MATERIAL CHANGE OF USE (CODE) DEMOLITION OF REX THEATRE—LOCAL HERITAGE – 302-304 SHERIDAN STREET CAIRNS NORTH – DIVISION 7

Kelly Barnes: 8/7/2308: #3289820

PROPOSAL: DEMOLITION OF REX THEATRE (LOCAL HERITAGE)

APPLICANT: ELDAV PTY LTD
PO BOX 1010
CAIRNS QLD 4870

LOCATION OF SITE: 302-304 SHERIDAN STREET
CAIRNS NORTH

PROPERTY: LOT 2 ON RP709490

PLANNING DISTRICT: CBD NORTH CAIRNS

PLANNING AREA: COMMERCIAL

PLANNING SCHEME: CAIRNSPLAN 2009

REFERRAL AGENCIES: NOT APPLICABLE

NUMBER OF SUBMITTERS: NOT APPLICABLE

STATUTORY ASSESSMENT DEADLINE: 8 NOVEMBER 2011

APPLICATION DATE: 22 AUGUST 2011

DIVISION: 7

APPENDIX: 1. APPROVED PLAN(S) & DOCUMENT(S)
2. SUPPORTING INFORMATION TO PLANNING REPORT
RECOMMENDATION:

A. That Council approves in part the development application for Demolition – Local Heritage Building over land described as Lot 2 on RP709490, located at 302-304 Sheridan Street, Cairns North, subject to the following:

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
   
   a. The specifications, facts and circumstances as set out in the application submitted to Council;
   
   b. The following conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual.

   Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to the commencement of Works, except where specified otherwise in these conditions of approval.
Remediation

3. The existing concrete façade, including wall returns, is to be retained and incorporated in any future development of the site.

4. Remediation works are required to be carried out to structurally secure and preserve the façade. The works must include but are not limited to:
   
a. Structural framing of the new building to include support of the façade structure to resist lateral loads including wind loads and awning loads in accordance with AS1170 parts 1 and 2.

b. Concrete remedial works to be undertaken where concrete is spalling or defective. It is noted that the repair works are not significant and there are numerous concrete repair compounds on the market which can successfully repair concrete defects.

c. Remediation of corroded awning struts. If it is found that the struts are beyond repair they are to be replaced with a similar style strut.

d. Removal of the front awning and a new awning structure incorporated as part of a new building. The new awning structure shall be in keeping with the original style of the building.

The works outlined above are to be certified by a suitably qualified RPEQ. A plan of the remediation works must be endorsed by the Chief Executive Officer prior to commencement of works.

5. All works must be suitably fenced off and protected for the duration of the works. The maintenance, safety and security of the site is to remain the responsibility of the applicant, appointed representatives, and contractors until such time as all works have been undertaken in accordance with the conditions of this Approval.

6. A Traffic/Pedestrian Management Plan must be prepared and endorsed by a suitably qualified person to ensure the safety of all pedestrian, cyclists and traffic.

7. The site must be immediately secured to prevent risk of harm to person or damage to property and must remain secured until such time as all works are completed in accordance with the conditions of this Approval.

Demolition Works

8. All the timber framing to the eastern side of the façade wall (excluding facade return concrete walls) are to be completely removed and replaced with structures to current standards.
9. Internal block work walls to back of façade are structurally damaged and should be neatly saw cut and removed. Temporary support may be required prior to wall removal.

Nuisance

10. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

11. Any loose objects or materials on site must be relocated to a safe place so that they cannot become airborne in high winds.

Archival Report


Such a report should be undertaken by a qualified and experienced heritage consultant and should consider the previous condition of the place prior to the demolition, so that an accurate historical record can be made including:

a. Sourcing of historical photos of the place;

b. Further research, including archival and oral history (if possible);

c. Study of remnant features within the site prior to demolition;

d. Photographic recording of surviving elements;

e. Drafting of a scaled site plan with outlining the former layout and use of the place as a Theatre where possible.

This report must be submitted prior to the commencement of works.

