

HERITAGE EXEMPTION CERTIFICATES



April 2017

WHAT ARE HERITAGE EXEMPTION CERTIFICATES?

In Brisbane, development on land identified under the Heritage Overlay will generally trigger either a Code or Impact Assessable Development Application to Council, regardless of the scale of work involved. This can be a prolonged application process requiring statutory advertising and provides appeal rights for submitters.

As an alternative, the *Queensland Heritage Act 1992* allows local and state governments to issue heritage exemption certificates for minor works to places identified on local and state heritage registers. From 1 July 2016, Brisbane City Council began accepting requests for heritage exemption certificates on a Local Heritage Place.

If approved the exemption certificate can significantly reduce approval timeframes and costs related to works on Heritage Places.

WHAT EXTENT OF WORK ON A HERITAGE PLACE IS SUITABLE FOR A HERITAGE EXEMPTION CERTIFICATE?

Brisbane City Council has provided a list of works that may be eligible for a heritage exemption certificate, such as:

Building work that is not prescribed exempt development in City Plan and will have no more than a minor impact on the heritage significance of a place, such as:

- Replacing roof cladding with new materials matching the existing;
- Replacing deteriorated timber joinery elements;
- Restumping using modern materials;
- Dismantling and reconstructing a section of a masonry or timber;
- Demolishing or removing all or part of a non- significant building or structure; and
- Conservation work identified in a Conservation Management Plan.

Operational work that is not prescribed exempt development in City Plan and will have no more than a minor impact on the heritage significance of a place, such as:

- Removal of trees or a significant landscape element.

Contact our office for more information on Council's eligibility criteria the requirements for an exemption application.

HOW LONG IS THE APPLICATION PROCESS AND HOW LONG IS THE APPROVAL VALID?

Under Sections 73 and 74 of the Queensland Heritage Act 1992 Council has 10 business days to request any additional information and 20 business days to decide the application.

Exemption certificates issued by Brisbane City Council have a currency period to undertake the approved works within 12 months of the decision date.

It is important to note that exemption certificates, similar to other Town Planning Approvals, do not constitute Building Approval.

HOW WILL THE IMMINENT *PLANNING ACT 2016* EFFECT EXEMPTION CERTIFICATES?

As you may be aware, on 3 July 2017 the *Sustainable Planning Act 2009* is out and the *Planning Act 2016* comes into effect. The new Planning Act sets up the framework for exemption certificates under Section 46, to make minor development exempt. Exemption provisions under the new Planning Act are not limited to development on a Heritage Place and can be applied to any type of development complying with any of the following provisions:

- The effect of the development would be minor or inconsequential, considering the circumstances under which the development was categorised as assessable development;
- The development was categorised as assessable development only because of particular circumstances that no longer apply; or
- The development was categorised as assessable development because of an error.

The Department of Infrastructure, Local Government and Planning has provided a fact sheet identifying situations in which exemption certificates can be utilised under the new planning legislation, which is available [here](#).

Please note these fact sheets may change closer to the implementation date of the new Planning Act.

These are optional for local governments and we will keep you informed of any potential exemption certificates that Councils are willing to provide.

WANT MORE INFORMATION?

Would you like to know more about Heritage Exemption Certificates? Contact Elliot from our office on (07) 3876 0533.

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Ken Ryan
& Associates

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TOWN PLANNING CONSULTANTS



Ken Ryan & Associates Pty Ltd—April 2017

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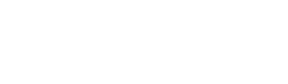
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