

8.2.9. Heritage place overlay code

8.2.9.1. Application

This code applies to the assessment of development if it is identified as an applicable code for development, as specified in the assessment benchmarks column in the tables of assessment located in Part 5 of the planning scheme.

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

All subject matter in this code is applicable to the development assessment, unless the following circumstance arises:

- (1) The heading of a specific benchmarks for assessment table specifies otherwise; or
- (2) A heading within a specific benchmark for assessment table specifies that the outcomes apply to a specific type of development or to development at a specific location; or
- (3) A performance outcome or acceptable outcome specifies that the outcomes apply to a specific type of development or to development at a specific location.

In the circumstance where point (2) or point (3) above arises the following applies:

- (1) the development assessment outcomes apply only to the type of development specified or only to development at the location specified; and
- (2) the development must still be assessed against all other general subject matter of the code.

8.2.9.2. Purpose

The purpose of the heritage place overlay code is to ensure that development undertaken at a heritage place or at locations which may have an impact on a heritage place, retain the significance of the place.

Editor's note: A local heritage place is a place entered on the Livingstone Shire Council local heritage register in accordance with the Queensland Heritage Act 1992, or a place that was listed on 17 October 2005 and has maintained its place as a heritage feature. There is also recognition of Queensland heritage listings and their boundaries which are also mapped. The triggers for development adjacent to a listed place have been tailored specifically to each place. The triggers for each development type have also been specifically stated.

8.2.9.3. Overall outcomes

The purpose of the code will be achieved through the following overall outcomes:

- (1) the significance of places, features, landscapes and buildings entered on the local heritage register is retained and their conservation supported;
- (2) land uses and developments are of a nature and scale that do not compromise the cultural heritage significance of the heritage place;
- (3) development does not degrade, disturb or cause encroachment on the heritage place;
- (4) development within the heritage place occurs only when it is sympathetic to the nominated feature and its role within the streetscape and setting; and
- (5) the biodiversity and geodiversity¹ of local heritage places are preserved.

8.2.9.4. Specific benchmarks for assessment

Table 8.2.9.4.1 — Outcomes for development that is accepted subject to requirements and assessable development

| Performance outcomes | Acceptable outcomes |
|----------------------|---------------------|
|----------------------|---------------------|

¹ The term is used so as to ensure all aspects of the abiotic environment, be they geological, geomorphological or pedological, etc., are considered. Geodiversity includes the range of geological, geomorphological and soil features, assemblages, systems and processes. Many geo features have formed under conditions, climatic or geological, that are now inactive. They are essentially relict or "fossil" features that once disturbed, will never recover or will be removed forever. (Source: Conserving Geodiversity, The Importance Of Valuing Our Geological Heritage, website for the Department of Primary Industries, Water and Environment, Tasmania).

| Performance outcomes | Acceptable outcomes |
|--|---|
| All development within a heritage place and in proximity to a nominated place | |
| <p>PO1</p> <p>Development for an advertising device is designed and sited in a manner that:</p> <ul style="list-style-type: none"> (a) is compatible with the significance of the heritage place; (b) does not detrimentally impact the values or setting of the heritage place; and (c) does not obscure the appearance or prominence of features of the heritage place when viewed from adjacent public or semi-public streets or open spaces. | <p>AO1.1</p> <p>Development for an advertising device is only one of the following advertising device types:</p> <ul style="list-style-type: none"> (a) Awning fascia sign or return fascia sign; or (b) Balloon sign; or (c) Banner sign; or (d) Business hours sign; or (e) Business name plate sign; or (f) Fence sign; or (g) Hamper sign; or (h) Information board sign; or (i) Park sign; or (j) Stall board; or (k) Under awning sign; or (l) Window sign. <p>AO1.2</p> <p>Of the advertising device types specified in AO1.1, the advertising device complies with the corresponding design standards contained in Table 9.3.2.4.4 of the development works code.</p> <p>AO1.3</p> <p>The placement of the advertising device is not building work.</p> <p>AO1.4</p> <p>The placement of the advertising device does not cover up heritage markings, notations, or stone walls.</p> <p>AO1.5</p> <p>Advertising devices must be able to be placed and removed without marking or damaging buildings or features.</p> |
| <p>PO2</p> <p>Development:</p> <ul style="list-style-type: none"> (a) is designed and sited to conserve the features of the heritage place that contribute to its heritage significance with the reuse of existing buildings, preservation of vegetation and landscape features, and continuation of uses relevant to the local heritage place; (b) where for the reuse of a heritage place, this occurs by: <ul style="list-style-type: none"> (i) retaining or restoring the original use of the heritage place; or (ii) not requiring significant modification to | <p>AO2.1</p> <p>The development:</p> <ul style="list-style-type: none"> (a) is in an existing building or on that part of the site that is intended for the development; and (b) does not result in the need for a new access driveway; and (c) does not involve clearing of vegetation at a heritage place – vegetation, but is for landscape gardening purposes; and (d) does not involve building work or minor building work (other than work undertaken in the course of repairs, maintenance or restoration in keeping with the historical |