ADVICE

1. This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 339 of the Sustainable Planning Act 2009.

2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

4. Notwithstanding the Conditions of this Approval the Applicant is required to comply with the outstanding Enforcement Notice issued in accordance with section 590 of the Sustainable Planning Act 2009 and the Local Law 16 Compliance Notice.

5. A rates notation will be placed on file regarding non-compliance with the outstanding Notices until such time as compliance has been achieved.

6. A rates notation will be placed on file advising that any future building work on the site must be sympathetic to the original built form and incorporate the existing facade.


B. That Council resolves to seek legal advice regarding any and all enforcement action available to it for the unlawful works that have been carried out on the site.

C. That all other matters associated with the enforcement action are delegated to the Mayor and the Chief Executive Officer in consultation with the Divisional Councillor.

EXECUTIVE SUMMARY:

Council is in receipt of an Application to demolish the Rex Theatre located at 302-304 Sheridan Street, North Cairns, more particularly described as Lot 2 on RP 709490. The development would normally be Self Assessable, but the site is affected by CairnsPlan Local Heritage Place Overlays which increases the level of assessment to Code Assessable.

The proposed demolition does not demonstrate compliance with the strategic intent and relevant codes of CairnsPlan, however, it is acknowledged that some components of the building are structurally unsound. As such, the Application is recommended for Approval in part only subject to conditions.

TOWN PLANNING CONSIDERATIONS:

Background

The Rex Theatre was first identified as a place of Local Heritage Significance in 1994 and has been listed on the Cairns Planning Scheme (CairnsPlan) since 2005 as a place of Local Heritage Significance. The Rex Theatre has recently been included in the updated draft Local Heritage Register (July 2011).
A Building Application to demolish the building was lodged with Council’s Building Services Branch on 21 July 2011.

On 25 July 2011, building Services issued an information request advising the Applicant that approval is required from Council’s Planning Department to undertake such works. A complaint was received by Council advising that works had commenced on the site. A Building Services Officer telephoned the Applicant and advised them to stop work immediately.

The unlawful works undertaken on site resulted in the exposure of asbestos material. Council Officers met with the Applicant and granted permission to remove the roof sheeting that contained the exposed asbestos prior to the Applicant obtaining planning approval for the demolition works.

On 24 August 2011, the Applicant lodged an Application with the planning department for Planning Approval to demolish the building. This Application was not properly made.

Further demolition works (in excess of the asbestos roof sheeting that was approved to be removed) occurred on site without a Planning Approval or a Building Permit.

Council Officers issued a Show Cause Notice and an Enforcement Notice (Stop Work Notice) on 31 August 2011 to prevent any further demolition works. The Stop Work Notice required the Applicant and the contractor to secure the site so as to ensure there was no risk to life or health of a person or the structural safety of the building pending the outcome of the assessment process.

On 11 October 2011, a new Application was received for planning approval to demolish the building. This Application was properly made. The Application was accompanied by a Structural Report which found that the building was unsafe for use and had no structural integrity. A Statement of Heritage Impact was also submitted in support of the Application some weeks later.

Council engaged an independent engineer to review and provide an opinion on the structural integrity of the building. This is discussed further below.

On 17 October 2011, Council Officers issued a further Compliance Notice under Local Law 16- Control of Nuisance requiring the Applicant to remove all loose materials from the site.

To date, neither the Stop Work Notice nor the Compliance Notice have been complied with. On 28 October 2011, Council Officers issued an Infringement Notice under Local Law 16 for the non-compliance with this Notice.

Council Officers have installed a barrier to redirect pedestrian traffic from the footpath directly beneath the existing awning pending completion of this Application. Council Officers have also alerted the Queensland Police Service to ensure the site is monitored regularly.

Council has at all times reserved its rights with respect to any enforcement action available to it and recommends that Council resolve to seek legal advice with respect to further enforcement action in this matter.
Proposal

The Application seeks approval for the demolition of the Rex Theatre located at 302-304 Sheridan Street, Cairns North.

The site is situated within the Commercial Planning Area within the CBD North Cairns Planning District. The site has a total area of 1320m², is situated within a Character Precinct (CairnsPlan 2009) and is currently improved by the building known as the Rex Theatre.

