

Local Heritage Register

Frequently asked questions

What is a Local Heritage Register?

A Local Heritage Register is a register of places that have local **cultural heritage significance**. Local heritage registers are managed by local Councils. Cultural heritage significance is a term used to describe the value of a place in heritage terms. Local heritage places can include:

- buildings
- relics (both on land and in water)
- works (e.g. a bridge)
- streetscapes (including street trees)
- towns
- rural landscapes
- moveable items

Local heritage places reflect aspects of local cultural history dating from the time of the initial colonisation of Australia through to the present.

Note: *The Aboriginal Cultural Heritage Act 2003 and the Environment Protection and Biodiversity Conservation Act 1999 provide the statutory framework for the management of places of indigenous cultural heritage value. The local heritage register only includes places from British colonisation onwards.*



Former Lahey's Sawmill at Canungra, c1918 (Queensland Heritage Place)

What criteria are applied to determine whether a place is of local cultural heritage significance?

The cultural heritage significance of a place is determined by undertaking an assessment of the place against the following criteria:

- a. the place is important in demonstrating the evolution or pattern of the local area's history;
- b. the place demonstrates rare, uncommon or endangered aspects of the local area's cultural heritage;
- c. the place has potential to yield information that will contribute to an understanding of the local area's history;
- d. the place is important in demonstrating the principal characteristics of a particular class of cultural places;
- e. the place is important because of its aesthetic significance;
- f. the place is important in demonstrating a high degree of creative or technical achievement of a particular period;
- g. the place has a strong or special association with a particular local community or cultural group for social, cultural or spiritual reasons;
- h. the place has a special association with the life or work of a particular person, group or organisation of importance in the local area's history.

For a place to have cultural heritage significance at a local level, it must meet **one or more** of the above criteria. This criteria is adapted from those in the *Queensland Heritage Act 1992* (Heritage Act), which were informed by the Australia ICOMOS Burra Charter 1999 (Burra Charter). The Burra Charter is the best practice guideline for managing heritage places in Australia.

Why protect places of cultural heritage significance?

Local heritage places provide an opportunity for the public to gain an understanding and appreciation of the history of a place. The Scenic Rim has a rich and diverse history that is evident in the physical fabric of our towns and villages, rural landscapes, and our strong connection to the land, which has been fundamental to our region's prosperity. The protection of local heritage places provides an important physical connection to our past. It also ensures that future generations can continue to enjoy our unique heritage and character that has contributed to making the Scenic Rim an attractive place to live and visit.

Council also has a legal obligation to have a local heritage register. Sections 113 and 114 of the *Queensland Heritage Act 1992* (Heritage Act) require a local government to keep a register of places of cultural heritage significance in its area.



Wiss Brothers Store, Kalbar (Queensland Heritage Place)

A place may appear on a local, state, national or world heritage register, and the management of the heritage values of places on each register differs. Scenic Rim Regional Council is exclusively responsible for managing places on the local heritage register. The state government's Department of Environment and Science is responsible for managing places entered on the Queensland Heritage Register. The federal government is responsible for managing the heritage values of places entered on both national and world heritage registers.

There is also a possibility that a place is identified on the heritage register of the National Trust. This heritage register is not a statutory register and property owners are not bound by any statutory requirements

Where can I find the Scenic Rim Local Heritage Register?

The [Scenic Rim Local Heritage Register](http://scenicrim.qld.gov.au) can be viewed on Council's website (scenicrim.qld.gov.au) - refer to the planning section, under Development Assessment. The places on the Local Heritage Register are also included in the Local Heritage Overlay Map OM-08 in the *Scenic Rim Planning Scheme 2020*.

What works require approval?

Development on a local heritage place requires the submission of a development application to Council for assessment.

The development application will be subject to the Code Assessment process under the *Planning Act 2016*, unless the development being proposed triggers a higher level of assessment under the Planning Scheme (i.e. Impact Assessment).

There is no opportunity for the public to make a submission on development that is subject to the Code Assessment process.

The type of development proposed to a local heritage place that would trigger an application to Council includes:

- Building work assessable against the Building Act 1975;
- Subdivision;
- Carrying out operational work; and
- Starting a new land use, or increasing the scale or intensity of an existing land use.

Council is the assessment manager for development on a local heritage place.



Zamia Theatre, Tamboorine Mountain (Local Heritage Place)

What criteria are applied in assessing the development of a local heritage place?

