

Queensland Heritage Register—registering a State Heritage Place

Under the *Queensland Heritage Act 1992*, for a heritage place to be entered as a State Heritage Place in the Queensland Heritage Register it must undergo a registration process.

This fact sheet outlines the statutory criteria for eligibility as a State Heritage Place and provides an overview of the registration process.

Legislation

Under the Act, a place that is entered as a State Heritage Place in the Queensland Heritage Register must satisfy one or more of the following criteria:

- a) the place is important in demonstrating the evolution or pattern of Queensland's history
- b) the place demonstrates rare, uncommon or endangered aspects of Queensland's cultural heritage
- c) the place has potential to yield information that will contribute to an understanding of Queensland'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 at a particular period
- g) the place has a strong or special association with a particular 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 Queensland's history.

The registration process

The *Queensland Heritage Act 1992* sets out a staged process for entering State Heritage Places in the Queensland Heritage Register. All timeframes outlined in this process are legislative requirements of the Act.

Step 1—an application is made

Any person or entity, including individuals, community groups, local governments or State Government departments, may make an application to enter a place in the Queensland Heritage Register as a State Heritage Place.

To do so the applicant prepares an application form, including supporting information, and lodges it with the

Department of Environment and Resource Management (DERM). The applicant can nominate whether or not they wish to have their personal details publicly released in association with the application.

Step 2—DERM receives an application

If the application is complete and correct, it is accepted by DERM and legislative timeframes for the registration process commence.

An incomplete application or an application with inadequate or insufficient supporting information will be returned to the applicant as invalid.

Step 3—notification of receipt of application

If accepted, the applicant is sent acknowledgment that the application has been received.

Within 10 business days of receiving a valid application, DERM is required to supply a copy to the owner and the relevant local government and invite them to comment.

Step 4—call for submissions

DERM is required to advertise the application within 10 business days from the date of notification.

Notification of the application is placed in a local newspaper and on the DERM website, in the form of a public notice.

The public notice informs the public of where the application can be viewed and invites written submissions from interested parties who wish to provide comment.

Submissions must relate to the suitability of the place under the criteria specified in the *Queensland Heritage Act 1992* to be entered as a State Heritage Place in the Queensland Heritage Register. They must be lodged within 20 business days of advertising, however with agreement from DERM, this may be extended to 40 business days.

Submissions are considered by DERM when making its assessment and by the QHC when making its decision.

Step 5—assessment

The application is assessed by DERM's Heritage officers who undertake further research to determine the cultural heritage significance of the place. As part of this research, the DERM Heritage officer contacts the owner of the place to arrange an on-site assessment visit.

The research and on-site assessment enables DERM's Heritage officers to determine the eligibility of the place in terms of the cultural heritage criteria set out in the *Queensland Heritage Act 1992*.

DERM is required to complete its assessment within 80 business days from receipt of the application. However, if more time is required to make a thorough assessment this may be extended to 120 business days.

Step 6—recommendation

Within the 80 (or 120) business days of receiving a valid application, DERM makes a recommendation to the Queensland Heritage Council (QHC) about whether or not to enter the place in the Register. This recommendation includes a:

- statement of the significance of the place
- statement of the history of the place
- description of the place
- proposed heritage boundary.

Within 10 business days, DERM is required to advise the owner, applicant, relevant local government and anyone else who made a submission in relation to the application of its recommendation to the QHC.

Step 7—consultation with the QHC

Anyone who receives a copy of the recommendation may request to make an oral representation to the QHC to discuss DERM's heritage recommendation.

The QHC will take all reasonable steps to meet with the owner, however, it may not accept requests from others unless there is new information relevant to the assessment.

Step 8—the QHC's decision

The QHC is an independent decision-making body, and has the right to make a decision which differs from DERM's recommendation.

The QHC has 60 business days to decide whether to enter the place as a State Heritage Place on the Queensland Heritage Register. However, this timeframe can be extended to 100 days if the owner consents.

If the QHC fails to make a decision within the statutory timeframe, it constitutes a decision not to enter the place in the Register.

The owner, the applicant, the local authority and anyone who made a submission in relation to the application is subsequently notified of the outcome by letter. An advertisement is also placed in the Queensland Government Gazette.

In the case where the QHC decides not to enter a place in the Register, a further application cannot be considered until 12 months from the date of the decision.

Step 9—appealing the decision

Owners (and applicants if the QHC failed to make a decision on the application within the statutory timeframe) may appeal the decision in the Planning and Environment Court. An appeal can only be made on the grounds that the place does or does not satisfy the cultural heritage criteria specified in the Heritage Act.

An appeal must be started within 20 business days of the decision notice being given, or from when the owner or applicant is made aware of the decision.

For more information about the court process for appealing a QHC decision refer to the *Sustainable Planning Act 2009* at <www.legislation.qld.gov.au>.

Further information

For more information or advice regarding the process for entering a State Heritage Place on the Queensland Heritage Register:

- contact the Site Registrar 13 74 68 (13 QGOV)
- email <heritage.registrar@derm.qld.gov.au>.

The following DERM Heritage fact sheets may also assist:

- Application guide: H2 Entering a State Heritage Place in the Queensland Heritage Register
- Fact sheet: H1 The Queensland Heritage Register
- Fact sheet: H7 Queensland Heritage Register—site assessment visit
- Fact sheet: H8 Oral representation to the Queensland Heritage Council.

DERM Heritage publications can be found on the Heritage Conservation pages of DERM website <www.derm.qld.gov.au>.

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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