The site is situated on a block that faces Sheridan Street which is a State Controlled Road. The surrounding area primarily consists of residential accommodation, with a mix of commercial uses including a service station, tavern and accommodation use directly across the road. Adjacent to the site on its northern boundaries are two (2) vacant lots. Accommodation units are located to the south and a Council owned open space corridor runs to the rear of the site.

Sustainable Planning Regulation

Schedule 7 of the Sustainable Planning Act Regulation 2009 requires that the proposal be assessed against the IDAS Code located within the Queensland Heritage Regulation 2003 as well as the relevant provisions of any Planning Scheme.

The section of interest in the IDAS Code relates to Specific Outcomes and Probable Solutions. Similarly to the structure of the Planning Scheme’ Codes, if a Probable Solution is not met, compliance with the Specific Outcome is required.

The Code has a specific section for development which consists of carrying out building work or operational work. This Section followed by a compliance statement is below:

<table>
<thead>
<tr>
<th>Specific Outcome</th>
<th>Probable Solution</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carrying out Building Works or Operational Work</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S.3 Development conserves the features and values of the local heritage place that contribute to its cultural heritage significance.</td>
<td>P.3 Development— (a) does not alter, remove or conceal significant features of the place; or (b) is minor and necessary to maintain a significant use for the place.</td>
<td>The proposal does not comply. See discussion</td>
</tr>
<tr>
<td>S.4 Changes to the local heritage place are appropriately managed and documented.</td>
<td>P.4 Development is compatible with a conservation management plan prepared in accordance with the Australia ICOMOS Charter for Places of Cultural Heritage Significance. An archival quality photographic</td>
<td>There is no plan for the conservation management the site. It is noted that no archival report was submitted with the Application.</td>
</tr>
<tr>
<td>Specific Outcome</td>
<td>Probable Solution</td>
<td>Compliance</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Carrying out Building Works or Operational Work</td>
<td>record is made of the features of the place that are destroyed because of the development.</td>
<td>A condition of Approval requires an archival report to be submitted.</td>
</tr>
<tr>
<td>S.5 Development does not adversely affect the character, setting or appearance of the local heritage place.</td>
<td>P.5 The scale, location and design of the development is compatible with the character, setting and appearance of the local heritage place. The development is unobtrusive and can not readily be seen from surrounding streets or other public places.</td>
<td>The proposal does not comply. See discussion</td>
</tr>
<tr>
<td>S.6 Excavation or other earthworks do not have a detrimental impact on archaeological sites.</td>
<td>P.6 The impact of excavation is minor and limited to parts of the local heritage place that have been disturbed by previous excavation. An archaeological investigation is carried out for development involving high level of surface or subsurface disturbance.</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### CairnsPlan Assessment

<table>
<thead>
<tr>
<th>CairnsPlan CBD North Cairns Planning District</th>
<th>Code Applicability</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Area</td>
<td>Commercial</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Local Heritage</td>
<td>✓</td>
</tr>
<tr>
<td>Overlays</td>
<td>Potential or Actual Acid Sulphate Soil Material</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Flood Management</td>
<td>✓</td>
</tr>
<tr>
<td>General</td>
<td>Infrastructure Works Code</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Development Near Major Transport Corridors &amp; Facilities</td>
<td>✓</td>
</tr>
</tbody>
</table>
Compliance Issues

Heritage Report Assessment

The Application was submitted together with a report on its structural integrity. The report stated:-

The building is unsafe for use and has no structural integrity for the following reasons:

- The existing overall structure would not measure up as being structurally adequate when assessed against mandatory building standards.
- Particular sections of the building are themselves structurally inadequate such as:

  a) the awning stays show signs of rust
  b) the concrete façade shows signs of concrete deterioration, lacks lateral support and represents a safety risk to pedestrian traffic on Sheridan Street.
  c) timber work and fixings are in varying states of deterioration. Some members exhibit dry rot, some areas are termite infested and some metal fixings are corroded.

Restoration of the existing building to an approved standard of adequacy would be virtually impossible without demolishing the existing structural components.