Development of a local heritage place is required to be assessed under the Local Heritage Overlay Code in Part 8 of the *Scenic Rim Planning Scheme 2020*.

The assessment criteria seek to ensure that development is compatible with the conservation and management of the cultural heritage significance of the place.

How does Council consider the heritage significance of a place as part of its assessment of a development proposal?

Council must consider the impact of proposed development on the cultural heritage significance of a place identified on a local heritage register. In the majority of cases, there is significant flexibility for development affecting a heritage place and solutions can be arrived at which permit development at a heritage place while conserving the heritage significance.

For development involving major changes to the place, Council may request an applicant provide a 'Statement of Heritage Impact', prepared by a suitably qualified professional, to support an application for development of a local heritage place. A Statement of Heritage Impact details how

the proposed changes to a heritage place will affect the cultural heritage significance of the place.

Exemptions

Minor changes to a place may not require any additional documentation and an owner may apply for an Exemption Certificate under section 71 of the *Queensland Heritage Act 1992*.

Please contact Council's Land Use Planning Team on (07) 5540 5111 to assist in determining whether the development affecting the local heritage place may qualify for an exemption certificate.

Can I make changes to my property?

Heritage listing does not prevent any changes being made to a heritage place. However, in order to conserve the heritage significance of a place, alterations and additions should be designed to be in keeping with and sympathetic to the important features of the property.

It is important to note that a heritage listing does not exclude the adaptive reuse of a heritage item, where this is often a sensible means to ensure the conservation of the place. Council's other planning controls relating to the use of a property must also be considered.

Can I demolish or relocate my property?

Demolishing or removing a heritage-listed building is generally not supported given the location and setting of a place contributes strongly to its established cultural heritage significance. However, there is an opportunity to have the cultural heritage significance re-assessed. If Council is satisfied that it is no longer a place of cultural heritage significance for its area, the place can be removed from the register. A development application can also be lodged with Council, explaining why demolition or removal is appropriate and that demonstrates that there is no prudent and feasible alternative.

Does the heritage listing enable anyone to access my property?

Inclusion of a place on a local heritage register does not imply entry to the property by members of the public. Normal property ownership and trespassing laws apply.

What obligations do owners of places on the local heritage register have?

The only additional obligation that heritage listing has on property owners is to obtain development approval for some types of development that would otherwise not require approval.

Does the listing enforce any specific maintenance requirements?

There is no obligation for owners to carry out the restoration or special maintenance for properties identified on the Local Heritage Register.

Am I required to restore a heritage listed building to its original condition?

There is no requirement to restore a building to its original condition. It is a fundamental principle of heritage conservation that heritage places are cared for when they are lived in/used. This means that they must meet modern needs. Houses may need new bathrooms or kitchens and living areas, or additional rooms. Business premises may need new services, access arrangements or need fire protection. Heritage controls permit changes provided the heritage significance and character of the property is retained.

Will a heritage listing affect insurance premiums?

Generally, the age, condition and construction materials of a building affect insurance premiums, rather than heritage listing status alone. It is

recommended that owners contact insurance companies for specific information. The Queensland Heritage Council has more information relating to insuring heritage places and can be found at: [Insuring a Queensland heritage place | Environment, land and water | Queensland Government \(www.qld.gov.au\)](http://www.qld.gov.au)

Do I need to use special tradespersons or professionals to carry out building work?

There is no requirement to use special tradespersons or professionals beyond what is required to be undertaken by a licensed person under other regulations, such as plumbing and drainage works. However, if substantial works are proposed to be undertaken it is recommended that experienced professionals and tradespeople be utilised.

Likewise, in some cases there may be benefits in the owner/developer engaging the services of a suitably qualified heritage consultant to provide advice regarding more substantial works. This will protect the property's heritage significance and safeguard its integrity.



St Mary's Catholic Church, Beaudesert, c.1910 (Local Heritage Place)

Where can I get further information about the Scenic Rim Local Heritage Register?

Council's Planning Team is available to assist with any enquiries in relation to the local heritage register. For enquiries, you can contact Council on (07) 5540 5111 or alternatively email mail@scenicrim.qld.gov.au to make an appointment.

Disclaimer

This fact sheet provides general information and is intended as a guide only. It may not be comprehensive in detail and as such, customers are encouraged to view the relevant sections of the *Scenic Rim Planning Scheme 2020* or talk to a planner. Fact sheets are prepared to assist the community in understanding parts of the planning scheme.