



**Redland**  
CITY COUNCIL

# **AGENDA**

**LATE REPORT**

**ITEM 14.1**

**GENERAL MEETING**

**Wednesday, 15 September 2021**  
**commencing at 9.30am**

The Council Chambers  
91 - 93 Bloomfield Street  
CLEVELAND QLD

**Order Of Business**

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## 14 REPORTS FROM COMMUNITY & CUSTOMER SERVICES

### 14.1 WILLARD'S FARM - STATE HERITAGE LISTING APPLICATION

**Objective Reference:** A5718793

**Authorising Officer:** Louise Rusan, General Manager Community & Customer Services

**Responsible Officer:** Graham Simpson, Group Manager Environment and Regulation

**Report Author:** Cameron Mackay, Project Manager Birkdale Community Land

**Attachments:** Nil

#### PURPOSE

To provide information to allow a submission from Council with respect to a current State Heritage Listing application for Willard's Farm and adjacent land at Birkdale.

#### BACKGROUND

##### Current application

On 11 August 2021, the Queensland Heritage Council of the Department of Environment and Science (DES), received an application to consider listing into the Queensland Heritage Register Willard's Farm and the adjoining land parcel (part of former Commonwealth land) located at 302 Old Cleveland Road East (Lot 2 on RP211270) and 362-388 Old Cleveland Road East, Birkdale (Lot 2 on SP146445) - refer Figure 1 below.



Figure 1 – Affected Properties

A public copy of the application can be found at the following link at the DES website:

[www.qld.gov.au/environment/land/heritage/register/applications](http://www.qld.gov.au/environment/land/heritage/register/applications)

Council was notified of the application by DES, as both the owner of the land and the Local Government Authority, on 25 August 2021. This notification included:

- A copy of the application
- An invitation to make a submission in response to the application
- A due date for making a submission
- A requirement to advise on development plans and approvals

Under the *Queensland Heritage Act 1992* any person or entity may apply to enter a place in the Queensland Heritage Register. The application made on 11 August 2021 was submitted by the Birkdale Progress Association and includes details around the historical grounds relied on that would meet the criterion for recognition of the site on the Queensland Heritage Register.

Council has been advised by DES that a written submission in regards to the application must be received by close of business on 1 October 2021. On 3 September 2021, DES also publicly notified that an application has been made and that any person or entity may make a submission also by 1 October 2021.

As such, Council now has the opportunity to make a submission in regards to the application.

#### Previous application

On 13 July 2015, the then Department of Environment and Heritage Protection (DEHP) received an application from the Birkdale Progress Association to enter Willard's Farm into the Queensland Heritage Register. This application only related to 302 Old Cleveland Road East, Birkdale (Lot 2 on RP211270).

Subsequently, the DEHP undertook a cultural heritage significance assessment and submitted a recommendation in regards to the application. On 8 September 2015, the Queensland Heritage Council concluded that Willard's Farm did not meet the threshold required for State level heritage significance under specific criteria and other considerations outlined in the *Queensland Heritage Act 1992*.

Under the provisions for considering applications to enter a place on the Queensland Heritage Register, a further application could not be considered for a period of 5 years from the date of the previous decision.

#### Local heritage listing

On 8 June 2016, Council adopted to include Willard's Farm into the Heritage Places Register within Schedule 4 of the then Redlands Planning Scheme, as a property of local heritage significance. This local heritage listing protected the heritage elements of the property through the provision of planning controls.

On 14 December 2016, Council adopted the Willard's Farm Conservation Management Plan (CMP 2016) developed as a consequence of Council's purchase of the site on 9 March 2016. Council's purchase of the property was notably undertaken to save Willard's Farm from approved demolition (by a private certifier) and development into residential housing.

The CMP 2016 provides a detailed description and analysis of the property and associated heritage features, including articulating the chronology of the heritage buildings present. As such, the CMP 2016 has been the basis for Council's planning and management of Willard's Farm.

### Birkdale Community Precinct

On 20 January 2021, Council resolved to embark on an integrated precinct planning approach for a number of strategically aggregated projects in and around significant land holdings in Birkdale, known as the Birkdale Land and Willard's Farm resulting in a precinct of approximately 62 hectares.