Council Officers further requested that a Heritage Report to be prepared to support the application.

The Applicant submitted a Statement of Heritage Impact (SOHI) produced by a locally recognised Heritage consultant. The report has been found to be compliant with the requirements of Councils Policy 4:04:06 (Information that can be requested by council).

The SOHI recommended that archival and photo recording occur for the site and then, following this, suggests that the proposed demolition is acceptable.

The report is prepared on the basis that the Applicant’s engineer has concluded that the “Restoration of the existing building to an approved standard of adequacy would be virtually impossible without demolishing the existing structural components”.

Council Officers acknowledge that the structural integrity of the building is a serious consideration in this Application. As such, Council engaged an independent engineer to review the reports and inspect the site. Council’s Engineer concludes that when the building is analysed in parts instead of as a whole, it can be demonstrated that the stability and soundness of the façade and wall returns can be maintained.
The SOHI discusses the possible “restoration” of the building but is short of mentioning other options which are normally considered in accordance with the ICOMOC Charter for the Conservation of Places of Cultural Significance (Burra Charter). In fact, the Burra Charter (Article 14) – Conservation Processes states that conservation may, according to circumstances, include the process of retention or reintroduction of a use; retention of associations and meanings; maintenance, preservation, restoration, reconstruction, adaptation and interpretation; and will commonly include a combination of more than one of these.

The study adequately assesses the significant part of the building as required by the Icomos Charter. The parts which are deemed significant are the building layout, the iron cladding, the green wooden ventilation louvers and the front concrete façade. It is recognised that there are/were major structural and safety issues which prevent the building layout and the iron cladding being preserved. However, there is no engineering justification for the demolition of the front façade which is agreed to be the most significant element of the site.

As the SOHI did not give consideration to the other conservation processes contained in the charter, and Council’s engineer has indicated that the façade and wall returns can be retained in a cost effective manner, Council Officers do not consider the demolition of the entire Rex Theatre appropriate in this instance.

**Cultural Significance**

The preparation of the statement of cultural significance forms the basis for the decision making on this application.

For the purpose of this application, the cultural significance of the facade is undeniably paramount in that it reflects the style of the time being the traditional early 1939-1979 “Cinemas” in Cairns. The use of iron wall cladding and green ventilation louvres, and the building layout are described as having a high level of significance and are also characteristic of this time period.

The proposed works will impact on the cultural significance of the place in that the removal of the building and associated materials will detract from the interpretation and appreciation of the place. Some of the original materials and visual detailing have been lost a long time ago or recently removed unlawfully. However, the façade whilst requiring some remedial works is capable of retaining its predominance in the streetscape. It is also noted that the unlawful removal of high significance materials including the green ventilation louvres and some of the iron wall cladding has lessened the significance of the rear of the building and caused structural issues.

According to the Burra Charter (Article 10), contents, fixture and objects should be retained at that place. Their removal is considered to be generally unacceptable unless it is, among other things, necessary for health and safety purposes. Whilst Council officers met with representative on behalf of the owner and allowed the removal of roof sheeting and exposed asbestos sheeting for public health and safety purposes, Council considers the removal of the side panels and green ventilation louvres to be excessive and not necessary. It is acknowledged for the purpose of this Application that these elements are unlikely to have been retained and Council’s only option with respect to the unlawful removal of these materials is enforcement action.
Local Heritage Code

Demolition or Removal

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>P4 A Buildings or structures may not be demolished or removed unless it can be demonstrated that the building or structure:</td>
<td>A1.1 No Acceptable Measures specified.</td>
</tr>
<tr>
<td>a) cannot be repaired (and this is supported by relevant engineers reports); or</td>
<td>Where a building or structure is proposed to be demolished or removed the applicant must undertake an archival record of the premises.</td>
</tr>
<tr>
<td>b) is not of cultural heritage significance.</td>
<td>Note: The Planning Scheme Policy, Reports and Information Council May Request, provides a guide to the information which should be provided to demonstrate that the Performance Criteria are achieved.</td>
</tr>
<tr>
<td>P5 Any evidence of earlier use exposed by demolition or excavation is assess and recorded.</td>
<td>P5.1 No Acceptable Measures specified.</td>
</tr>
<tr>
<td></td>
<td>Note: Where through the course of the demolition of the Local Heritage Place or structure and any excavation works associated with the construction of a new building an objects of cultural heritage significance is discovered, such discovery must be reported to the Environmental Protection Agency immediately and the applicant/owner must treat such discovery in accordance with the requirements of the Queensland Heritage Act 1992.</td>
</tr>
</tbody>
</table>

