

Queensland Heritage Act 1992

Section 74 Exemption Certificate

Application no:	202108-15376 EC
Date application received:	13 August 2021
Date of decision:	27 August 2021
Applicant:	Cairns Regional Council Mel Tortike m.tortike@cairns.qld.gov.au
QHR place ID:	601576
QHR place name:	Cairns City Council Chambers
Location:	151 Abbott Street, CAIRNS, 4870 – Lots 727, 728, 729 and 730 on C1981
Approval summary:	Development type: Building work – Removal and replacement of one fig tree (<i>Ficus benjamina</i>) located on the western boundary of the site.

The application for an exemption certificate to carry out the development described above, is approved with conditions under section 74 of the *Queensland Heritage Act 1992*.

This exemption certificate attaches to the premises. Any person, including the owners, owners' successors in title and occupiers of the premises, may carry out development permitted by this exemption certificate and is bound by the conditions.

This exemption certificate only applies to development substantially started within 4 years of this decision.

Terms and phrases used in this document are defined principally in the *Queensland Heritage Act 1992*, and in the *Planning Act 2016* and its Regulation.

If more information is required, contact the project manager, Marie-Anne Ammons, Principal Heritage Officer, on (07) 3330 5890 or via email marieanne.ammons@des.qld.gov.au.



Anthony Simmons
Cultural Heritage Coordinator, Heritage
Department of Environment and Science
Delegate for the Chief Executive
administering the *Queensland Heritage Act 1992*



Queensland Heritage Act 1992
Section 74 Exemption Certificate

Version 1.2 – 25 November 2020

Conditions of approval:

No.	Condition	Condition timing
1.	Scope of development approved Carry out the development as described in the application received on 13 August 2021 from the applicant Mel Tortike, Cairns Regional Council and the documents listed in 'Approved documents'. In the case of a discrepancy between application documents and conditions, conditions take precedence. <i>(Reason - To ensure development is carried out as approved)</i>	At all times.
2.	Keep a copy of the approval on site A copy of this exemption certificate and a copy of any documents that describe the approved development must be retained at the State heritage place. <i>(Reason – To facilitate the monitoring of development for compliance purposes)</i>	For the duration of the development.
3.	Notify start of development Provide written notice of the start of development to Environmental Services and Regulation, Department of Environment and Science at palm@des.qld.gov.au . The notice must state: name of State heritage place, application number and condition number 3. <i>(Reason – To facilitate the monitoring of development for compliance purposes)</i>	No later than 2 business days prior to the commencement of the development.
4.	Photograph effect of development Submit photographs of the area where the development is undertaken, both before and after the development is completed to Environmental Services and Regulation, Department of Environment and Science at palm@des.qld.gov.au . The submission must state: name of State heritage place, application number and condition number 4. <i>(Reason – To facilitate the monitoring of development for compliance purposes and to ensure change is adequately recorded)</i>	Within 10 business days of completion of the development.
5.	Permit access to the State heritage place Permit access to the State heritage place by Department of Environment and Science officers if requested. <i>(Reason – To facilitate the monitoring of development for compliance purposes)</i>	For the duration of the development.
6.	Protect the State heritage place from damage Protect the existing features of the State heritage place from incidental damage and maintain protective measures to ensure the development does not result in damage to, or deterioration of, the State heritage place caused by weather, fire, vandalism, insects or other factors. <i>(Reason - To ensure the cultural heritage values of the State heritage place are appropriately recognised and managed)</i>	For the duration of the development.
7.	Report any damage to the State heritage place that occurs During development, should damage occur to any features of the State heritage place report such incidents immediately to Environmental Services and Regulation, Department of Environment and Science at palm@des.qld.gov.au . <i>(Reason - To ensure the cultural heritage values of the State heritage place are appropriately recognised and managed)</i>	Immediately, should damage occur.

