

# Your property has been proposed for entry as a State Heritage Place in the Queensland Heritage Register

You have been notified that an application has been made to have your property entered in the Queensland Heritage Register. What happens now?

Any person or entity may apply to have a place entered in the Queensland Heritage Register, with or without the owner's consent.

This fact sheet provides information about owner rights and responsibilities when a place is the subject of an application for entry in the Queensland Heritage Register.

## Assessment and registration in brief

An application for entry of a place in the Queensland Heritage Register triggers a process of assessment and recommendation managed by the Department of Environment and Resource Management (DERM). This process is outlined in Fact sheet H3: Queensland Heritage Register—registering a State Heritage Place

The final decision about whether a place is entered in the register is made by the Queensland Heritage Council (QHC), an independent body comprised of community representatives and persons with expertise in heritage evaluation.

## How does the Heritage Act define 'owner'?

Under the *Queensland Heritage Act 1992* the definition of an owner of land is quite broad, and can include:

- owners of freehold title
- persons who hold a mining interest over land
- pastoral lessees
- persons or entities holding State land under other right to possession
- mortgagees in possession of land
- those holding a deed of grant in trust
- local governments controlling roads and public reserves
- the State.

In terms of artefacts, where an artefact is not permanently attached to, or under, land, the owner is the person who is legally entitled to possession of the artefact.

## Owner involvement in the registration process

DERM will notify you at all key stages in the assessment of an application and about its recommendation to the QHC. You are welcome to discuss the application and its assessment with DERM heritage officers at any stage. In addition, there are a number of formal opportunities for you to make your attitude to the potential entry of the place in the register known to the DERM and to the QHC.

## Notification of receipt of application

Within 10 business days from receipt of a properly made application DERM must notify you and the local government that an application to enter your place in the Queensland Heritage Register has been received. You are also sent a copy of the application. The applicant's details are not supplied unless they have agreed to release of this information.

Receipt of the application is advertised in a local newspaper and on DERM's website. The advertisement calls for submissions from the public.

## Owner right to make a submission

The letter of notification invites you to make a submission in response to the application.

It is important that you make a well-argued submission. Submissions are considered by DERM when making its assessment and by the QHC when making its decision. This is your opportunity to make known your attitude to the potential entry of the place in the Queensland Heritage Register. Your submission must relate to the cultural heritage criteria specified in the *Queensland Heritage Act 1992*.

A detailed interpretation of the cultural heritage criteria and how they may be used to evaluate whether a place is of State cultural heritage significance can be found in DERM Guideline—Cultural Heritage Criteria.

Your submission should be made within 20 business days of advertising. The letter of notification will give you the due date for a submission. This date may be extended to 40 business days with the agreement of DERM.

If you wish to commission a professional heritage assessment of the place to accompany your submission, and require more than the 40 business days, please contact DERM to discuss timeframes before you commission the report.

## **Owner requirement to advise of development plans and approvals**

The owner of a place affected by an application for entry in the Queensland Heritage Register must advise DERM if they have applied for or have received a development approval for the place or are planning to submit a development application for the place.

Whether or not you plan to make a submission relating to the cultural heritage criteria, you must inform DERM of your development plans affecting the place.

## **You are contacted when DERM is making its assessment**

DERM heritage officers undertake further research into the history and significance of the place and in most cases will arrange with you to undertake a site assessment visit of the place.

A DERM heritage officer will contact you to arrange a mutually convenient time for the visit. To assist with the assessment they may take photographs and notes of the place.

At the time of the visit, staff will also discuss with you an appropriate heritage boundary, should the place be recommended for entry in the register.

It is your right to not consent to DERM staff entering your property for the purpose of assessing its heritage values. Your consent will be required for photographs to be taken.

If you have received notice that an application has been made to enter your place in the Queensland Heritage Register but you have not been contacted by a heritage officer, you are encouraged to contact DERM. In some circumstances officers may not have been able to locate a correct telephone number or email address for you.

