



Queensland

*Queensland Heritage Act 1992*

# Queensland Heritage Regulation 2003

Current as at 1 August 2012

# Information about this reprint

This regulation is reprinted as at 1 August 2012. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

# Queensland Heritage Regulation 2003

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# Queensland Heritage Regulation 2003

[as amended by all amendments that commenced on or before 1 August 2012]

## 1 Short title

This regulation may be cited as the *Queensland Heritage Regulation 2003*.

## 2 Commencement

This regulation commences on 28 November 2003.

## 3 Certificate of immunity—Act, s 57

- (1) An application under section 57(1) of the Act must be in the approved form.
- (2) For section 57(3)(a) of the Act, the following information is required—
  - (a) a comprehensive description of the place;
  - (b) a comprehensive history of the place;
  - (c) a statement that relates the cultural heritage significance of the place to the cultural heritage criteria;
  - (d) details of the sources from which further information about the place may be obtained;
  - (e) photographs or drawings of the place at the time the application is made.

## 4 Development by the State—Act, s 71

For section 71(3) of the Act, the details are the following—

- (a) the existing condition of the registered place;
- (b) the history and development of the place;

[s 5]

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- (c) a statement that relates the cultural heritage significance of the place to the cultural heritage criteria;
- (d) a description of the proposed development;
- (e) a statement, giving reasons, about the likely effect of carrying out the development on the cultural heritage significance of the place.

## **5 Recommending declaration of protected areas—Act, s 103**

- (1) This section applies if a person recommends to the Minister that an area containing a place of cultural heritage significance be declared to be a protected area.
- (2) The recommendation must—
  - (a) be in the approved form; and
  - (b) contain the following information—
    - (i) the name and address of the person;
    - (ii) a description of the area;
    - (iii) a history of the place;
    - (iv) a statement explaining why the person considers the area should be declared to be a protected area; and
  - (c) be accompanied by photographs or drawings of the area that support the statement mentioned in paragraph (b)(iv); and
  - (d) adequately identify the area by reference to survey information or a plan.

## **6 Declaration of protected areas—Act, s 103**

Each area mentioned in schedule 1AA is declared to be a protected area.

**7 Prescribed local governments—Act, s 112**

The local governments stated in schedule 1 are prescribed for section 112(1) of the Act.

**8 Code for IDAS—Act, s 121**

- (1) This section prescribes, under section 121 of the Act, a code for IDAS for development on a local heritage place.
- (2) The code is in schedule 2.

**9 Fees**

The fees mentioned in schedule 3 are prescribed under the provisions of the Act mentioned in the schedule.

## Schedule 1AA Protected areas

### section 6

- 1 The area within 400m of the intersection of parallel of latitude 24°56.929' south and meridian of longitude 153°18.211' east, on the shore of Fraser Island between Waddy Point and Orchid Beach.
- 2 The part of lot 17 on crown plan DE844097 within the following boundary—
  - from latitude 25°11'21.962" south, longitude 139°48'4.545" east
  - along the boundary of Durrie Station to latitude 25°6'22.493" south, longitude 139°48'28.867" east
  - along the boundary of Durrie Station to latitude 25°7'0.406" south, longitude 139°55'50.353" east
  - along an imaginary line between latitude 25°7'0.406" south, longitude 139°55'50.353" east and latitude 25°11'56.454" south, longitude 139°55'22.360" east
  - along an imaginary line between latitude 25°11'56.454" south, longitude 139°55'22.360" east and latitude 25°11'21.962" south, longitude 139°48'4.545" east.

*Editor's note—*

A map showing the approximate location of the protected area is available for inspection at the department's head office at 400 George Street, Brisbane.

*Notes—*

- 1 The latitude and longitude mentioned in item 1 are worked out using the system called the 'World Geodetic System 1984' or 'WGS84'.
- 2 The latitudes and longitudes mentioned in item 2 are worked out using the system called 'Geocentric Datum of Australia 1994' or 'GDA94'.

