Introduction

Development

Development of a place entered in the Queensland Heritage Register (a Queensland Heritage Place) must be approved in accordance with the provisions of the Queensland Heritage Act 1992 and the Sustainable Planning Act 2009. State Assessment and Referral Agency (SARA) arrangements, introduced in 2013, provide for Department of State Development Infrastructure and Planning (DSDIP) to be the assessment manager or referral agency (depending on the particular type of development) for development applications relating to Queensland Heritage Places. The Department of Environment and Heritage Protection (EHP) provides advice to DSDIP on these applications. Further information about SARA can be found on DSDIP’s website at www.dsdip.qld.gov.au.

As defined in the Sustainable Planning Act 2009, development includes:

- carrying out building work
- carrying out plumbing or drainage work
- carrying out operational work
- reconfiguring a lot
- making a material change of use of premises.

For a Queensland Heritage Place, the definition of building work is expanded to include types of work that are not normally considered to be development, such as: painting; maintenance and repairs; changes to interior finishes and fittings; altering landscape features; and excavating artefacts or disturbances to land that damages or exposes archaeological relics.

Development of a Queensland Heritage Place proposed by the State sits outside of SARA. In this case the Queensland Heritage Council (QHC) assesses the application and makes a recommendation to the relevant Minister.

Exempt development

Some works have been assessed by EHP as being exempt development, and these works can proceed without further application under the Queensland Heritage Act 1992. These exempt works are covered by the following:

- General Exemption Certificate: Queensland Heritage Place
- General Exemption Certificate: War Memorials.

Further, specific works may be determined as exempt development on application to EHP. An application for a specific Exemption Certificate is assessed by EHP to ensure that there is no detrimental impact on the heritage significance of the Queensland Heritage Place. The assessment of an Exemption Certificate application is generally simpler and therefore quicker than the assessment of a development application. Further information about Exemption Certificates can be found on EHP’s website at www.ehp.qld.gov.au

This General Exemption Certificate: War Memorials is valid until 31 December 2024. It may be updated from time to time—please check EHP’s website for the latest version.
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1 Purpose

This General Exemption Certificate: War Memorials is a special Exemption Certificate issued without application by the chief executive under s. 75 of the Queensland Heritage Act 1992. It provides custodians with approval for the work listed in Section 4 of this document, and should be read in conjunction with Guideline: Caring for war memorials (available on the EHP website at www.ehp.qld.gov.au). It applies to monumental war memorials and honour boards entered in the Queensland Heritage Register. The work is approved on the basis that it does not have a detrimental impact on the heritage significance of the memorial. This allows custodians to carry out maintenance and minor work to their heritage listed memorial without the need to lodge an application.
2 Instructions

No application is required for the work listed in Section 4 (below) but it must all be carried out in accordance with the conditions set out in this document. Carry out the following steps when planning to do work under this General Exemption Certificate: War Memorials.

2.1 Read this document carefully

Confirm that the work you wish to do is listed in Section 4. For all other work, you must apply to EHP for an exemption certificate or through DSDIP for development approval. Read and ensure that you understand the conditions applying to the permitted work – these are listed in Sections 3 and 4.

2.2 Understand the memorial’s heritage significance

Understand the memorial’s heritage significance before starting work, by referring to its entry in the Queensland Heritage Register and the Guideline: Caring for war memorials. If a conservation management plan has been prepared for the memorial, also take careful note of its recommendations. Contact EHP if you are still unclear about heritage significance (refer to Section 6).

2.3 Consult the department’s technical notes and guidelines

Consult the Guideline: Caring for war memorials at (available on the EHP website at www.ehp.qld.gov.au) for information on how to do the work covered under this General Exemption Certificate: War Memorials. This document is provided as general, ‘best practice’ advice for the conservation of memorials. It is not exhaustive and is not to be taken to legitimise works that are not covered in Section 4 of this exemption certificate or that do not have the necessary approvals.

2.4 Seek specialist advice and use suitably qualified people

Most aspects of the care of memorials require specialised knowledge and experience, for example, stonework repairs. When planning the work, talk to the EHP’s heritage officers and seek specialist advice about how it should be carried out in a way that avoids having a detrimental impact on heritage significance (refer to Section 6). Use tradespeople who are qualified and/or experienced in the field to carry out the work.

2.5 Comply with the conditions of this General Exemption Certificate: War Memorials

Before starting work, ensure the people who will be involved in the work understand that they need to comply with the applicable conditions in Sections 3 and 4, and carry out the work in accordance with the Guideline: Caring for war memorials. Talk to EHP if unclear about the conditions or the content of the guideline. Inspect regularly during and at the end of the work to ensure that these conditions are being met. Non-compliance is subject to a penalty under the Queensland Heritage Act 1992.
3 General Conditions

These conditions apply to all work done under this General Exemption Certificate: War Memorials:

