

## 8.2.9 Heritage and neighbourhood character overlay code<sup>6 7 8</sup>

### 8.2.9.1 Application

This code applies to assessable development:-

- (a) subject to the Heritage and neighbourhood character overlay shown on the overlay maps contained within **Schedule 2 (Mapping)**; and
- (b) identified as requiring assessment against the Heritage and neighbourhood character overlay code by the tables of assessment in **Part 5 (Tables of assessment)**.

### 8.2.9.2 Purpose and overall outcomes

- (1) The purpose of the Heritage and neighbourhood character overlay code is to ensure that:-
  - (a) development on or adjoining a heritage place is compatible with the cultural heritage significance of the place;
  - (b) the significance of neighbourhood character areas is conserved and enhanced; and
  - (c) development in a demolition control area conserves dwelling houses from the Victorian, Federation, or interwar eras.
- (2) The purpose of the code will be achieved through the following overall outcomes:-
  - (a) the cultural heritage significance of individual sites and places is conserved;
  - (b) development on a local heritage place is compatible with the cultural heritage significance of the place by:-
    - (i) 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:-

- (A) safety, health and economic considerations;
- (B) any other matters the Council considers relevant.

- (ii) 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;
- (iii) protecting, as far as practicable, the materials and setting of the local heritage place;
- (iv) ensuring that any exposed archaeological artefact/s and/or features are identified and managed prior to the redevelopment of a site<sup>9</sup>;
- (v) ensuring, as far as practicable, development on the local heritage place is compatible with the cultural heritage significance of the place;

<sup>6</sup> Editor's note—this code does not apply to indigenous cultural heritage which is protected under the *Aboriginal Cultural Heritage Act 2003*. In accordance with this legislation, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage ("the cultural heritage duty of care").

<sup>7</sup> Editor's note—the following elements referred to in this code are identified on the Heritage and neighbourhood character overlay maps in **Schedule 2 (Mapping)**:-

- (a) State heritage places;
- (b) local heritage places;
- (c) neighbourhood character areas;
- (d) demolition control areas.

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**.

<sup>8</sup> Editor's note—the **Planning scheme policy for the heritage and neighbourhood character overlay code** provides guidance for satisfying certain outcomes of this code.

<sup>9</sup> Editor's note—under the *Queensland Heritage Act 1992*, a person must report to the Department of Environment and Resource Management (DERM) 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.

- (c) development adjoining a local or State heritage place<sup>10</sup> is sympathetic to the cultural heritage significance of that place;
- (d) development in a neighbourhood character area:-
  - (i) is sympathetic and complementary to the key character elements and preferred character of the applicable area<sup>11</sup>;
  - (ii) retains buildings and structures that contribute to the preferred character of the area through their age, form, style, siting, and character;
  - (iii) complements, rather than mimics or replicates, the predominant building styles in the street;
- (e) development conserves dwelling houses that contribute to the traditional character and amenity of residential neighbourhoods and streetscapes contained within a demolition control area.

### 8.2.9.3 Assessment benchmarks

**Table 8.2.9.3.1 Assessment benchmarks for assessable development on a local heritage place or adjoining a State or local heritage place**

Performance outcomes		Acceptable outcomes	
<b>Material change of use involving a local heritage place</b>			
<b>PO1</b>	The material change of use is compatible with the conservation and/or management of the cultural significance of the local heritage place.	<b>AO1</b>	Development is undertaken in accordance with the Australian ICOMOS Charter <sup>12</sup> for Places of Cultural Significance (Burra Charter).
<b>Reconfiguring a lot involving a local heritage place</b>			
<b>PO2</b>	Reconfiguring a lot does not:- (a) reduce public access to the local heritage place; (b) result in the local heritage place being severed or obscured from public view; or (c) 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.	<b>AO2</b>	Development is undertaken in accordance with the Australian ICOMOS Charter for Places of Cultural Significance (Burra Charter).
<b>Building work or operational work involving a local heritage place</b>			
<b>PO3</b>	Development conserves and is subservient to the features and values of the local heritage place that contribute to its cultural heritage significance.	<b>AO3</b>	Development:- (a) does not alter, remove or conceal significant features of the local heritage place; or (b) is minor and necessary to maintain a significant use for the local heritage place.
<b>PO4</b>	Changes to a local heritage place are appropriately managed and documented.	<b>AO4.1</b>	Development is compatible with a conservation management plan prepared in accordance with the Australian ICOMOS Charter for Places of Cultural Significance (Burra Charter).

