

## 8.2.9 Heritage and character areas overlay code<sup>31 32 33</sup>

### 8.2.9.1 Application

- (1) This code applies to assessable development:-
  - (a) subject to the heritage and character areas overlay shown on the overlay maps contained within **Schedule 2 (Mapping)**; and
  - (b) identified as requiring assessment against the Heritage and character areas overlay code by the tables of assessment in **Part 5 (Tables of assessment)**.
- (2) All provisions in this code are assessment benchmarks for applicable assessable development.

### 8.2.9.2 Purpose and overall outcomes

- (1) The purpose of the Heritage and character areas overlay code is to protect *local heritage places* and *character areas* by ensuring that:-
  - (a) development on a *local heritage place* or on *land in proximity to a local heritage place* is compatible with the identified significance of the *local heritage place*;
  - (b) the *streetscape* character and significance of *character areas* are conserved and enhanced; and
  - (c) the protection of *local heritage places* and *character areas* contributes towards an enhanced community connection with historical places, values and traditions.
- (2) The purpose of the Heritage and character areas overlay code will be achieved through the following overall outcomes:-
  - (a) the heritage significance of individual sites and places is conserved for the benefit of the community and future generations;
  - (b) development on a *local heritage place* is compatible with the heritage significance of the place by:-
    - (i) maintaining or encouraging the appropriate use (including adaptive reuse) of the *local heritage place* whilst protecting the amenity of adjacent uses;
    - (ii) protecting the context and setting of the *local heritage place*;
    - (iii) ensuring development on the *local heritage place* is compatible with the heritage significance of the place; and
    - (iv) retaining the *local heritage place*, unless there is no prudent and feasible alternative to its demolition or removal;
  - (c) development on *land in proximity to a local heritage place* is sympathetic to the heritage significance of that place; and
  - (d) development in a *character area*:-
    - (i) is sympathetic and complementary to the *streetscape* character and heritage values of the area;

<sup>31</sup> Editor's note—the Heritage and character areas overlay code does not apply to indigenous cultural heritage which is protected under the *Aboriginal Cultural Heritage Act 2003* or Torres Strait Islander cultural heritage which is protected under the *Torres Strait Islander Cultural Heritage Act 2003*. In accordance with these Acts, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal or Torres Strait Islander cultural heritage ("the cultural heritage duty of care").

<sup>32</sup> Editor's note—the following elements referred to in this code are identified on the Heritage and Character Areas Overlay Maps in **Schedule 2 (Mapping)**:-

- (a) *local heritage places*;
- (b) *land in proximity to a local heritage place*; and
- (c) *character areas*.

Statements of significance (citations) for *local heritage places* and *character areas* are contained in the **Planning scheme policy for the Heritage and character areas overlay code**.

<sup>33</sup> Editor's note—the **Planning scheme policy for the Heritage and character areas overlay code** provides advice and guidance for achieving certain outcomes of this code, including guidance for the preparation of a heritage impact assessment report and conservation management plan.

- (ii) retains *character buildings* as well as other buildings, structures and elements that contribute to the identified character of the area through their age, form, style, siting and character; and
- (iii) complements, rather than mimics or replicates, the identified building styles in the street.

### 8.2.9.3 Performance outcomes and acceptable outcomes

**Table 8.2.9.3.1 Performance outcomes and acceptable outcomes for assessable development – on a local heritage place or on land in proximity to a local heritage place**