1) This exemption certificate is valid until 31 December 2024 unless it is amended or revoked by the Chief Executive.
2) This exemption certificate only applies to the work listed in Section 4.
3) The custodian and the person/s carrying out the work must read and understand this document.
4) The work must not cause damage to or removal of significant built fabric, finishes, natural features or subsurface archaeological artefacts.
5) Protect significant fabric and other features or artefacts from incidental damage during the work.
6) During development, should damage occur to the existing fabric of the memorial and/or other significant elements or artefacts, report such incidents immediately to Project Manager, QHC and Development, EHP and confirm details of the incident in writing within two business days. The incident report must include (but is not limited to) the following information:
   a) Location and name of registered place;
   b) Details of incident, including time and cause of incident and extent of damage;
   c) Details of measures that were in place at the time to protect against such incident and why these did not prevent damage;
   d) Details of proposed measures to reinstate, remediate or rectify damage;
   e) Name and contact details of person making report;
   f) Provide date stamped photographic evidence of the damaged area.
7) Contact EHP as soon as possible if the work reveals previously concealed or unknown features or items of cultural heritage significance.
8) For places with archaeological value (check the Queensland Heritage Register entry, Criterion C), do not excavate or disturb subsurface material below the current road base layer for roads and driveways, or below the level of previous ground disturbance associated with existing structures or services.
9) If the work disturbs or reveals archaeological artefacts, stop work immediately and notify EHP of the discovery in accordance with s. 89 of the Queensland Heritage Act 1992.
10) The work must be done in accordance with the applicable conditions and sections of EHP’s technical notes and guidelines, especially Guideline: Caring for war memorials.
4 Work permitted under this General Exemption Certificate

It is a condition of all permitted work that it is carried out in accordance with Guideline: Caring for war memorials.

4.1 Maintenance

Permitted work:

General:

- Essential maintenance work required by a maintenance notice given under s. 87 of the Queensland Heritage Act 1992. (Specific additional conditions: any conditions listed on the maintenance notice)

Monuments and structures:

- Clearing drainage and weep holes.
- Retouching painted timber, iron and steel with paint matching the original.
- Applying microcrystalline wax to metal parts.
- Refixing or tightening loose elements.
- Eradicating pests from timber parts of memorials or honour boards.
- Repairing and replacing existing security lighting.

Landscapes:

- Replacing tap washers and reseating.
- Cutting grass and removing weeds.
- Removing shrub or tree seedlings growing close to or on monuments.
- Pruning and otherwise promoting the health of original gardens and trees to prolong their life. Trimming trees and shrubs to preserve original views to and from the memorial, and to remove branches that overhang monuments. (Specific additional conditions: do not remove more than 20% of the canopy of a tree in any two year period; prune in accordance with Australian Standard AS4373, Pruning and Amenity of Trees)
- Replanting gardens with bulbs and annuals that match the originals.
- Restraining flagpoles and replacing flags

4.2 Cleaning

Permitted work:

- Cleaning to remove leaves, debris, surface deposits, and organic growths.
- Removing graffiti
- Gentle cleaning of honour boards

4.3 Essential minor repairs and changes

Permitted work:

Elements of a monument:

- Repairing inscriptions or replacing lost letters

War trophies:

- Fit removable caps to the barrels of war trophies to prevent the accumulation of water.
- Support war trophies from the axles to ensure wheels are elevated above the ground (specific additional condition: wheels to be elevated no more than 25mm)

Stonework:

- Repointing stonework
- Treating degrading marble to stabilise and protect the surface

Metalwork:

- Treating corroding metal
• Waxing or lacquering metal honour boards to prevent corrosion
• Patching sheet lead or copper
• Replacing or filling small sections of corroded iron and steel.

Timber:
• Replacing small sections of damaged timber
• Using timber replacement fillers to repair small areas of damaged timber

Concrete:
• Patching damaged concrete with cement mortar.
5 Glossary

**Conservation**: ‘all the processes of looking after a place so as to retain its cultural significance’.\(^1\)

**Existing**: the state of the monument or element at the time the work commences. For example, repainting in the existing colour scheme means reproducing the paint colour that existed just prior to the surface being prepared for repainting.

**Fabric**: ‘all the physical material of the place including elements, fixtures, contents and objects’.\(^2\)

**Fixture**: fixtures are items that are permanently fixed in place and will leave marks or cause damage if removed, for example, plaques fixed to monuments, fencing fixed to plinths.

**Maintenance**: ‘the continuous protective care of the fabric and setting of a place, and is to be distinguished from repair. Repair involves restoration or reconstruction.’\(^3\)

**Matching**: the same in terms of appearance and material unless otherwise qualified, e.g. ‘match in appearance’.

Microcrystalline wax: a petroleum derivative with a very fine crystalline structure. It is available in a range of melting temperatures.

**Mortar patching**: filling small holes and depressions in stonework with a soft mortar.

**Original**: the state of the monument or element at the time it was made. For example, replanting gardens with bulbs and annuals that match the original plants may require research to determine what the original plants were.

**Place**: a defined or readily identifiable area of land.

**Reconstruction**: ‘returning a place to a known earlier state and is distinguished from restoration by the introduction of new material.’\(^4\)

**Repointing**: removing old mortar from the joints between masonry blocks and applying new soft mortar.

**Restoration**: ‘returning a place to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.’\(^5\)

**Significance**: ‘aesthetic, historic, scientific, social or spiritual value for past, present or future generations’.\(^6\) The significance of a place entered in the Queensland Heritage Register is explained in its written entry which can be obtained from EHP.

**Use**: ‘the functions of a place, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.’\(^7\)

**Setting**: ‘the immediate and extended environment of a place that is part of or contributes to its cultural significance and distinctive character.’\(^8\)

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1 P Marquis-Kyle and M Walker, *The Illustrated Burra Charter: Good Practice for Heritage Places*, (ICOMOS: Burwood, 2004), article 1.4
2 *ibid.*, article 1.3
3 *ibid.*, article 1.5
4 *ibid.* article 1.8
5 *ibid.* article 1.7
6 *ibid.* article 1.2
7 *ibid.* article 1.10
8 *ibid.* article 1.12
6 Further information


Obtain further information about carrying out work on war memorials from EHP and from the Guideline: Caring for war memorials found on the EHP website at www.ehp.qld.gov.au. Call 13 74 68 (13 QGOV) and ask to speak to a heritage officer in the region where the war memorial is located.