine if your proposal is assessable under the planning scheme.

**How development is made assessable on a heritage place****Queensland Heritage places**

Schedule 8 of the *Integrated Planning Act 1997* (IPA) prescribes that **all** development on a Queensland Heritage place is assessable, other than development -

- for which an exemption certificate under the QH Act has been issued;
- that under section 78 of that Act, is liturgical development;
- carried out by the State; or
- In an urban development area.

**Local heritage places**

Schedule 8 of the IPA prescribes that **all** development on a Local heritage place is assessable, other than development mentioned in schedule 9 of the IPA (development that is exempt from assessment against a local government planning scheme).

**Development under the IPA includes –**

- carrying out building work;
- carrying out plumbing and drainage work;
- carrying out operational work;
- Reconfiguring a lot; and
- making a material change of use of premises.

*Note: The definition of each of these aspects of development is contained in section 1.3.5 of the IPA.*

**Expanded definition of building work for Queensland heritage places**

The definition of “building work” for administering IPA for a Queensland heritage place is a broader definition than that used generally for building work under the IPA.

This expanded definition of building work does not apply to Local heritage places.

The term building work, for the purposes of assessment of applications for Queensland heritage places under the QH Act is expanded to also include any of the following-

- (a) altering, repairing, maintaining or moving a built natural or landscape feature on the place;
- (b) excavating, filling or other disturbances to land that damage, expose, or move archaeological artefacts, as defined under the Act, on the place;
- (c) altering, repairing or removing artefacts on the place that contribute to its cultural heritage significance, including, for example, furniture and fittings; and
- (d) Altering, repairing or removing building finishes that contribute to the place's cultural heritage significance, including, for example, paint wallpaper and plaster.

The IPA further clarifies that building work, for the purpose of assessment under the QH Act, does not include development for which an exemption certificate has been issued under the QH Act.

### Exemption certificates

Part 6, Division 2 of the QH Act provides for exemption certificates to be given for certain types of development on Queensland heritage places entered in the Heritage Register.

*Note: Exemption certificates do not apply to Local Heritage places*

An IDAS application is not required to be made for the following types of work if an exemption certificate has been given for the work—

- maintenance work;
- minor repair work;
- other minor work;
- work for a genuine liturgical purpose;
- works permitted under a heritage agreement; or
- works that have no impact on cultural heritage significance.

Prior to lodging an IDAS application, prospective applicants are advised to check with EPA staff to see whether the works proposed may be eligible for an exemption certificate.

Additional information about exemption certificates is available on the EPA website at [www.epa.qld.gov.au/cultural](http://www.epa.qld.gov.au/cultural).

### Who is the assessment manager

Schedule 8A, Table 3, Items 7 and 7A of the IPA specifies that—

#### For development on a Queensland Heritage place

The EPA is the assessment manager for assessable development on a Queensland heritage place where there is no other assessable development.

The application is code assessable, and is assessed against relevant provisions of the QH Act.

#### For development on a Local heritage place

- The local government for the place is assessment manager for assessable development on a Local heritage place where there is no other assessable development.

The local government will be the assessment manager if the development is assessable under the planning scheme. The local government is also the assessment manager if the development is not made assessable by either the planning scheme or schedule 8 of the IPA.

The application is code assessable, unless the planning scheme makes it impact assessable. The local government will assess the proposal against—

- the Local heritage place IDAS Code in schedule 2 of the *Queensland Heritage Regulation 2003*; and
- the relevant provisions of any local planning scheme.

### Who is a concurrence agency

#### For all development on a Queensland heritage place

Schedule 2, Table 1, item 11, and Table 2, item 18 of the *Integrated Planning Regulation 1998* (IP Reg) specify that for all development applications on a Queensland heritage place, the EPA is a concurrence agency if it is not the assessment manager. The proposed development is code assessable and the EPA will prepare its referral agency response following assessment of the application against relevant provisions of the QH Act.