Performance Outcomes		Acceptable Outcomes	
<b>Material Change of Use Involving a Local Heritage Place</b>			
<b>PO1</b>	<p>The form, scale and design of development is compatible with the conservation and management of the heritage significance of the <i>local heritage place</i>, including with regard to:</p> <ul style="list-style-type: none"> <li>(a) bulk;</li> <li>(b) <i>building height</i>;</li> <li>(c) <i>setbacks</i> and siting;</li> <li>(d) horizontal and vertical articulation;</li> <li>(e) roof lines;</li> <li>(f) building openings;</li> <li>(g) orientation;</li> <li>(h) materials, footings and architectural detailing;</li> <li>(i) eaves; and</li> <li>(j) access and on-site parking.</li> </ul> <p>Note—the heritage significance of each <i>local heritage place</i> is described in <b>SC6.10 Planning scheme policy for heritage and character areas overlay code</b>.</p>	<b>AO1</b>	Development is compatible with a conservation management plan prepared in accordance with the Australia ICOMOS Burra Charter <sup>35</sup> .
<b>Reconfiguring a Lot Involving a Local Heritage Place</b>			
<b>PO2</b>	<p>Development does not:-</p> <ul style="list-style-type: none"> <li>(a) reduce public access to the <i>local heritage place</i>;</li> <li>(b) result in a <i>local heritage place</i> being severed or obscured from public view; or</li> <li>(c) obscure or destroy any pattern of historic subdivision, the landscape setting or the scale and consistency of the urban fabric relating to the <i>local heritage place</i>.</li> </ul>	<b>AO2</b>	Development is compatible with a conservation management plan prepared in accordance with the Australia ICOMOS Burra Charter.
<b>Building Work or Operational Work Involving a Local Heritage Place</b>			
<b>PO3</b>	<p>Development conserves and is subservient to the features and values of the <i>local heritage place</i> that contribute to its heritage significance, including with regard to:</p> <ul style="list-style-type: none"> <li>(a) bulk;</li> <li>(b) <i>building height</i>;</li> <li>(c) <i>setbacks</i> and siting;</li> <li>(d) horizontal and vertical articulation;</li> <li>(e) roof lines;</li> </ul>	<b>AO3</b>	Development is compatible with a conservation management plan prepared in accordance with the Australia ICOMOS Burra Charter.

<sup>35</sup> 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.

Performance Outcomes		Acceptable Outcomes	
	(f) building openings; (g) orientation; (h) materials, footings and architectural detailing; (i) eaves; and (j) access and on-site parking.  Note—the heritage significance of each <i>local heritage place</i> is described in <b>SC6.10 Planning scheme policy for heritage and character areas overlay code</b> .		
<b>PO4</b>	Changes to a <i>local heritage place</i> are appropriately managed and documented.	<b>AO4.1</b>	Development is compatible with a conservation management plan prepared in accordance with the Australia ICOMOS Burra Charter.
		<b>AO4.2</b>	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 <i>Guideline: Archival Recording of Heritage Registered Places</i> (Department of Environment and Resource Management).
<b>PO5</b>	Development does not adversely affect the character, setting or appearance of the <i>local heritage place</i> , including removal of vegetation that contributes to the heritage significance of the place.	<b>AO5.1</b>	The scale, location and design of the development are compatible with the character, setting and appearance of the <i>local heritage place</i> .
		<b>AO5.2</b>	The development is unobtrusive and cannot readily be seen from surrounding streets or other public places.
		<b>AO5.3</b>	Existing <i>vegetation</i> that forms part of the <i>local heritage place</i> is retained and incorporated into the design and layout of development.
<b>PO6</b>	Development on a <i>local heritage place</i> with identified archaeological potential avoids or appropriately manages detrimental impacts on artefacts <sup>36</sup> .	<b>AO6</b>	Development in areas not previously disturbed by excavation is in accordance with an archaeological investigation and management plan prepared by a suitably qualified person and approved by Council.
<b>Development on land in proximity to a local heritage place</b>			
<b>PO7</b>	Where on <i>land in proximity to a local heritage place</i> , development is located, designed and constructed in a manner that does not adversely affect the heritage significance of the <i>local heritage place</i> , including its context, setting and appearance.	<b>AO7</b>	The scale, location and design of the development is compatible with the heritage significance of the proximate <i>local heritage place</i> , including its context, setting and appearance.
<b>Advertising Devices</b>			
<b>PO8</b>	<i>Advertising devices</i> located on a <i>local heritage place</i> or on <i>land in proximity to a local heritage place</i> are sited and designed in a manner that:- (a) is compatible with the heritage significance of the place; and (b) does not obscure the appearance or prominence of the <i>local heritage place</i> when viewed from the street or other public place.	<b>AO8</b>	No acceptable outcome provided.

