

LOCAL HERITAGE EXEMPTION CERTIFICATES

Queensland Heritage Act 1992

WHAT IS AN EXEMPTION CERTIFICATE?

The *Queensland Heritage Act 1992* (Heritage Act) provides for local governments to issue exemption certificates to owners of places on local heritage registers or identified as being of local heritage significance in a planning scheme. Those acting with the owner's consent can also be issued these exemption certificates.

There are three types of exemption certificate, including:

- » those issued in response to an application under section 74 of the Heritage Act
- » those issued without an application at the discretion of the local government under section 75 of the Heritage Act
- » the general exemption (there are two sub-types of the general exemption; one that covers all local heritage places and others that cover a particular class of place, such as war memorials).

GENERAL EXEMPTION CERTIFICATES

The general exemption certificate gives upfront approval for a specific range of development. Individual local governments make the decision about whether to give a general exemption of either sub-type under section 75 of the Heritage Act. It will generally cover minor and low impact work required for maintenance and the ongoing care of heritage places.

It is designed to give owners of local heritage places greater certainty about the types of work they can do on their properties without making a development application. Work carried out under a general exemption certificate must be carried out in accordance with requirements and conditions specified in the certificate.

PLACES ALSO ON QUEENSLAND HERITAGE REGISTER

Exemption certificates cannot be issued by local governments for local heritage places that are also entered in the Queensland heritage register. These are issued by the Department of Environment and Science.

More information about exemption certificates for places on the Queensland heritage register can be obtained from the [Queensland Government website](#).

WORK COVERED BY AN EXEMPTION CERTIFICATE

Development on a local heritage place includes certain types of work and changes to the built, archaeological or natural features. Exemption certificates are not intended to deal with major changes or complex developments. They often cover work such as replacing non-significant fittings or fixtures or refurbishing less important parts of a building.

A development may be suitable for an exemption certificate if it:

- » only involves minor detrimental changes to significant features
- » alters only recent interiors or interiors that have been previously modified
- » retains or restores the appearance of a significant building or garden
- » does not disturb sub-surface deposits
- » requires only minor building work or repairs
- » retains the existing use of the place or restores a previously significant use
- » is for conservation works such as repairs using traditional materials and techniques
- » subdivides land outside the heritage register boundary.

WORK NOT COVERED BY AN EXEMPTION CERTIFICATE

If there is a risk that the proposed development will have more than a minor detrimental impact on heritage significance, Council heritage officers will advise that an application for a development approval is required.

Examples of the type of development that might exceed the scope of an exemption certificate include:

- » changes to significant features that alter their appearance
- » altering historic or original interiors
- » changes to the appearance of a significant building or garden
- » excavating archaeological artefacts
- » extensive building work and repairs
- » changing the existing use of the place
- » subdividing land inside the heritage register boundary.

Even with an exemption certificate, you may need approval for development from other authorities. An exemption certificate does not remove the requirement for approvals that are required under legislation other than the Heritage Act.

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Check with Townsville City Council or a building certifier for more information regarding other relevant legislation.

WHO CAN APPLY FOR AN EXEMPTION CERTIFICATE?

- » The owner of a registered place.
- » Another person who has an interest in the place and the owner's consent.

APPLYING FOR AN EXEMPTION CERTIFICATE

Before applying

Before applying for an exemption certificate, take steps to understand the importance/significance of the place, including:

- » check if the place is entered in the Queensland Heritage register
- » seek to understand the importance of the place by booking a pre-lodgment meeting with Council heritage officers.

Preparing an application

- » Prepare supporting information for the application that describes the proposal in detail. This information is used to assess whether the proposed work will have a detrimental impact on the cultural heritage significance of the place. Providing the detail necessary for an officer to assess your application will reduce the likelihood of information requests being required once the application has been submitted. Mandatory and non-mandatory requirements for all applications are outlined below.
- » Complete and submit the *Queensland Heritage Act 1992* part of the Exemption certificates application form, available on the Forms and Permits page on Council's website.

Mandatory requirements

You will need to include with your application:

- » a scaled site plan (showing heritage register boundary, existing features of the place, location and extent of development and any demolition required)
- » recent photographs of the place (showing all areas that will be affected by the development)
- » a copy of the heritage agreement (for development under a heritage agreement only).

Non-mandatory supporting information

To support your application, you can also include:

- » scaled drawings of development including plans, sections and elevations
- » specification of works proposed
- » consultant's report.

Check that you have completed all sections of the application form, and provided the mandatory supporting information and sufficient non-mandatory supporting information to enable the impact of the proposal to be assessed.

CONDITIONS OF APPROVAL

An exemption certificate may carry specific conditions. These conditions, which must be complied with, are to ensure development has no more than a minimal detrimental impact on the cultural heritage significance of the place. Penalties can apply to non-compliance with these conditions.

ASSESSMENT AND DECISION TIME FRAMES

- » Once an application has been received, Townsville City Council has 10 business days to decide if further information is required and request it from the applicant via a notice.
- » The applicant must respond to this information request within 60 business days. If no response is received by the date stated in the notice, the application will be taken to have been withdrawn.
- » Applications are assessed to ensure that the proposed development will have no more than a minimal detrimental impact on the heritage values of places.
- » An inspection of the place may be needed to properly assess the application. If this is necessary, Council will contact the applicant to arrange a suitable time for a site visit.
- » The application must be decided:
 - within 20 business days of the application being received
 - if further information is requested, within 20 business days of the requested information being received.

MORE INFORMATION

If you require further information, visit Council's website townsville.qld.gov.au, or call Council's Customer Service Centre on 13 48 10.