## **Schedule 1      Local governments for section 112 of the Act**

section 7

- 1 Cassowary Coast Regional Council
- 2 Charters Towers Regional Council
- 3 Hinchinbrook Shire Council
- 4 Ipswich City Council
- 5 Logan City Council
- 6 Moreton Bay Regional Council
- 7 Redland City Council
- 8 Sunshine Coast Regional Council
- 9 Tablelands Regional Council
- 10 Toowoomba Regional Council
- 11 Torres Shire Council
- 12 Townsville City Council

## **Schedule 2      Code for IDAS**

section 8

### **Part 1                      Preliminary**

#### **1                      Purpose of code**

- (1) The purpose of this code is to ensure development on a local heritage place is compatible with the cultural heritage significance of the place by—
  - (a) preventing the demolition or removal of local heritage places, unless there is no prudent and feasible alternative to the demolition or removal; and
  - (b) maintaining or encouraging, as far as practicable, the appropriate use of local heritage places; and
  - (c) protecting, as far as practicable, the materials and setting of local heritage places; and
  - (d) ensuring, as far as practicable, development on a local heritage place is compatible with the cultural heritage significance of the place.
- (2) In considering whether there is no prudent and feasible alternative to the demolition or removal of a local heritage place, the assessment manager under the Planning Act for the development must have regard to—
  - (a) safety, health and economic considerations; and
  - (b) any other matters the assessment manager considers relevant.

#### **2                      Development to which code does not apply**

This code does not apply to development on a registered place, even if the place, or part of it, is a local heritage place.

### 3 Compliance with code

- (1) This code is complied with for development on a local heritage place if each specific outcome stated in the table, column 1 and applying to the development is achieved.
- (2) A specific outcome mentioned in the table, column 1, item S.3, S.4, S.5 or S.6 is achieved if the probable solution stated in the table, column 2 for achieving the specific outcome is complied with.

## Part 2 Specific outcomes and probable solutions

Table

Specific outcome	Probable solution
<b>Material change of use of premises</b>	
S.1 The material change of use is compatible with the conservation and management of the cultural heritage significance of the local heritage place.	
<b>Reconfiguring a lot</b>	
S.2 Reconfiguration does not— (a) reduce public access to the place; or (b) obscure or destroy any pattern of historic subdivisions, the landscape settings or the scale and consistency of urban precincts relating to the place.	

Specific outcome	Probable solution
<b>Carrying out building work or operational work</b>	
<p>S.3 Development conserves the features and values of the local heritage place that contribute to its cultural heritage significance.</p>	<p>P.3 Development—</p> <ul style="list-style-type: none"> <li>(a) does not alter, remove or conceal significant features of the place; or</li> <li>(b) is minor and necessary to maintain a significant use for the place.</li> </ul>
<p>S.4 Changes to the local heritage place are appropriately managed and documented.</p>	<p>P.4 Development is compatible with a conservation management plan prepared in accordance with the Australia ICOMOS Charter for Places of Cultural Heritage Significance.</p> <p>An archival quality photographic record is made of the features of the place that are destroyed because of the development.</p>
<p>S.5 Development does not adversely affect the character, setting or appearance of the local heritage place.</p>	<p>P.5 The scale, location and design of the development is compatible with the character, setting and appearance of the local heritage place.</p> <p>The development is unobtrusive and can not readily be seen from surrounding streets or other public places.</p>
<p>S.6 Excavation or other earthworks do not have a detrimental impact on archaeological sites.</p>	<p>P.6 The impact of excavation is minor and limited to parts of the local heritage place that have been disturbed by previous excavation.</p> <p>An archaeological investigation is carried out for development involving high level of surface or subsurface disturbance.</p>

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## Schedule 3      Fees

section 9

	\$
1 Certified copy of an entry in the Queensland heritage register (Act, s 33(1)(a)) . . . . .	34.85
2 Certificate about whether a place or area (Act, s 33(1)(b))—	
(a) is a State heritage place, an archaeological place or a protected area; or	
(b) is the subject of a heritage agreement. . . . .	34.85
3 Application for certificate of immunity (Act, s 57(3)(b)) .	702.00
4 Application for permit to enter a protected area (Act, s 105(2)(d)) . . . . .	139.80

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 August 2012. Future amendments of the Queensland Heritage Regulation 2003 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	28 November 2003	
1A	2004 SL No. 41	30 April 2004	
1B	2004 SL No. 116	2 July 2004	
1C	2005 SL No. 152	1 July 2005	
1D	2006 SL No. 164	1 July 2006	R1D withdrawn, see R2
2	—	1 July 2006	
2A	2007 SL No. 159	1 July 2007	
2B	2008 SL No. 74	31 March 2008	
3	1992 Act No. 9 (amd 2007 Act No. 50)	1 April 2008	
3A	2008 SL No. 207	1 July 2008	
3B	2008 SL No. 405	5 December 2008	
3C	2008 SL No. 440	12 December 2008	
3D	2009 SL No. 98	1 July 2009	
3E	2010 SL No. 162	1 August 2010	
3F	2011 SL No. 135	1 August 2011	
3G	2011 SL No. 164	26 August 2011	
3H	2012 SL No. 114	1 August 2012	