To inform the decision making in regards to the Birkdale Community Precinct, it was necessary to understand the significant values which underpin what may be possible on the site, this includes the conservation heritage values across the precinct.

Consequently, Council has undertaken significant community engagement and vision development processes that has resulted in a Birkdale Community Precinct Vision, which was adopted on 18 August 2021.

The vision clearly and strongly supports the protection of the values of the site, including the natural environment, Indigenous cultural heritage and European heritage, including World War II history and Tingalpa Creek which are fundamentally important to development of the future master plan and end uses. These values are seen as non-negotiable and are an important part of the future outcomes of the site, which are recognised in the design principles adopted under the vision, in particular the principle "Enable connection to our heritage and history".

Council's commitment to heritage and its incorporation in the Birkdale Community Precinct can be seen at the dedicated Your Say page on Council's website using the link <https://yoursay.redland.qld.gov.au/imagine>.

### **ISSUES**

#### DES process

The next steps in regards to the DES process for assessing the current application, involve the following:

- A site assessment visit by DES officers.
- Upon completion of the assessment, including consideration of submissions, DES officers make a recommendation to the Queensland Heritage Council.
- This recommendation must be made no more than 80 business days after the application was received.
- The recommendation will be provided to Council where a further written response can be provided which will be presented to the Queensland Heritage Council as part of its decision process.

Council is yet to be notified of a date for the site assessment visit.

#### Implications of a State Heritage listing

Should all or part of the nominated site subject to the application be listed in the Queensland Heritage Register, any future site planning will need to consider the documented heritage values. In most ways this is not dissimilar to current obligations under the local heritage listing.

However in addition to this, where development is proposed within a State heritage boundary (or 75 metres or less from it), it will generally also require assessment by the State pursuant to Schedule 10 of the *Planning Regulation 2017*.

The impact of the State heritage listing in a planning sense means that any development will be assessed by the State Assessment and Referral Agency (SARA) against the State Development Assessment Provisions – specifically State Code 14: Queensland Heritage.

The exception to any State involvement in the development assessment process is where an exemption certificate is given. Such matters would generally only relate to minor maintenance work and would be reflected in the current Conservation (Heritage) Management Plan applicable to the site.

#### Willard's Farm restoration

Council has budgeted \$250,000 in 2021/22 to undertake primarily detailed design works for the restoration of Willard's Farm in accordance with the CMP 2016 and a yet to be adopted updated Conservation Management Plan.

Unfortunately, the application for State heritage listing creates uncertainty in regards to both the scope of works and the assessment/approval process for these works. As such this work will need to be delayed until such time as the application for listing on the Queensland Heritage Register is determined which is likely to be in early 2022.

This may also have a flow-on effect in regards to eligibility for grant funding or future capital funding opportunities, as well as detailed planning necessary to integrate Willard's Farm into the Birkdale Community Precinct program.

#### Options for submission

Council as the owner of the land and the Local Government Authority can make a submission in regards to the application for State heritage listing. There are essentially four options available for a submission as follows:

1. Note the application, resolve to make comments in regards to inaccurate elements of the application and make a formal submission upon receipt of the recommendation by DES but before final determination by the Queensland Heritage Council.
2. Support the application for listing.
3. Not support the application for listing.
4. Make no submission.

Based on the information contained within the application, as well as Council's own studies and publicly stated position in regards the protection of heritage on the site, it is recommended that Council consider adopting option 1.

#### Option 1 discussion

The basis for recommending option 1 in any submission made, is as follows:

- The CMP 2016, which was adopted by Council in December 2016 as how Willard's Farm and curtilage will be managed, recognises the place as having significant heritage.
- The CMP 2016 states that the listing on the State Heritage Register was rejected in 2015, so listing on the Local Heritage register was at that time appropriate.
- Council is currently undertaking a review and update of the CMP 2016 but this is yet to be finalised and brought to Council for adoption.
- Council has listed and continues to have Willard's Farm and its curtilage protected under the local heritage listing contained within City Plan 2018.

- Council has continually stated its position that the heritage values of Willard's Farm will be protected.