The site is recognised as a Local Heritage Site as identified by the Overlays of CairnsPlan. As discussed, the site is improved by a large timber and corrugated iron picture theatre with a concrete façade which are generally consistent with traditional ‘Cinemas’ in Cairns between 1939 and 1978. The above Performance Criterion (P4 of Demolition and Removal) of the code outlines that buildings or structures may not be demolished or removed unless it can be demonstrated that the building or structure cannot be repaired. Council engaged an independent Engineer to visit the site and produce a report with advice and recommendations on retaining the façade as it holds the most heritage significance.

From the site inspection observations it is Council’s Engineer’s professional opinion that the concrete facade and wall returns can be retained and incorporated in a future structure within the property providing certain works are undertaken. The recommendations of the report have formed the conditions of this Approval.
Archival Report

Acceptable Measure A4.1 of the Local Heritage Code requires that where a building or structure is removed the applicant must undertake an archival record of the premises. The information provided is then used for assessing the cultural heritage significance and for keeping records of the changes that happen through time to places which are significant to the community.

The Applicant has not provided an Archival Report and thus does not comply with the Acceptable Measure.

As the built form and materials used on the site were a key component of the cultural heritage of this building, an archival report is required to ensure that future generations will have accurate records of what has happened on the site.

A condition has been included requiring the submission of an Archival Report prior to further demolition works. This is consistent with the recommendation from the Applicant's heritage consultants.

Commercial Planning Area Code

The purpose of the Commercial Planning Area Code does not outline any performance Criteria to be met in the event of a proposed demolition. Therefore the proposal does not represent a conflict with the code.

Conclusion

As discussed above, it is considered that the demolition of the Rex Theatre would detrimentally affect the character and will have a permanent direct impact on the heritage significance of the building. It is recommended that Council approves in part the application to demolish and imposes conditions on the Application requiring retention of the façade and wall returns. A condition has been included requiring the applicant to submit and archival/photographic report so that an accurate historical record can be kept.

It is also recommended that Council resolves to seek legal advice regarding any and all enforcement action available to it for the unlawful works that have been carried out on the site.

Public Notification / Submissions

Not Applicable.
HEADWORKS / CONTRIBUTIONS:

The proposed development does not trigger Developer’s Headwork’s Contributions.

Kelly Barnes
Planning Officer
Action Officer

Kelly Reaston
Manager Development Assessment
APPENDIX 1 – INDICATIVE PLAN OF THE REX THEATRE
**APPENDIX 2 SUPPORTING INFORMATION**

**DRAFT JULY 2011**

**Place:** Rex Theatre

| Lot Plan: | 2RP706490 |
| Parcel Num: | 56079 |
| Rates Address: | 302-304 Sheridan Street |
| Address: | 302-304 Sheridan Street CAIRNS NORTH 4870 |
| Easting | 388040.8 |
| Northing | 8130250.9 |
| CRC Division: | 7 |

**Location Description:**
A two storey building with post supported street verandah set on the street alignment.

**Place Information**

| Place Category: | Recreation and Entertainment |
| Place Type: | Theatre |
| Place Components: | |
| Class: | Built |

**Cultural Heritage**

**Heritage Criteria:**

- The place demonstrates rare, uncommon or endangered aspects of Queensland's cultural heritage.
- The place is important in demonstrating the evolution or pattern of Queensland's history.
- The place is important because of its aesthetic significance.

**Heritage Boundary**

- Extent: All of the building.