<sup>10</sup> Editor's note—amongst other things, this code seeks to regulate development on sites adjoining a State heritage place. Development on State heritage places is regulated by the *Queensland Heritage Act 1992*.

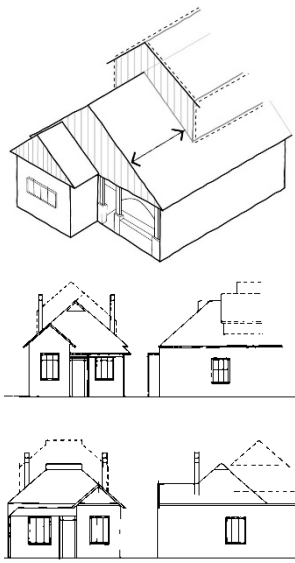
<sup>11</sup> Editor's note—key character elements and preferred character statements for each neighbourhood character area are contained in the **Planning scheme policy for the heritage and neighbourhood character overlay code**.

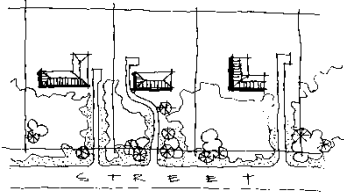
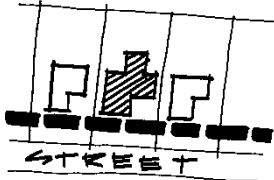

<sup>12</sup> Editor's note—Australia ICOMOS Inc. is the national chapter of ICOMOS (International Council of Monuments and Sites), a non-government international organisation primarily concerned with the philosophy, terminology, methodology and techniques of cultural heritage conservation.

Performance outcomes		Acceptable outcomes	
		<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 local heritage place, including removal of vegetation that contributes to the cultural 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 local heritage place.
		<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 vegetation that forms part of the local heritage place is retained and incorporated into the design and layout of development.
<b>PO6</b>	Excavation or other earthworks do not have a detrimental impact on archaeological sites.	<b>AO6.1</b>	The impact on excavation is minor and limited to parts of the local heritage place that have been disturbed by previous excavation.
		<b>AO6.2</b>	An archaeological investigation is carried out for development involving a high level of surface or sub-surface disturbance.
<b>PO7</b>	Advertising devices located on a local heritage place or adjoining a State or a local heritage place are sited and designed in a manner that:- (a) is compatible with the cultural heritage significance of the place; (b) does not obscure the appearance or prominence of the heritage place when viewed from the street or other public places.	<b>AO7</b>	No acceptable outcome provided.
<b>Development adjoining a State or local heritage place</b>			
<b>PO8</b>	Where on a lot or premises adjoining a State heritage place or a 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.	<b>AO8.1</b>	The scale, location and design of the development is compatible with the cultural heritage significance of the adjoining State heritage place or local heritage place, including its context, setting and appearance.
		<b>AO8.2</b>	Where the site adjoins a State heritage place or a local 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.

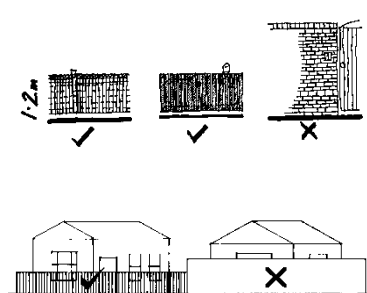
**Table 8.2.9.3.2 Assessment benchmarks for assessable development within a neighbourhood character area**

Performance outcomes		Acceptable outcomes	
<b>Demolition of buildings or structures</b>			
<b>PO1</b>	Buildings or structures are not wholly or partially demolished or removed unless the building,	<b>AO1</b>	Buildings or structures are not wholly or partially demolished or removed unless the building, structure or the part of the building