In respect to commenting on the application made for State heritage listing, it is considered appropriate that the following issues be raised in any submission Council makes in regards the application:

- The application includes two lots, one which contains Willard's farm and its immediate curtilage and surrounds (Lot 2 on RP211270), and the other being an adjacent lot which had connections to Willard's Farm historically (Lot 2 on SP146445).
- It is acknowledged that there was a historical connection between the lots but there is little evidence that would support Lot 2 on SP146445 being of any particular significance in regards to a potential State heritage listing.
- It is also relevant that this lot was considered in part, for the State heritage listing associated with the application in 2020 to list the World War 2 Radio Receiving Station and associated antenna array.
- The Queensland Heritage Council did not include the land in the subsequent State heritage listing.
- The application erroneously makes reference to native title claims on the land and the broader Birkdale Community Precinct as well as the requirements of the Commonwealth Government in regards to the conditions of sale to Council, and the veracity of cultural heritage studies.
- The application incorrectly seeks to introduce as a threat to the heritage values of the site, the outcomes of the community engagement and resultant Birkdale Community Precinct Vision, which not only supports protection of relevant heritage values but seeks to celebrate them appropriately.
- The application also attempts to tie large scale development to the land and states any of the proffered visions for the land will impact the sites heritage values negatively, which based on Council's initial purchase, ongoing detailed studies and careful planning approach is misleading.

It is considered appropriate that Council as the owner of the site and the Local Government Authority responsible for planning the site, clarifies these matters with DES.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

#### ***Planning Act 2016***

Willard's Farm is currently protected through existing provisions under the Redlands Planning Scheme and managed under Heritage Overlay. This code aims to ensure that:

- Heritage places are not demolished, removed or altered in any way that removes or reduces their heritage values.
- Are not used in a way that is incompatible with their cultural heritage values.

#### ***Queensland Heritage Act 1992***

The State heritage nomination and listing process is governed by the *Queensland Heritage Act 1992*. As stated above, a land owner is provided with the opportunity to make written submissions to DES at the application stage and when the DES officer recommendation is made.

In addition, Council has a right of appeal against the Queensland Heritage Council's decision if necessary.

In making representations or starting an appeal, the grounds must specifically relate to the place satisfying or not satisfying the State cultural heritage criteria. Should Willard's Farm be entered into the Queensland Heritage Register, it would then be protected under the *Queensland Heritage Act 1992*.

In order for a place to be entered into the Queensland Heritage Register, the Queensland Heritage Council must be satisfied that it meets required threshold under Section 35 of the *Queensland Heritage Act 1992*. Section 35 includes eight specific assessment items which must be individually addressed as part of establishing State level significance.

### **Risk Management**

The current risks associated with the application and the potential entering of Willard's Farm and adjoining land into the Queensland Heritage Register include:

- Delays with commencing required design and construction processes to restore the heritage buildings and elements on site due to uncertainty in regards to scope, timing and State approval processes.
- Delays continue the need for ongoing basic maintenance requirements and associated expenditure.
- Delays are a reputational risk given Council's desire to move forward with restoration of Willard's Farm as quickly as possible.
- Escalations in project delivery costs associated with extended project delivery timeframes.

### **Financial**

A budget of \$250,000 is allocated to Willard's Farm this financial year for the completion of design packages required to support building restoration works in accordance with an updated Conservation (Heritage) Management Plan. This work is essential to enable eligibility for grant funding opportunities or future capital funding budgets.

There is a possibility existing budget may not be expended this financial year as a result of the State heritage listing application creating uncertainty in regards to the scope and timing of design works.

### **People**

Council has a Project Officer for the Birkdale Community Precinct who coordinates the management of Willard's Farm, including heritage related matters. A State heritage listing will require additional resourcing to manage the process. Site maintenance operations will continue as scheduled with no additional resources required at this stage.

### **Environmental**

Lot 2 on SP146445 (adjoining Willard's Farm) and part of former United States Army Radio Receiving Station (previously Commonwealth land) is subject to a Conservation (ecological) agreement. The impact of any State heritage listing is likely minor but would potentially add further approval requirements for site enhancement works.

### **Social**

The amalgamation of the Willard's Farm land parcel into the broader Birkdale Community Precinct is essential in providing an integrated planning outcome for the site.

Willard's Farm represents a core value within the precinct and remains a centre-point for the Vision document, supporting community engagement activities and future site master planning outcomes.

### Human Rights

No adverse impacts on human rights have been identified at this stage.