**Description**

**Architectural Designer:** Brown, VM

**Architectural Style:**

- Builder Maker:

**Year Started:** 1939

**Year Completed:**

**Architectural Description:**
A large timber & corrugated iron picture theatre. The two storey building runs perpendicular from the street alignment with an upper section containing the box box finished on the street elevation in a modern architectural expression.

The lower entry level is closed up and the building has not been used for some time.

The front entrance has been altered but was originally centrally placed between two shops at ground level which each had a centrally placed door entry and shop windows either side supported by tiled wall boards.

**Architectural Condition:**
Some what run down as it has not been utilised for some years, but it is the most intact of the remaining

**Ca irns Regional Council Heritage Survey**

Page 139 of 315 5/9/2011
PART B - Preparation of a Cultural Heritage Report and Archival Report

A Cultural Heritage Report (CHR) seeks to ensure that development, redevelopment on, or alterations to, a Local Heritage site are undertaken in a sensitive manner that conserves and manages the cultural heritage values and significance of the site.

The purpose of the CHR is to:

- Review the cultural heritage significance assessment for the purpose of determining in detail the significance of the Local Heritage Site identified on the Cultural Heritage Areas Overlay;

- Identify the measures that will be included in the development proposal to ensure that it will not cause irreversible damage to the cultural heritage significance, and

- Demonstrate how the development will protect and promote the cultural heritage values and significance of the Local Heritage Site.

Report to be prepared by a suitably qualified person

The Cultural Heritage Report must be prepared by a suitably qualified and experienced heritage consultant with references naming other similar reports prepared by the consultant or consultants should also be included. A conservation architect may be required to be involved.

State Interests

The report should include reference to any applicable State policy contexts.

Industry Standards

The report should include reference to, and be guided by the principles in the ICOMOS Australia Charter for the Conservation of Places of Cultural Heritage Significance (Burra Charter).

Report format and content

It is recommended that the proponent should consult with the Council prior to preparation of the report in order to ensure that all issues are covered in the report. As a general guide the following format and contents description indicates the depth of detail required.

Summary: Introduction

Include name of developer and the heritage professional.

- Site location and description – brief statement of the location of the site and briefly outline nature of the heritage items or aspects of the site.
- Project description - summarise the proposed development.
- Include details of heritage consultant team and qualifications/experience.

Background

- Contextual history of the site.
- Architectural/landscape assessment;
- Analysis of the documentary and physical evidence.
- Description of the current site conditions in detail including any buildings, or structures or historic items on the site, the vegetation on the site, any prior impacts on the site, the

Endnote - Amendments

Amendment 2007, No. 1. Amendment to cultural heritage report requirements and insertion of archival reporting requirements.
condition of all buildings, structures and items on the site, and the landscape character and visual amenity of the site.
- Outline of any conservation constraints and management issues.

Statement of Significance
- A review of the cultural heritage significance should be undertaken to determine in more detail the significance of the site. The review should have reference to the eight significance criteria set out in the ‘Definitions’ section of the CalmsPlan.

Scope of proposal
- Outline the nature of the proposed development:
  - the precise nature and scale of works;
  - the location of new structures, buildings or works;
  - the type of building materials to be used;
  - the possible future expansion of associated development/works.

Impact Assessment
- Identify and detail the nature of any potential impacts on the site and its significance. These impacts should show that the development has aimed to preserve, or minimise the impact on, the significance of the site. The impact assessment should show that the design of the new work has considered the following heritage considerations:
  - The design of, and materials used in, the development or redevelopment of a Cultural Heritage Site complement and not detract from the cultural heritage significance of the site.
  - The design of any new building or structure has regard to the form, bulk, height, scale, siting, orientation, roof profiles, materials and detailing of the existing buildings or structures on the site, without necessarily repeating any of the elements and decorative detailing, in particular.
  - The design incorporates such basic design features, materials and detailing as to give the development or redevelopment an external appearance in a complementary design idiom to existing buildings without necessarily repeating existing designs, in particular.
  - New development does not obscure the appearance or prominence of the Cultural Heritage Site when viewed from adjoining streets or public rights of way or obscure important vistas of the Cultural Heritage Site.
  - New development is sited so that it does not detract from or conflict with the Cultural Heritage Site. The spacing between a new building, structure or item and a listed building, structure or item is sympathetic to, and respectful of, the listed building, structure or item. The setback of any new development from the street is compatible with the existing setback of the listed building, structure or item from the street.
  - The design of alterations to a listed building, structure or item respects the location of the Cultural Heritage site within the streetscape to ensure the final development is compatible with the existing streetscape.
  - The alteration of a listed building, structure or item retains and enhances any existing external and internal architectural features or elements which are representative of the era of the Cultural Heritage site.