## **Notification of recommendation**

Within 80 business days of receipt of an application, or within 120 business days if additional time is required to make a thorough assessment, DERM makes a recommendation to the QHC about whether or not to enter your place in the register.

You will be advised of the recommendation and sent a copy of the accompanying heritage assessment.

Please be aware that the statement of significance prepared by DERM may vary from that of the application, and may rely on different criteria.

The QHC may or may not accept DERM's recommendation.

## **Oral representation with the QHC**

You have the right to request to make an oral representation to the QHC before it makes a decision on DERM's recommendation.

A request form will be included with your letter of notification of recommendation. This form must be returned to DERM within 10 business days. Your letter of notification will give you the due date by which the request must be submitted.

The QHC will take all reasonable steps to meet with you, either in person or via teleconference.

## **Notification of decision**

If the QHC finds that the place satisfies one or more of the criteria for entry, it may enter the place in the Queensland Heritage Register.

You will be advised of the decision by letter within 10 business days. The decision is also publicly advertised.

## **Appealing the decision**

You may appeal to the Planning and Environment Court against the decision. You will be informed of your appeal rights when you are notified of the QHC's decision.

## **Interim protection orders**

During the assessment period DERM may issue an interim protection order if it considers this is necessary to conserve the heritage values of a place because of a proposed development there.

The place must be the subject of an application for entry in the register; there must be a current development application for the place; and DERM must be confident that the place is likely to satisfy at least one of the cultural heritage criteria for entry in the Queensland Heritage Register.

For the duration of the order the place has the same protection under the Act as a State Heritage Place.

The interim protection order ceases once the QHC has made its decision and cannot be in place for more than 60 business days.

## **Privacy**

Owner's names are not advertised.

The minutes of the QHC and its sub-committees are public documents, but owner names do not appear in these.

Owner names and contact details may appear on other documents held on file by DERM and may be available under Right to Information legislation. However, you would be contacted to ask whether you give permission for these details to be released.

The Queensland Heritage Register is a public document. Under the Queensland Heritage Act, register entry information published on DERM's website must include details such as the location of the Heritage place. However, owner details are not published.

## What if my place is entered in the Register?

Entry in the Queensland Heritage Register means that your place:

- is of particular importance to the people of Queensland and enriches our understanding of our history and heritage
- is protected under the *Queensland Heritage Act 1992*
- requires approval from DERM for major changes (or from the QHC if State-owned)
- may be eligible for financial assistance (subject to the availability of heritage grant programs)
- appears in the Queensland Heritage Register published on DERM's website.

## What if my place is not entered in the Register?

If the QHC decides not to enter your place in the Register, an application to have it entered cannot be made again for at least 12 months from the date of decision.

An owner may apply to the QHC for a certificate of immunity from entry of the place in the Queensland Heritage Register for a period of five years. There is a fee for making this application, and it must be accompanied by an assessment of the heritage values of the place.

An application form: Certificate of Immunity is available on the Heritage Conservation pages of the DERM website <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>.

DERM may also recommend to a local government that a place be entered in the local register. This triggers a further assessment and decision process handled by the local government.

## Further information

For more information or advice on the Queensland Heritage Register:

- visit the heritage conservation pages of the DERM website on <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>
- contact DERM on 13 74 68 (13 QGOV) and ask to speak to the Site Registrar
- email <[heritage.registrar@derm.qld.gov.au](mailto:heritage.registrar@derm.qld.gov.au)>.

The following DERM publications relate to the Queensland Heritage Register:

- Fact sheet H3: Queensland Heritage Register—registering a State Heritage Place
- Fact sheet H7: Queensland Heritage Register—site assessment visit
- Fact sheet H8: Oral representation to the Queensland Heritage Council

- Application Guide: Entering a State Heritage Place in the Queensland Heritage Register.

DERM Heritage publications can be found on the Heritage Conservation pages of the DERM website <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>.

February 2011  
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For general enquiries contact the  
Queensland Government call centre 13 74 68 (13 QGOV)  
or visit [www.derm.qld.gov.au](http://www.derm.qld.gov.au)