### Alignment with Council's Policy and Plans

Willard's Farm and the Birkdale Community Precinct are a strategic catalyst project within Council's *Our Future Redlands – A Corporate Plan to 2026 and Beyond*, specifically Goal 2 Strong Communities:

#### *Birkdale Community Land, Willards Farm and Tingalpa Creek Corridor*

*Create a shared vision for the end use of the land recognising the rich and diverse history of the site, building those values into creating an iconic landmark for the Redlands Coast.*

Council has also identified Willard's Farm and all heritage values in the Birkdale Community Precinct as being a priority for protection in the Birkdale Community Precinct Vision.

Council is, and will continue, to manage heritage values within the precinct appropriately as informed by the relevant Conservation (Heritage) Management Plans developed by expert heritage consultants.

### CONSULTATION

| Consulted  | Consultation Date | Comments/Actions   |
|--|-------------------|--|
| External heritage specialist consultant                        | 6 September 2021  | Implications of State Heritage Listing on Willard's Farm from future development assessment process and site modification perspective. |
| Principal Strategic Planner                                    | 6 September 2021  | Existing provisions and protections under Redland City Plan and State Planning Policies.   |
| Program Lead – Strategic Land                                  | 6 September 2021  | Legislative implications and considerations.   |
| Senior Heritage Officer – Queensland of Department and Science | 6 September 2021  | Assessment timeframes and process including response and appeal process. Current site maintenance and operational matters discussed.   |
| Design and Technical Services – Manager and Senior Design Lead | 30 August 2021    | Identification of possible changes to design scope resulting from current State Heritage Listing application and other site variables. |
| Program Director – Birkdale Community Precinct                 | 27 August 2021    | Design approach with respect to Willard's Farm building restorations and broader site planning considerations.                         |

**OPTIONS****Option One**

That Council resolves as follows:

1. To note Council purchased Willard's Farm to save it from demolition and residential housing redevelopment protecting its heritage values for the community.
2. To manage, and continue to manage heritage values within the precinct appropriately as informed by the relevant Conservation (Heritage) Management Plans developed by expert heritage consultants.
3. To note the third party application for the State heritage listing of Willard's Farm (Lot 2 RP211270) and adjoining land parcel (Lot 2 SP146445) into the Queensland Heritage Register, and provide an initial submission in regards to the issues identified in this report by 1 October 2021.
4. To make a further submission, at the relevant time, in regards the application for State heritage listing, upon receipt of the recommendation by the Department of Environment and Science in regards the application and before final determination by the Queensland Heritage Council.
5. To provide a copy of this report to the Department of Environment and Science and the Queensland Heritage Council.

**Option Two**

That Council resolves as follows:

1. To make a submission to the Department of Environment and Science that does not support the application for listing of Willard's Farm (Lot 2 RP211270) and adjoining land parcel (Lot 2 SP146445) into the Queensland Heritage Register.
2. To maintain that current local heritage register protections over Willard's Farm provided under Redland City Plan are adequate.

**Option Three**

That Council resolves to make a submission to the Department of Environment and Science that supports the application for listing of Willard's Farm (Lot 2 RP211270) but not supporting the adjoining land parcel (Lot 2 SP146445) into the Queensland Heritage Register.

**Option Four**

That Council resolves to not make a submission to the Department of Environment and Science in regards the application for listing of Willard's Farm (Lot 2 RP211270) and the adjoining land parcel (Lot 2 SP146445) into the Queensland Heritage Register.

**OFFICER'S RECOMMENDATION**

That Council resolves as follows:

1. To note Council purchased Willard's Farm to save it from demolition and residential housing redevelopment protecting its heritage values for the community.
2. To manage, and continue to manage heritage values within the precinct appropriately as informed by the relevant Conservation (Heritage) Management Plans developed by expert heritage consultants.
3. To note the third party application for the State heritage listing of Willard's Farm (Lot 2 RP211270) and adjoining land parcel (Lot 2 SP146445) into the Queensland Heritage Register, and provide an initial submission in regards to the issues identified in this report by 1 October 2021.
4. To make a further submission, at the relevant time, in regards the application for State heritage listing, upon receipt of the recommendation by the Department of Environment and Science in regards the application and before final determination by the Queensland Heritage Council.
5. To provide a copy of this report to the Department of Environment and Science and the Queensland Heritage Council.