| Performance outcomes | Acceptable outcomes |
|---|------------------------------------|
| <p>the fabric of the heritage place; or</p> <p>(iii) other means that results in the use of the premises in a manner that ensures its conservation;</p> <p>(c) must maintain the essential characteristics which make a place or building significant; and</p> <p>(d) ensures that the essential characteristics remain as visually dominant.</p> <p>Editor's note: Where necessary a heritage impact assessment report is prepared verifying the proposal is in accordance with the <i>Burra Charter Practice Note — Understand and assessing cultural significance</i>.</p> | <p>significance of the place).</p> |

Table 8.2.9.4.2 — Additional outcomes for assessable development

| Performance outcomes | Acceptable outcomes |
|---|--|
| Within a heritage place | |
| <p>PO3</p> <p>Demolition, removal or alteration of a feature is undertaken only when supported by a heritage impact assessment report. The report is to ascertain the nature of the new development, the intended role of the feature and details of the works and its impact, and to address the listing and give an account of why the place is not considered significant.</p> <p>Editor's note: Where necessary, a heritage impact assessment report (a statement of significance) is prepared by a suitably qualified person as detailed in Schedule SC7.8.</p> | <p>No acceptable outcome is nominated.</p> |
| <p>PO4</p> <p>Development undertaken on the site of a heritage place, avoids, retains and protects the cultural heritage significance and values of the heritage place.</p> <p>Editor's note: Where necessary, a heritage impact assessment report is prepared verifying the proposal is in accordance with the <i>Burra Charter Practice Note — Understand and assessing Cultural Significance</i> or development is undertaken in accordance with an approval or exemption certificate issued under the <i>Queensland Heritage Act 1992</i>.</p> | <p>No acceptable outcome is nominated.</p> |
| <p>PO5</p> <p>Development addresses all matters relevant to the conservation of the heritage place and in accordance with any conservation management plans applying to the place including the statements of significance and description for places on the Queensland Heritage Register.</p> <p>Editor's note: Where necessary, a heritage impact assessment report is prepared verifying the proposal is in accordance with the <i>Burra Charter Practice Note — Preparing studies and reports: contractual and ethical issues</i>.</p> | <p>No acceptable outcome is nominated.</p> |

| Performance outcomes | Acceptable outcomes |
|---|-------------------------------------|
| Development adjacent to and in proximity (as detailed in the tables of assessment) to the place | |
| PO6 Development is sited, 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. | No acceptable outcome is nominated. |
| PO7 The scale, location and design of development is compatible with the cultural heritage significance of the adjoining place, including its siting, context, setting and appearance. | No acceptable outcome is nominated. |
| PO8 If development is proposed adjacent to a site 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. | No acceptable outcome is nominated. |
| PO9 Development involving operational works adjacent to a site that has been identified as a heritage place, avoids, retains and protects the heritage significance and values of the heritage place. | No acceptable outcome is nominated. |

Note—SC7.8 provides requirements for sites to be included onto the local heritage place register.