Performance outcomes		Acceptable outcomes	
	<p>structure or part of the building or structure proposed for demolition or removal:-</p> <p>(a) is not a Victorian, Federation or Interwar building; or</p> <p>(b) is not capable of structural repair; or</p> <p>(c) repair is not feasible having regard to economic, safety and health considerations; or</p> <p>(d) does not contribute to the preferred character of the precinct.</p>		<p>or structure proposed for demolition or removal:-</p> <p>(a) is not a Victorian, Federation or interwar building; or</p> <p>(b) is not visible from the street.</p>
Modifications to buildings			
<b>PO2</b>	<p>Modifications to buildings, including associated landscaping and fencing:-</p> <p>(a) do not interfere with the integrity of the facade and streetscape character of the locality;</p> <p>(b) respect the traditional materials and design elements consistent with other character buildings in the neighbourhood character area;</p> <p>Note—character buildings in a neighbourhood character area comprise Victorian, Edwardian/Federation and interwar buildings (constructed between 1850 and 1940).</p> <p>(c) complement the form and proportions of the existing building.</p>	<b>AO2</b>	<p>New works, excluding fencing to dwellings, are predominantly recessed behind the frontage of the original structure, using colours and materials that are compatible with and do not dominate the original structure.</p> <p>Note—<b>Figure 8.2.9A (Recessing of new building work)</b> illustrates how new building work can be recessed to avoid dominating the original structure.</p> <p><b>Figure 8.2.9A Recessing of new building work</b></p> 
<b>PO3</b>	<p>Enclosure of the understorey area of a high-set dwelling preserves the dominant visual form of the upper floor and does not detract from the overall character of the building or streetscape.</p>	<b>AO3</b>	<p>New works to high-set dwellings are predominately recessed behind the frontage of the original structure to align with the upper floor wall, using colours and materials that are compatible with and do not dominate the original structure.</p>
Infill development			
<b>PO4</b>	<p>Infill development within a neighbourhood character area, including development on vacant sites, is compatible with the key character elements for the area, with regard to:-</p> <p>(a) scale and form;</p> <p>(b) materials;</p> <p>(c) landscaping.</p>	<b>AO4</b>	<p>No acceptable outcome provided.</p>

Performance outcomes		Acceptable outcomes	
<p><b>PO5</b></p>	<p>The existing streetscape is maintained in terms of:-            (a) building orientation;            (b) side and front boundary setbacks;            (c) significant landscaping.</p> <p>Note—<b>Figure 8.2.9B (Maintenance of streetscape)</b> illustrates how an existing streetscape can be maintained through consistency of building orientation and siting.</p> <p><b>Figure 8.2.9B Maintenance of streetscape</b></p> 	<p><b>AO5</b></p>	<p>No acceptable outcome provided.</p>
<p><b>PO6</b></p>	<p>Development provides front boundary setbacks that ensure new additions and building works are consistent in alignment with adjoining lots.</p>	<p><b>AO6</b></p>	<p>Buildings are setback from the front boundary at a minimum the average distance of the front setbacks on the adjoining lots.</p> <p>Note—<b>Figure 8.2.9C (Front boundary setbacks)</b> illustrates infill development providing a front boundary setback consistent with adjoining lots.</p> <p><b>Figure 8.2.9C Front boundary setbacks</b></p> 
<p><b>PO7</b></p>	<p>New buildings respect the architectural style of surrounding development and complement, rather than replicate, period dwelling styles.</p> <p>Note—<b>Figure 8.2.9D (Architectural style)</b> illustrates how a new building may respect the architectural style of neighbouring development.</p> <p><b>Figure 8.2.9D Architectural style</b></p> 	<p><b>AO7</b></p>	<p>No acceptable outcome provided.</p>
<p><b>Garages, carports and outbuildings</b></p>			
<p><b>PO8</b></p>	<p>Garages, carports and outbuildings are located in a manner that does not detract from the neighbourhood</p>	<p><b>AO8.1</b></p>	<p>Garages, carports and outbuildings are not located on vacant land.</p>

