



PLEASE QUOTE

YOUR REFERENCE:

OUR REFERENCE: AN: acc1409171058

ENQUIRIES TO: Aletta Nugent, Manager Strategic Planning

17 September 2014

Transport, Housing and Local Government Committee
Parliament House
BRISBANE QLD 4000

By email: thlgc@parliament.qld.gov.au

Dear Sir/Madam

Submission - Queensland Heritage and Other Legislation Amendment Bill 2014

Thank you for the opportunity to provide a submission on the Queensland Heritage and Other Legislation Amendment Bill 2014. Council's submission in relation to the Bill is detailed below.

Clause 16 Amendment of s36 (Applying to enter place in, or remove place from, register)

The requirement for an application to be accompanied by the written statement outlined in proposed subparagraph (c)(i) is too onerous on applicants, especially if they are an individual. In particular, the requirement for historical research should be removed.

The proposed new section 36(2)(d) should not be included as an amendment to the *Queensland Heritage Act 1992 (QH Act)*. The same requirements are stated in a much more succinct way in the current section 36(2)(d) in the QH Act.

Clause 29 Insertion of a new pt 4, div 5A

It is submitted that the owner of a place should not be able to apply to exclude that place from being included on the Queensland heritage register. A place may not satisfy the criteria for registration now, but over time this may change.

The five year bar on the nomination of a place where an application to enter the place on the register has failed is sufficient to protect a property owner's rights.

Clause 37 Amendment of s72 (Application for exemption certificate)

Section 72(2)(b)(iv) and (3)(b) should be left as they are now in the QH Act. The requirement for the development to not have a detrimental impact is much more appropriate than allowing the development to have a minimal impact. It is possible to undertake development on a heritage place without impacting its cultural heritage

values. If the development is of a scale that it will have an impact, then it should be subject to a development application, and not an exemption certificate.

Clause 43 Amendment of s80 (Heritage agreements)

With regards to section 80(4), consider allowing a timeframe for lapsing of the agreement to be built into the agreement.

Clause 46 Replacement of pt 8 (interim protection orders and notices about maintaining State heritage places)

In relation to section 83, what does a local government need to prove in terms of having the appropriate procedures to be included in a regulation for the purposes of this part? This section should be clearer about what are appropriate procedures for exercising a power under section 84.

In relation to proposed section 85, why would the State need to be given details of the notices issued by a local government? The State does not have an interest in local heritage places, and therefore a local government should not be required to provide notice to the chief executive in accordance with this section.

Clause 56 Replacement of pt 11, div 1 (Preliminary)

The inclusion of proposed section 112 is supported. It should be clear that a local government can identify its local heritage places in either a planning scheme or a local heritage register.

Clause 57 Replacement of s 113 (Local government to keep register)

This section should be amended so that a local government has the option of only providing its local heritage register on its website.

Clause 76 Amendment of s 173 (Chief executive may make guidelines)

In relation to proposed section 173(1A), the development of guidelines by the chief executive to provide guidance to local governments about identifying or managing local heritage places is supported, as long as the guidelines are non-statutory.

Summary

We appreciate the opportunity to provide comment in relation to the Bill.

If you require any further information in relation to this matter, please contact Council's Manager Strategic Planning Ms Aletta Nugent on Ph: [REDACTED]

Yours faithfully

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JOHN PETTIGREW
DIRECTOR PLANNING & ENVIRONMENTAL SERVICES