



Building Newsflash

QUEENSLAND HERITAGE ACT and IDAS

Purpose

Amendments to the *Queensland Heritage Act 1992* (QHA) provide for development proposed in a heritage registered place to be assessed under the IDAS process. The following information outlines the role of building certifiers in the assessment of development applications involving building work in a Heritage Registered Place.

Legislation

The Queensland Heritage Council assesses all development proposed in a registered place other than those exceptions identified in IPA, Schedule 8. The exceptions are emergency work or excluded work, works with an exemption certificate, or works carried out by the State as described in the QHA.

A registered place is a place that is entered, or provisionally entered, into the Queensland Heritage Register. The Registrar of Titles is also notified and this information is attached to the title deed information.

The Queensland Heritage Council is a concurrence agency for an application involving development in a registered place when the application also involves other assessable development. For example, development assessable against a planning scheme, development on strategic port land, and building work assessable against the Standard Building Regulation.

The Queensland Heritage Council is the assessment manager for an application involving development in a registered place when the application involves no other assessable development under IDAS.

When the Queensland Heritage Council is the assessment manager, code assessment applies and the relevant jurisdiction are the objects of the QHA. These provisions are set out in Schedules 1, 1A and 2 of the IPA Regulation.

When an application involves the assessment of building work against the Standard Building Regulation, the building certifier cannot issue an approval unless the Queensland Heritage Council has either:

- given a concurrence agency response supporting the proposed works,
- given a response prior to the lodgement of the building application as provided for in s 3.3.2 of the IPA which supports the proposed works, or
- the proposed building work is in accordance with an exemption certificate.

Interpretation

'**Building work**' as defined in IPA; Schedule 10 is amended to include more activities in the building work definition for the purposes of administering IDAS under the QHA.

Where a place is registered under the QHA, the building work definition is expanded to include:

- (a) *painting or plastering that substantially alters the appearance of the place (eg. painting the external walls in a colour different to that in existence),*
- (b) *renovations, alterations or additions to the place (eg. tenancy fit-out),*
- (c) *excavations, disturbances or changes to landscape or natural features of land that substantially alters the appearance of the place (eg. altering the fence, installation of a retaining wall, tree removal or new plantings in the garden), and*
- (d) *work on furniture, fittings and other objects-*
 - *associated with place;*
 - *that contributes to the place's cultural heritage significance. (fittings and furniture may include machinery or operational structures such as rail lines and kerb and channel).*

Development includes:

- Changing the use of premises on which the registered place is situated;
- Reconfiguring the lot on which the registered place exists;
- Building work;
- Operational work; and
- Plumbing and drainage work.

The definitions of each of these aspects of development are contained in section 1.3.5 of the IPA.

Altered Building Work definition

Building certifiers are not required to assess the matters in the extended definition against the *Standard Building Regulation 1993*. If these matters are the only works happening, certifiers will not see them because the Queensland Heritage Council will be the alternative assessment manager.

However, this special definition does not include development for which an exemption certificate has been issued under the QHA.

Exemption certificates are not part of the IDAS process. Additional information about exemption certificates is available on the EPA website at www.epa.qld.gov.au/cultural. Part 5, Division 2 of the QHA provides for exemption certificates to be given in certain circumstances.

IDAS Forms

The relevant IDAS form for development in a heritage registered place is Part C of Form 1. Guide 19 is the accompanying guide for the completion of this form. These are available on the IPA website www.ipa.qld.gov.au.

Additional information

The Queensland Heritage Register is on the EPA website at www.epa.qld.gov.au/cultural. For a copy of the Register, contact either the relevant regional office of the EPA or the Site Registrar, Cultural Heritage, EPA, 160 Ann Street, Brisbane 4002.

For further information please call the EPA on telephone 3227 8185 or email heritage.council@epa.qld.gov.au.