Performance outcomes		Acceptable outcomes	
	character area and are respectful of existing character buildings in terms of materials, form and scale.	<p><b>AO8.2</b> Garages, carports and outbuildings are located to the rear or side of a character building.</p> <p><b>AO8.3</b> Where at the side of a character building, car accommodation takes the form of an open carport which:-</p> <ul style="list-style-type: none"> <li>(a) has a maximum width of 4.0m;</li> <li>(b) is located at least in line with or behind the front wall of the existing building;</li> <li>(c) has a roof pitch which is consistent with the main building's predominant roof pitch.</li> </ul> <p>Note—<b>Figure 8.2.9E (Siting of garages, carports and outbuildings)</b> illustrates some examples of the preferred locations for the siting of garages, carports and outbuildings.</p> <p><b>Figure 8.2.9E Siting of garages, carports and outbuildings</b></p>	
<b>Front boundary treatment</b>			
<b>PO9</b>	Front fencing complements the style and design of dwellings in the street. Fences forward of the dwelling allow views of and in between front setback areas.	<b>AO9</b>	<p>Fencing forward of a dwelling and located in the front setback area is:-</p> <ul style="list-style-type: none"> <li>(a) no more than 1.2m in height; and</li> <li>(b) constructed with:- <ul style="list-style-type: none"> <li>(i) timber pickets with sufficient gap between each picket to allow a minimum of 30% transparency; or</li> <li>(ii) open wire mesh set within a frame; or</li> <li>(iii) other visually permeable materials where a minimum 30% transparency is achieved.</li> </ul> </li> </ul> <p>Note—<b>Figure 8.2.9F (Front fencing treatment)</b> illustrates the preferred height, form and style of fencing in the front setback area.</p>

Performance outcomes		Acceptable outcomes	
			<p>Figure 8.2.9F Front fencing treatment</p> 
<b>Advertising devices</b>			
<b>PO10</b>	Advertising devices in neighbourhood character areas are positioned in a manner that respects the architecture and scale of character buildings.	<b>AO10.1</b>	Advertising devices are:- (a) located below the verandah; or (b) mounted on the verandah fascia; or (c) window lettering on the ground floor.
		<b>AO10.2</b>	Advertising devices are not roof-mounted.
<b>Vegetation clearing</b>			
<b>PO11</b>	Vegetation clearing does not adversely affect the character, setting or appearance of the neighbourhood character area.	<b>AO11</b>	Vegetation clearing within a neighbourhood character area does not involve the removal of character trees that contribute to the significance of the area.

**Table 8.2.9.3.3 Assessment benchmarks for assessable development within a demolition control area**

Performance outcomes		Acceptable outcomes	
<b>Demolition, relocation or removal of dwelling houses</b>			
<b>PO1</b>	Victorian, Federation or interwar dwelling houses are not wholly or partially demolished or removed within a demolition control area unless the dwelling house (or part thereof):- (a) is not capable of structural repair, or repair is not feasible having regard to economic, safety and health considerations; or (b) does not contribute to the traditional character and amenity of the surrounding residential neighbourhood and streetscape. Editor's note—the <b>Planning scheme policy for the Heritage and neighbourhood character overlay code</b> provides guidance on whether a dwelling house is from the Victorian, Federation or interwar eras.	<b>AO1</b>	Victorian, Federation or interwar dwelling houses are not wholly or partially demolished or removed within a demolition control area unless:- (a) an engineering report prepared by a suitably qualified person demonstrates that the building is structurally unsound and not reasonably capable of being made structurally sound; or (b) the dwelling house (or part thereof) has been substantially altered and/or does not have the appearance of being constructed in the pre-war era; or (c) the dwelling house, or the part to be removed or demolished, is not visible from the street or other public place; or (d) the street in which the dwelling house is located has no traditional building character.
<b>PO2</b>	Where a Victorian, Federation or interwar dwelling house is proposed to be relocated on a site, the new location of the dwelling house maintains or enhances the contribution that the building makes to the traditional character and amenity of the surrounding residential neighbourhood and streetscape.	<b>AO2</b>	No acceptable outcome provided.