## 5 List of legislation

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **Queensland Heritage Regulation 2003 SL No. 268**

made by the Governor in Council on 6 November 2003

notfd gaz 7 November 2003 pp 757–60

ss 1–2 commenced on date of notification

remaining provisions commenced 28 November 2003 (see s 2)

exp 1 September 2014 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

**Queensland Heritage Amendment Regulation (No. 1) 2004 SL No. 41**

notfd gaz 23 April 2004 pp 1543–4

ss 1–2 commenced on date of notification

remaining provisions commenced 30 April 2004 (see s 2)

**Environmental Legislation Amendment Regulation (No. 1) 2004 SL No. 116 pts 1, 6**

notfd gaz 2 July 2004 pp 705–7

ss 1–2 commenced on date of notification

remaining provisions commenced 2 July 2004 (see s 2)

**Environmental Legislation Amendment Regulation (No. 1) 2005 SL No. 152 pts 1, 7**

notfd gaz 1 July 2005 pp 763–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2005 (see s 2)

**Environmental Legislation Amendment Regulation (No. 1) 2006 SL No. 164 pts 1, 7**

notfd gaz 30 June 2006 pp 1060–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2006 (see s 2)

**Environmental Protection Legislation Amendment Regulation (No. 1) 2007 SL No. 159 pts 1, 9**

notfd gaz 29 June 2007 pp 1157–65

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2007 (see s 2)

**Queensland Heritage Act 1992 No. 9 s 177(4)(b) (prev s 104B(4)(b)) (this Act is amended see amending legislation below)**

amending legislation—

**Queensland Heritage and Other Legislation Amendment Act 2007 No. 50 ss 1–2, 43 (amends 1992 No. 9 above)**

date of assent 25 October 2007

ss 1–2 commenced on date of assent

remaining provisions commenced 1 April 2008 (2008 SL No. 75)

**Queensland Heritage and Other Legislation Amendment Regulation (No. 1) 2008 SL No. 74 pts 1–2**

notfd gaz 20 March 2008 pp 1598–9

ss 1–2 commenced on date of notification

remaining provisions commenced 31 March 2008 (see s 2)

**Environmental Protection Legislation Amendment Regulation (No. 2) 2008 SL No. 207 pts 1, 10**

notfd gaz 27 June 2008 pp 1268–78

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2008 (see s 2)

**Queensland Heritage Amendment Regulation (No. 1) 2008 SL No. 405**

notfd gaz 5 December 2008 pp 1840–3

commenced on date of notification

**Queensland Heritage Amendment Regulation (No. 2) 2008 SL No. 440**

notfd gaz 12 December 2008 pp 2044–53

commenced on date of notification

**Environmental Protection Legislation Amendment Regulation (No. 1) 2009 SL No.**

**98 ss 1, 2(1), 19–20**

notfd gaz 19 June 2009 pp 707–11

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2009 (see s 2(1))

**Environment and Resource Management Legislation Amendment Regulation (No. 2)**

**2010 SL No. 162 pts 1, 16**

notfd gaz 2 July 2010 pp 1033–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 August 2010 (see s 2)

**Environment and Resource Management Legislation Amendment Regulation (No. 1)**

**2011 SL No. 135 pts 1, 16**

notfd gaz 8 July 2011 pp 632–5

ss 1–2 commenced on date of notification

remaining provisions commenced 1 August 2011 (see s 2)

**Queensland Heritage Amendment Regulation (No. 1) 2011 SL No. 164**

notfd gaz 26 August 2011 pp 995–7

commenced on date of notification

**Environment and Heritage Protection Legislation Amendment Regulation (No. 1)**

**2012 SL No. 114 pts 1, 4**

notfd gaz 27 July 2012 pp 927–9

ss 1–2 commenced on date of notification

remaining provisions commenced 1 August 2012 (see s 2)