Endnote - Amendments
The external and internal alteration is sympathetic to the architectural style of the listed building, structure or item and the streetscape so that the altered place maintains the setting in which it is located.

Ancillary buildings and structures (particularly garages and carports) are designed and constructed in a manner which is sympathetic with, and respectful of, the character of the Cultural Heritage Site, and the existing streetscape.

Landscape features which are a component of the integrity of the significance of the Cultural Heritage Site are retained and enhanced in the development, redevelopment or alteration of the place.

The impact of the proposal on the archaeological resources on the site.

Mitigation Measures

- Outline the mitigation measures that will help to preserve, or minimise the impact of the development on, this significance of the site. This may include recording of historic elements prior to removal or alteration, and/or the public interpretation of aspects of the place prior to removal or alteration.

References

- Listing other reference material and literature used;
- List authorities consulted and contributors to the report;
- Cross-reference the reference material in the text to allow easier access to information.

Appendices

- Include detailed technical information collected through the investigation; and
- Include relevant documents or correspondence from government authorities.

Preparation of an Archival Report

An Archival Report is required before a Local Heritage Site is demolished or partly demolished.

Demolition shall only be undertaken after the Archival report has been submitted to Council and accepted. If special dispensation is considered necessary, for example, where a structure is deemed unsafe, Council may waive this requirement on production of certification by a Structural Engineer or similar competent authority.

Minimum requirements for archival recording include:

- **Title page** with subject, author, client, date, copyright etc
- **Statement of why the record was made.**
- **Outline history of the site** and associated items, structures and people.
- **Statement of cultural heritage significance**

Inventory of archival documents related to the item and their location (e.g. company records, original drawings and photographs), when available.

As part of the archival record, a minimum requirement would be to establish the existence of such documents and to prepare a bibliography. If a site or structure is to be demolished determine the possibility of having these documents or reproductions deposited within the library or museum.

Endnote - Amendments

Section 8 - Preparation of a Cultural Heritage Report and Archival Report. 05/12/2007, Amendment 2007, No. 1. Amendment to cultural heritage report requirements and insertion of archival reporting requirements.
Location plan
Show relationship to surrounding geographical features, structures, roads etc. Include a north point. A site plan or floor plan should show any movable items.

Base plans, drafted or hand-drawn.
This should be cross-referenced to photographs and name the relevant features, structures and spaces. The base plans should show a north point and be easy to read.

Photographic Record
A photographic recording can be made using either film based technology or digital technology. (Note: colour negative film and prints are unacceptable as they are not able to sustain colours long term)

Images should include:
- views to and from the site (possibly from four compass points)
- views showing relationships to other relevant structures, landscape
- features and movable items
- all external elevations
- views of all external and internal spaces (e.g. courtyards, rooms, roof spaces etc.)
- external and internal details (e.g. joinery, construction joints, decorative features, paving types etc.)
- views and details of external and internal colour schemes as appropriate.

Black and white photographic record
One set of 35 mm black and white negatives, labelled and cross-referenced to base plans and accompanied by informative catalogues and two copies of A4 proof sheets.

Selected prints to give an overall picture of the item may be required. They should be dated and include descriptive labels.

Negatives, proofs and prints should be kept in waxed paper envelopes, not in plastic folders.

All technical details including camera, lenses, film type and processing should be recorded

Colour slides
One set of slides mounted in archival stable slide pockets, clearly labelled and cross-referenced to base plans.

Selected prints to give an overall picture of the item may be required. They should be dated and include descriptive labels.

Digital Photographic Record
Preferably use a 8 mega pixel or more resolution as this can produce high quality A4 or A3 images.

