



Part 7 Codes

Division 3 Constraint Codes

Chapter 6 Cultural Heritage (Indigenous)

1.0 Purpose

This code seeks to regulate all development that is on a site of Indigenous Cultural Heritage (ICH) value. This code also seeks to preserve and protect sites, items or places of ICH value by:

- ensuring that development does not damage or disturb sites, items or places of ICH value (without the relevant authority approval);
- requiring the location of developments to avoid detrimental impact on ICH sites;
- minimising the development's negative impacts to the landscape and topographical elements of ICH areas;
- regulating the development density on a site;
- minimising the negative impacts caused during the construction and operational phases of development;
- incorporating sites or artefacts of ICH value into new development, where appropriate; and
- facilitating the involvement of indigenous people in the planning process.

This code seeks to ensure that all indigenous relics and sites are protected through careful planning processes, complementary to the provisions of the **Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987** and the **Aboriginal and Torres Strait Islander Heritage Protection Act 1984**.

2.0 Application

2.1 This code applies to development indicated as code assessable or impact assessable in the Table of Development of the domain or Local Area Plan (LAP) within which the development is proposed and where it is proposed to undertake the development of a site that includes any places found to be of indigenous heritage value.

2.2 Places of ICH significance may be found on land with the following characteristics:

- significant ridgelines and escarpments with native forest cover;
- areas within the Public Open Space Domain, or reserved as public open space or maintained as public open space under Council freehold ownership;
- any land within the Rural Domain retaining native vegetation;
- any land within a natural state within 100 metres of a natural perennial watercourse or wetland area;
- any land which is the subject of a native title claim;
- land within or contiguous to allotments containing Designated Landscapes identified under the **Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987** or places on the **Queensland Heritage Register** which have indigenous heritage values;
- any land made known to Council, or its delegate, to be of indigenous cultural heritage value; and
- any land containing sites, items or places known by traditional owners to be of indigenous cultural heritage value, where this knowledge is conveyed to the owner of the land and/or the developer.

2.3 Performance Criteria PC1-PC9 apply to all code and impact assessable development referred to in this code.



3.0 Development Requirements

| Performance Criteria | Acceptable Solutions |
|--|---|
| Development that is Code Assessable or Impact Assessable | |
| Siting | |
| <p>PC1 The development must be designed to minimise any detrimental impact on the ICH site, including any middens, scar trees, cave paintings and bora rings.</p> | <p>AS1 The building is located in accordance with a Cultural Heritage Management Plan for the site, which has been prepared in consultation with the relevant local indigenous groups.</p> |
| <p>PC2 The development is designed to avoid impact on likely ICH sites.</p> | <p>AS2 The building is not located:</p> <ul style="list-style-type: none"> a) along dominant ridgelines or on other visually significant areas; b) within 100 metres of any perennial watercourse remaining in its natural state; c) within areas of existing native vegetation cover. |
| Landscape Work | |
| <p>PC3 The design of any landscape work on a site containing a place of indigenous cultural heritage significance must respect the ICH of the place.</p> | <p>AS3 No acceptable solution provided</p> |
| Conservation Buffers | |
| <p>PC4 The places of ICH value must be preserved and maintained with landscaping and buffering between proposed built structures, having regard to the:</p> <ul style="list-style-type: none"> a) physical nature of the site; and b) nature of the proposed land use. | <p>AS4.1 The site has open space areas around the places of ICH value.</p> <p>AS4.2 The site utilises landscape features or fences to restrict or regulate access to places of ICH value.</p> |
| Changes to Ground Level | |
| <p>PC5 The development is designed to avoid impact on likely ICH sites.</p> | <p>AS5 The development does not make:</p> <ul style="list-style-type: none"> a) significant alterations to the site's topography; or b) extensive changes to ground level. |
| Operational Management | |
| <p>PC6 The site must be protected during any construction activity to ensure that any detrimental impact to the site is avoided.</p> | <p>AS6 The construction methods and transport, access, storage and use of materials on-site are to be managed to avoid any detrimental impact on the site's ICH values, in accordance with a Cultural Heritage Management Plan which has been prepared and implemented in consultation with local indigenous groups to guide the ongoing management of the site/landscape during both the construction and operational phases of development.</p> |
| Cultural Heritage (Indigenous) Signage | |
| <p>PC7 The development may include educational information relating to the ICH value of the site.</p> | <p>AS7 The site has interpretive signage detailing the ICH significance of the site.</p> |



| Performance Criteria | Acceptable Solutions |
|--|---|
| Subdivision Design | |
| <p>PC8 The lot layout must be designed to minimise any detrimental impact on the ICH site, including middens, scar trees, cave paintings and bora rings.</p> | <p>AS8 The lot layout is located in accordance with a Cultural Heritage Management Plan for the site.</p> |
| Material Change of Use | |
| <p>PC9 The operation of any Material Change of Use on a site, containing a place of ICH significance must respect the ICH value of the place.</p> | <p>AS9 No acceptable solution provided.</p> |

4.0 Discovery of Indigenous Cultural Heritage Values after a Development Approval has been Granted

In the event that items with ICH values are discovered after a Development Permit or Preliminary Approval has been granted by Council (or by any relevant Responsible Authority), the relevant authority must be informed and appropriate action taken to protect the artefacts. For example, where indigenous artefacts are exposed during the course of excavating a site, the developer must cease operations and contact the Cultural Heritage Branch of the Department of Environment and Heritage which will provide advice on appropriate action.