Queensland Heritage Act 1992
Section 74 Exemption Certificate

Version 1.2 – 25 November 2020

No.	Condition	Condition timing
8.	Replacement tree (a) The fig tree (<i>Ficus benjamina</i>) must be replanted with a species that is reflective of the characteristics of the existing species (semi-mature tree 3-4m high, 100 litre root stock) in proximity to its current location. The proximity and species must demonstrate it represents the setting and relationship as described in Criterion E of the register entry. The new planting must retain its visual amenity within the site and from the surrounding streets. (b) The replacement species and demonstrated reasoning against the criteria must be submitted for approval prior to planting to Environmental Services and Regulation, Department of Environment and Science at palm@des.qld.gov.au . The submission must state: name of State heritage place, application number and condition number 8. <i>(Reason – To ensure significant plantings are replanted to maintain the setting of the place)</i>	(a) Within 3 years of the date of this approval notice (b) No later than 10 business days prior to the commencement of the development.
9.	Public Notification Temporary public notices must be visibly posted along the temporary fencing around the fig tree prior to and during development to inform the public about the development works. These signs must be removed within two weeks of completing the works. <i>(Reason - To ensure the cultural heritage values of the place are appropriately recognised and managed)</i>	No later than 21 business days prior to the works and for the duration of the works

Approved documents:

Document no.	Document title	Date
IAS6169	Arborist Comments Report	11/03/2021

Take Notice: This certificate does not exempt the applicant from the need to obtain such other approvals as may be required under other legislation.

Further Advice:

Soil Pathogen

It is understood from a phone call with Nick Miller, Acting Coordinator Environmental Services, Cairns Regional Council on 27 August 2021, that the soil has a pathogen particular to fig trees and may require treatment prior to the planting of the replacement species. The reports and/or analysis of the pathogen has not been provided to the Department and the arborist's report identifies no soil or tissue sampling has been undertaken.

The photos supplied suggest the *Ficus benjamina* may contain the pathogen, a potential infection of *Phellinus noxius*, which is a common pathogen affecting fig trees within sub-tropical climates. Numerous investigations have been undertaken and research papers published on this particular pathogen including works and research by Keith Foster, Principal Arborist, Brisbane City Council and the Department would recommend consultation with Brisbane City Council for any treatments that have been successful in treating *Phellinus noxius*.

It is understood the fig tree is dead, dangerous and beyond curative repair. Where a pathogen such as *Phellinus noxius* is present on site, a diagnosis of the strain of contagion within in the tree and surrounding soil is recommended. Where the pathogen is present, the extent of soil and remaining significant landscape features be treated to ensure the long-term viability of the mature trees (as referenced and described in the register entry) are protected.

Date of Planting

The age of the fig tree has not been determined in the arborist's report, however, the tree age class is identified as senescent (ie. the oldest age class within the arborist's ranking system).

Queensland Heritage Act 1992
Section 74 Exemption Certificate

Version 1.2 – 25 November 2020

From aerial photography, in 1952 the fig tree appears as a juvenile species – approximately 70 years old today. An assessment of rankings of significance has not been undertaken, although the three large fig trees facing Aplin Street are significant mature species in 1952 and are likely to be foundation plantings ie. planted when the Council Chambers was constructed. Based on aerial photography, it would be assumed the fig tree proposed for removal and replacement is significant but may not rank as highly as the three mature trees along Aplin Street. Refer to extract from the 1952 aerial (earliest aerial available on QImagery for this location):



Figure 1: 1952 aerial imagery showing the Cairns City Council Chambers and locations of the 3 mature tree facing Aplin Street plus the fig tree juvenile size which forms the development of this notice. Source: QImagery Film ADA0544, Frame 097, dated 1 August 1952.

A conservation management plan (CMP) is recommended to be prepared for the Cairns City Council Chambers to assist with understanding the relative cultural significance of buildings, elements and landscape features within the State heritage boundary and to inform and assist with managing impact on setting where developments are proposed.

The preparation of Conservation Management Plans should be undertaken in accordance with the Conservation Management Plans Guidelines, which can be found here:

<https://www.qld.gov.au/environment/assets/documents/land/heritage/gl-conservation-management-plans.pdf>.