Photographs should be taken at the highest quality and recorded in the RAW format to capture the maximum amount of information. The image can be converted to TIFF format, a universal format. Do not save images as JPEG format as this degrades the image to some extent.

Endnote - Amendments
Three sets of thumbnail images sheets showing images and file numbers. Thumbnai images sheets should be processed with archival stable inks using approved archival photographic paper. The thumbnail sheets should be cross-referenced to the base plans.

Three copies of archival quality CD-R discs containing electronic images and associated metadata, cross referenced to catalogue sheets. If there are a large number of images than DVD media can be used.

A set of A5 prints using archival quality paper and archival stable inks. If there are a large number of images then key or representative images may be reproduced.

Additional Requirements May Include:

Catalogue or Inventory of Significant Items

Where individual items make significant contributions to the heritage significance of a place or be of significance in their own right a catalogue of these should be prepared.

The catalogue should be compiled by a heritage consultant or conservation specialist and include information on location, history, designer, creator and previous owners. A condition report may be required.

Other Records

Such as oral histories, videos or films, measured drawings or samples of material and finishes.

Storing the Archival Record

Three copies of the archival record including the photographic record will be provided to Cairns City Council. One copy will be kept with Council, one copy provided to the Cairns City Library for its reference section and one copy provided to the Cairns Historical Society, in accordance with Article 2C of the Burra Charter.

For Further Information refer to the following guidelines from the NSW Heritage Information Series:
- How To Prepare Archival Records of Heritage Items, Heritage Information Series, NSW Heritage Office 1998, Sydney; and
- Photographic Recording of Heritage Items using Film or Digital Capture, Heritage Information Series, NSW Heritage Office 2000, Sydney

Interpretative Material

If a place is to be demolished or partially demolished interpretive material may be required. It is recommended that the proponent should consult with Council prior to preparing the interpretive material to ensure the signage is suitable.

PART C - Preparation of a Development Plan for Reconfiguration of a Lot

A Development Plan provides the necessary planning framework to ensure that new development is planned and developed in an orderly and integrated manner.

Endnote - Amendments

Generally a Development Plan is prepared to obtain preliminary approval that will guide subsequent development applications.

The major components of the site are to be designed with consideration of the surrounding area. It should be clear how the proposed development will integrate into the existing or proposed planning framework of the surrounding community. However, at the Development Plan stage, site development may be shown conceptually with flexibility to allow the proposal to be refined and improved as detailed design considerations come to light.

State Interests

The report should include reference to any applicable State policy contexts.

Report format and content

Each Development Plan is to contain the degree of detail appropriate to the particular proposal and its circumstances. At a minimum, it is to include a plan and/or statement that:
- Provides a site description of the land;
- Addresses key issues including:
  - Topography, landscape, and significant vegetation and watercourses;
  - Existing environmental constraints and opportunities;
  - Existing streets and localities;
  - Existing land uses surrounding sites and their compatibility with the proposed development;
- Indicates an approximate lot or dwelling yield for the proposed development;
- Shows the location, mix and density of the range of proposed land uses;
- Illustrates how the proposal fits into the overall road hierarchy and transport network;
- Demonstrates that consideration has been given to potential subdivision and development of adjoining allotments;
- Illustrates, where applicable, the approximate location and extent of facilities proposed such as community, retail, child care, service and educational facilities;
- Illustrates the general location of public open space including open space linkages and networks;
- Shows, where applicable, the pedestrian cycle network and links to internal facilities, adjacent neighbourhoods and facilities i.e. Schools, places of employment, centres;
- Broadly shows physical infrastructure to be provided;
- Shows the location of major stormwater flow paths;
- Illustrates the initial concept for staging of the development;
- Demonstrates that consideration has been given to all relevant environmental issues, including those pertaining to any short term or cumulative impacts on biodiversity and cultural heritage values.

PART D – Hillslopes Assessment Report

Endnote - Amendments


#956408v2
APPENDIX 3 SITE PHOTOGRAPHS


25 August 2011

25 August 2011
29 August 2011

31 August 2011
27 October 2011