


6.4.7 Heritage Overlay

Note – Unless otherwise specified, these Standard Outcomes apply to all land identified in a mapped area of the Heritage Overlay shown on **Map OM-701 to Map OM-705b**.

Note – Schedule 7 provides a listing of *Local Indigenous heritage places* and *Local non-Indigenous heritage places*.

Note – Schedule 7 provides statements of significance (where available) for *Local Indigenous heritage places* and *Local non-Indigenous heritage places*. Where a statement of significance is provided, this should be used to inform the assessment completed against these Standard Outcomes.

Table 6.4.7 – Standard Outcomes for the Heritage Overlay

8. Heritage	
	Note – In accordance with Section 3.1(11), where development does not comply with one or more of the Standard Outcomes under this theme, Merit Outcomes MO1.1 to MO1.2 (1. General theme) and MO8.1 to MO8.7 (8. Heritage theme), become assessment benchmarks. Section 3.6 provides further guidance.
SO1	Development on land identified as a <i>State heritage place</i> on Map OM-701 to Map OM-705b is undertaken in accordance with an approval from the Queensland Government. Note – The Act and the Regulation require a development application involving a <i>State heritage place</i> to be referred to the State Government.
SO2	Development on land identified as a <i>Local Indigenous heritage place</i> or a <i>Local non-Indigenous heritage place</i> on Map OM-701 to Map OM-705b does not damage or diminish the cultural heritage significance of the place. Note – Some <i>Local Indigenous heritage places</i> and <i>Local non-Indigenous heritage places</i> are provided with statements of significance in Schedule 7, which should be consulted in determining the heritage significance of the place.
SO3	Development on land identified as a <i>Local Indigenous heritage place</i> or a <i>Local non-Indigenous heritage place</i> on Map OM-701 to Map OM-705b is undertaken in accordance with management controls approved by Council unless: (a) the development is limited to the use of an existing building and will not result in any internal or external modifications; or (b) the development involves a use outside a building which does not involve <u>ground disturbance</u> or is limited to <u>minor ground disturbance</u> . Note – Management controls are to be documented in accordance with Planning Scheme Policy 2 – Cultural Heritage.
SO4	Development on land identified as an <i>Indigenous heritage high risk area</i> or a <i>Non-Indigenous heritage high risk area</i> on Map OM-701 to Map OM-705b is undertaken in accordance with management controls approved by Council, unless the development does not involve <u>ground disturbance</u> or is limited to <u>minor ground disturbance</u> . Note – Management controls are to be documented in accordance with Planning Scheme Policy 2 – Cultural Heritage.
SO5	Any agreement, plan or assessment documenting management controls is to be prepared by a <u>suitably qualified person</u> . Note – SO5 applies only to the extent documentation is required to be prepared under SO3 or SO4.



8. Heritage (continued)

Note – In accordance with Section 3.1(11), where development does not comply with one or more of the Standard Outcomes under this theme, Merit Outcomes MO1.1 to MO1.2 (1. General theme) and MO8.1 to MO8.7 (8. Heritage theme), become assessment benchmarks. Section 3.6 provides further guidance.

SO6	<p>Any agreement, plan or assessment documenting management controls is to identify:</p> <ul style="list-style-type: none"> (a) the elements of the <u>site</u>, building or land that are of actual or potential cultural heritage significance; (b) the relationship between cultural heritage elements and the development (i.e. to what extent are these elements proposed to be altered); (c) management and construction controls that will be implemented to ensure elements of cultural heritage significance are maintained and protected; and (d) any proposed works to improve or refurbish the cultural heritage significance of the <u>site</u>. <p>Note – In considering whether to approve a management controls, Council is to have regard to the Merit Outcomes for Heritage contained in Part 5 of the planning scheme.</p>
SO7	<p>Where an agreement or management plan relates to a <i>Local Indigenous heritage place</i> or an <i>Indigenous heritage high risk area</i> identified on Map OM-701 to Map OM-705b:</p> <ul style="list-style-type: none"> (a) the agreement or management plan is prepared in consultation with the local Indigenous people; and (b) the agreement or management plan provides for, amongst other things, the ability for the local Indigenous people to monitor and observe any on-site works associated with the development. <p>Note – The preparation of an agreement or management plan, including the completion of consultation, is to be undertaken in accordance with Planning Scheme Policy 2 – Cultural Heritage.</p>
SO8	<p>Where involving a building identified as a <i>Local non-Indigenous heritage place</i> on Map OM-701 to Map OM-705b, development is not to involve the demolition or removal of any part of the building, unless it is demonstrated that that part is of no cultural heritage significance.</p>

Note – These Standard Outcomes (and the Heritage Overlay of the planning scheme) do not replace or affect the provisions of the *Queensland Heritage Act 1992*, *Aboriginal Cultural Heritage Act 2003* or the *Torres Strait Islander Cultural Heritage Act 2003* (or later equivalent legislation) to the extent relevant to development within Torres Shire. Land owners, applicants, developers and the community should be aware of their obligations under State legislation in relation to cultural heritage.