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OUR REF: #4492112 8/27/3

24 September 2014

Transport, Housing and Local Government Committee
Parliament House
Corner George and Alice Streets
Brisbane QLD 4000
thlgc@parliament.qld.gov.au

Dear Committee

**Cairns Regional Council Submission on the Queensland Heritage
and Other Legislation Amendment Bill 2014**

Thank you for the opportunity to submit on the Queensland Heritage and Other Legislation Amendment Bill.

Cairns Regional Council considered the Bill and submission at its Ordinary Meeting held on 24 September 2014. A copy of the submission is attached.

Should you have any further enquiries or require additional information, please contact Council's Coordinator Strategic Planning, Debbie Wellington, on the above phone number.

Yours sincerely

[REDACTED]

Paul Cohen
Acting Manager Strategic Planning and Economic Development

Attachment #4485947

Submission to the Transport, Housing and Local Government Committee on the *Queensland Heritage and Other Legislation Amendment Bill 2014*

| Clause reference | Issue | Comment | Suggested amendment |
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| 37 | The intent of the exemption certificates is to exempt minor works from IDAS. The application of exemption certificates has now been extended to local heritage places. | <p>There are no consequential amendments to the <i>Sustainable Planning Act 2009</i> or <i>Sustainable Planning Regulation 2009</i> to facilitate this for local heritage places.</p> <p>The bill should provide for a local government to set an assessment fee to assess and decide on exemption certificates.</p> | <p>Amend the <i>Sustainable Planning Act 2009</i> to make it clear that that building work for administering IDAS in relation to a local heritage place does not include development for which an exemption certificate has been issued under the <i>Queensland Heritage Act 2009</i>.</p> <p>Amend the <i>Sustainable Planning Regulation 2009</i> Table 5, section 3 to insert (a) development for which an exemption certificate under the <i>Queensland Heritage Act 1992</i> has been issued;</p> |
| 40 | This change gives the Chief Executive Officer of a local government the power to issue exemption certificates without application (general exemption). | To what extent will the guidelines prepared under section 76 be statutory guidelines prepared to support the State Planning Policy and how much autonomy will local governments have in deciding the extent of general exemptions? | Seek clarification. |
| 42 | This change gives the Chief Executive Officer of a local government the power to enter into a heritage agreement. These agreements attach to the land, unless the agreement states otherwise. The new section sets out the matters a | Where are records of local heritage agreements to be kept? Under the <i>Queensland Heritage Act 1992</i> , section 174 sets out the requirements for recording heritage agreements for State Heritage Places, however there have been no | Given some elements of the local heritage agreement may seek to regulate development or set standards for development, recording information about the local heritage agreements in the planning scheme would be |

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| | heritage agreement can cover, including restriction the use of a heritage place. | amendments in relation to local heritage agreements. | appropriate. |
| 46 | This change allows local governments to issue essential repair and maintenance orders if it can demonstrate to the Minister it has appropriate procedures in place for exercising the power. This gives the Chief Executive Officer the discretion to intervene before damaged caused by neglecting standard repair and maintenance works become too serious and expensive to be feasibility rectified. The essential repair and maintenance power cannot be delegated below the chief executive of the local government. | Will the guidelines prepared under section 76 provide guidance on how to demonstrate compliance and what are deemed appropriate procedures? | Seek clarification. |
| 64 | This change provides for the ability to make minor changes or revisions to the statement of significance. The change is limited to places included on a local heritage register. | Consideration should be given to providing an a similar example about a minor change in the Making and Amending Local Planning Instruments Statutory Guideline (MALPI) to provide the similar operational efficiencies for making changes to the statement of significance for places included within a planning scheme. | Amend MALPI to make it clear a minor change as it relates to changing an entry for a local heritage place is considered to be an administrative amendment under MALPI. |
| 77 | This section sets out the process for recording heritage agreements for State heritage places, but does not cover local heritage agreements. | As per comments raised in clause 42. | As per comments raised in clause 42. |

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| 80 | This change establishes transitional provisions to ensure that the requirement to identify places of cultural significance in a planning scheme does not apply to the 12 prescribed local governments until it amends or reviews its planning scheme under the planning act. | Reference to 112(1)(a) is incorrect and should be 112(2)(a). | Amend the reference to 112(2)(a). |
| Consequential amendments to the <i>Sustainable Planning Act 2009</i> schedule 3, definition of local heritage place | This change limits definition of a local heritage place under the <i>Sustainable Planning Act 2009</i> to a place on a local heritage register. | Although this change retains the status quo it is unclear why the higher penalty rates or the exemption to undertake emergency work is limited to only those places identified on a local heritage register. The definition under <i>Sustainable Planning Act 2009</i> should remain and this will cover places on the register and a local government planning scheme. | Retain the current Sustainable Planning Act 2009 definition which links to the Queensland Heritage Act 1992 definition. |