## 6 List of annotations

**Certificate of immunity—Act, s 57**

**prov hdg** amd 2008 SL No. 74 s 5(1); 1992 Act No. 9 s 177(4)(b) (amd 2007 Act No. 50 s 43)

**s 3** prev s 3 om 2008 SL No. 74 s 4  
pres s 3 (prev s 5) amd 2008 SL No. 74 s 5(2)–(4)  
renum 2008 SL No. 74 s 5(5)  
amd 1992 Act No. 9 s 177(4)(b) (amd 2007 Act No. 50 s 43)

**Development by the State—Act, s 71**

**prov hdg** amd 2008 SL No. 74 s 6(1); 1992 Act No. 9 s 177(4)(b) (amd 2007 Act No. 50 s 43)

**s 4** prev s 4 om 2008 SL No. 74 s 4  
pres s 4 (prev s 6) amd 2008 SL No. 74 s 6(2)–(3)  
renum 2008 SL No. 74 s 6(4)

Endnotes

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amd 1992 Act No. 9 s 177(4)(b) (amd 2007 Act No. 50 s 43)

**Recommending declaration of protected areas—Act, s 103**

**prov hdg** amd 2008 SL No. 74 s 8(1); 1992 Act No. 9 s 177(4)(b) (amd 2007 Act No. 50 s 43)

**s 5** (prev s 7C) ins 2004 SL No. 41 s 4  
amd 2008 SL No. 74 s 8(2)–(3)  
renum 2008 SL No. 74 s 8(4)

**Declaration of protected areas—Act, s 103**

**prov hdg** sub 2004 SL No. 41 s 5(1)  
amd 2008 SL No. 74 s 9(1); 1992 Act No. 9 s 177(4)(b) (amd 2007 Act No. 50 s 43)

**s 6** (prev s 8) amd 2004 SL No. 41 s 5(2)  
renum 2008 SL No. 74 s 9(2)  
sub 2008 SL No. 440 s 3

**Prescribed local governments—Act, s 112**

**prov hdg** amd 1992 Act No. 9 s 177(4)(b) (amd 2007 Act No. 50 s 43)

**s 7** prev s 7 om 2008 SL No. 74 s 7  
pres s 7 ins 2008 SL No. 74 s 10  
amd 1992 Act No. 9 s 177(4)(b) (amd 2007 Act No. 50 s 43)

**Study must be reported—Act, s 44**

**s 7A** ins 2004 SL No. 41 s 4  
om 2008 SL No. 74 s 7

**Recommending declaration of protected object—Act, s 46**

**s 7B** ins 2004 SL No. 41 s 4  
om 2008 SL No. 74 s 7

**Code for IDAS—Act, s 121**

**prov hdg** amd 1992 Act No. 9 s 177(4)(b) (amd 2007 Act No. 50 s 43)

**s 8** ins 2008 SL No. 74 s 10  
amd 1992 Act No. 9 s 177(4)(b) (amd 2007 Act No. 50 s 43)

**Fees**

**s 9** sub 2008 SL No. 74 s 10

**Fees**

**s 10** om 2008 SL No. 74 s 10

**Repeal of regulation**

**s 11** om 2008 SL No. 74 s 10

**SCHEDULE 1AA—PROTECTED AREAS**

ins 2008 SL No. 440 s 4

**SCHEDULE 1—LOCAL GOVERNMENTS FOR SECTION 112 OF THE ACT**

**sch hdg** amd 1992 Act No. 9 s 177(4)(b) (amd 2007 Act No. 50 s 43)

**sch 1** ins 2008 SL No. 74 s 11  
sub 2011 SL No. 164 s 3

**SCHEDULE 2—CODE FOR IDAS**

ins 2008 SL No. 74 s 11

**PART 1—PRELIMINARY**

**Purpose of code**

**s 1** amd 2008 SL No. 405 s 3(1)–(5)

**Development to which code does not apply**

**s 2** amd 2008 SL No. 405 s 3(6)

**SCHEDULE 3—FEES**

ins 2008 SL No. 74 s 11

amd 1992 Act No. 9 s 177(4)(b) (amd 2007 Act No. 50 s 43)

sub 2008 SL No. 207 s 23; 2009 SL No. 98 s 20; 2010 SL No. 162 s 34; 2011

SL No. 135 s 36; 2012 SL No. 114 s 10

**SCHEDULE—FEES**

amd 2004 SL No. 41 s 6

sub 2005 SL No. 152 s 15; 2006 SL No. 164 s 17; 2007 SL No. 159 s 22

om 2008 SL No. 74 s 11

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