#### For building work on a Local heritage place

Schedule 2, table 1, Item 11A of the IP Reg specifies that for building work assessable against the *Building Act 1975* on a Local heritage place, the local government is a concurrence agency if it is not the assessment manager.

The proposed development is code assessable, unless the planning scheme makes it impact assessable. The local government will assess the proposal against—

- the Local heritage place IDAS Code in schedule 2 of the *Queensland Heritage Regulation 2003*, and
- any relevant provisions of the local planning scheme.

### Issues for consideration in the development application

#### For development applications on Queensland heritage places—

The full Entry in the Queensland Heritage Register provides information about the place or property and includes –

- the extent of the heritage register boundary, which may or may not be the whole property;
- what is of heritage significance and why; and
- the criteria upon which its entry in the Register is based.

The written information accompanying the application must include a “statement of impact” that provides sufficient information to allow the EPA to understand how the proposed development will impact upon the identified cultural heritage significance of the property. This statement must include what measures are proposed to mitigate or manage any adverse impacts upon the property’s significance.

Include the following information as required to sufficiently communicate the proposal and its impacts on the cultural heritage significance of the place -

- colour photographs which demonstrate the existing condition of the heritage place (*please avoid the use of black and white photocopies*);
- plans and specifications of the proposed development which sufficiently identify those areas of the place where development is proposed to occur;
- a conservation management plan that has been prepared for the place together with information about how the proposed development conforms with the plan; and
- copies of any relevant subconsultants reports (i.e. architectural statement, landscape architect report and plans, town planning report etc.).

Other information may be relevant and will be determined by the nature of the place and the proposed development. For instance, those places that have trees identified as being of cultural heritage significance may require an arborist report if the development is proposed close to the trees.

#### **For development applications on Local heritage places—**

Each local government has differing requirements in relation to supporting documentation for applications. Please refer to the relevant planning scheme and contact your local government office for further advice.

#### **Application fees**

There is currently no fee for assessing development in a Queensland heritage place against the QH Act.

Each local government sets its own schedule of fees for development on a Local heritage place. Please contact your local government office for further advice.

#### **Public consultation in certain circumstances**

##### **For Queensland heritage places**

The EPA may require certain development applications that result in the destruction or substantial reduction of the cultural heritage significance of a registered place to be advertised for public comment prior to preparing any response or decision.

The EPA will undertake the advertising in a local newspaper for a period of 10 business days.

Any submissions received will be given due consideration in the determination of the EPA response.

##### **For Local heritage places**

Proposals on Local heritage places that involve development that is impact assessable under a planning scheme will require public notification in accordance with the IPA. Refer to the IDAS Implementation Note 9 on the DIP website (<http://www.dip.qld.gov.au/forms-templates/development-assessment-implementation-notes.html>) for further information about requirements for public notification. For further advice contact your local government office.

#### **Form 1 Development Application**

**Works in a Queensland heritage place** require completion of Form 1 Development Application Parts A, C<sub>1</sub> and the IDAS Assessment Checklist, as well as any other Parts of Form 1 also required to be completed, such as Part B for building applications assessable against the *Building Act 1975*.

**Works in a Local heritage place** require completion of Part of Form 1 Development Application Parts A, C<sub>2</sub> and the IDAS Assessment Checklist, as well as any other Parts of Form 1 also required to be completed, such as Part B for building applications assessable against the *Building Act 1975*.

#### **Application requirements**

Applicants are encouraged to lodge applications in electronic format, where possible. For more information on electronic completion and lodgement of development applications, refer to the Smart eDA pages on the DIP website on <http://www.dip.qld.gov.au/our-services/development-applications.html>. Paper based versions of the IDAS application forms are available for downloading and printing from the DIP website <http://www.dip.qld.gov.au/forms-templates/idas-application-forms.html>.

**For Queensland heritage places**, three (3) copies of the application are required to accompany the application lodged with or referred to the EPA.

Applications that are lodged manually are to be forwarded to—

EcoAccess Customer Service Unit  
PO Box 15155, City East, Qld, 4002

**For Local Heritage places** contact your Local Government office for further advice on submitting applications.