<sup>36</sup> Editor's Note—the *Queensland Heritage Act 1992* requires a person who discovers a thing that they either know, or ought to reasonably know is an archaeological artefact, to give notice in accordance with the provisions in section 89 of the Act. It is also an offence to interfere with archaeological artefacts in the circumstances detailed in section 90 of the Act.

Performance Outcomes		Acceptable Outcomes	
	Note—the heritage significance of each <i>local heritage place</i> is described in <b>SC6.10 Planning scheme policy for heritage and character areas overlay code</b> .		

**Table 8.2.9.3.2 Performance outcomes and acceptable outcomes for assessable development – within a character area**

Performance Outcomes		Acceptable Outcomes	
<b>Development in a character area</b>			
<b>PO1</b>	Development within a <i>character area</i> is compatible with the key character elements for the area, having regard to:- (a) setting and <i>streetscape</i> context; (b) views and vistas; (c) scale and form; (d) materials; (e) landscape treatments; (f) lot size; and (g) the identified character of the <i>character area</i> .  Note—the identified character of each <i>character area</i> is described in <b>SC6.10 Planning scheme policy for heritage and character areas overlay code</b> .	<b>AO1</b>	No acceptable outcome provided.
<b>PO2</b>	The existing <i>streetscape</i> is maintained in terms of:- (a) building orientation; (b) building alignment; (c) lot size; (d) side and front boundary <i>setbacks</i> ; and (e) the scale, form and siting of fences and driveways.	<b>AO2</b>	No acceptable outcome provided.
<b>PO3</b>	Development provides front boundary <i>setbacks</i> that ensure new additions and works are consistent in alignment with adjoining lots.	<b>AO3</b>	No acceptable outcome provided.
<b>PO4</b>	Development respects the architectural style of surrounding development and complements, rather than replicates, period building styles.	<b>AO4</b>	No acceptable outcome provided.
<b>Ancillary Structures</b>			
<b>PO5</b>	<i>Ancillary</i> structures are located such that they do not detract from the <i>character area</i> and are respectful of existing <i>character buildings</i> in terms of materials, form and scale.	<b>AO5</b>	Proposed structures are not visible from surrounding streets and do not detract from, or significantly obscure the view of, a <i>character building</i> .
<b>Advertising Devices</b>			
<b>PO6</b>	<i>Advertising devices</i> are sited and designed to be consistent with the identified character of the <i>character area</i> .  Note – the identified character of each <i>character area</i> is described in <b>SC6.10 Planning scheme policy for</b>	<b>AO6</b>	No acceptable outcome provided.

Performance Outcomes		Acceptable Outcomes	
	heritage and character areas overlay code.		
<b>Demolition or Removal of Character Buildings</b>			
<b>PO7</b>	<p><i>Character buildings</i> or structures are not wholly or partially demolished or removed unless one or more of the following circumstances apply:-</p> <p>(a) the building or structure is not capable of structural repair;</p> <p>(b) repair is not feasible having regard to economic, safety and health considerations; or</p> <p>(c) the building or structure does not contribute to the historical, architectural or <i>streetscape</i> character of the area.</p>	<b>AO7</b>	No acceptable outcome provided.
<b>Modifications to Character Buildings</b>			
<b>PO8</b>	<p>Development involving the enclosure of the under storey area of a <i>character building</i>:</p> <p>(a) preserves the dominant visual form of the upper storey; and</p> <p>(b) does not detract from the overall character of the building or the <i>character area</i> streetscape.</p>	<b>AO8</b>	<p><i>In partial fulfilment of Performance Outcome PO8:</i></p> <p>Development involving the enclosure of the under storey area of a <i>character building</i> is recessed behind the front façade of the upper storey by not less than 1 metre.</p>
<b>PO9</b>	<p>Modifications to <i>character buildings</i>, including associated vegetation, landscapes and fencing:-</p> <p>(a) do not interfere with the integrity of the facade and continuity of the <i>streetscape</i>;</p> <p>(b) utilise traditional materials and design elements consistent with other <i>character buildings</i> in the area and the period or characteristics of significance; and</p> <p>(c) complement the form and proportions of the existing building.</p>	<b>AO9</b>	No acceptable outcome provided.