

Temporary Local Planning Instrument

**No.9 (Protection of the Old
Burleigh Theatre Arcade) 2021**

CITY OF
GOLDCOAST.

Certification of Temporary Local Planning Instrument No. 9 (Protection of Old Burleigh Theatre Arcade) 2021

I certify that this is a true and correct copy of the **Temporary Local Planning Instrument No. 9 (Protection of Old Burleigh Theatre Arcade) 2021** as adopted by Council on 20 July 2021 and commenced on 30 July 2021.

Yours faithfully



Joe McCabe
Acting Chief Executive Officer
Council of the City of Gold Coast

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Council of the City of Gold Coast Temporary Local Planning Instrument No.9 (Protection of the Old Burleigh Theatre Arcade) 2021

Part 1 Preliminary

Short title

This temporary local planning instrument may be cited as *Temporary Local Planning Instrument No. 9 (Protection of the Old Burleigh Theatre Arcade) 2021*.

Object

The object of this temporary local planning instrument is to prevent the potential loss of the Old Burleigh Theatre Arcade by —

- (a) triggering impact assessment for any removal, demolition or partial demolition of the building located on Lot 1 on RP72012;
- (b) identifying land described as Lot 1 on RP72012 on the Heritage overlay map of the City Plan; and
- (c) affecting the operation of the City Plan by amending and adding assessment benchmarks in the Heritage overlay code to ensure that the cultural heritage significance of the Old Burleigh Theatre Arcade is protected and development is appropriately designed and sited to respond to the building's contextual cultural significance having regard to character, setting and appearance of this building.

Interpretation

Where a term used in this temporary local planning instrument is not defined, the term shall, unless the context otherwise indicates or requires, have the meaning assigned to it by—

- (a) the *Planning Act 2016*; and
- (b) the City Plan, where the term is not defined in the *Planning Act 2016*.

Duration of temporary local planning instrument

This temporary local planning instrument will have effect in accordance with section 23(6) of the *Planning Act 2016* for a period not exceeding two years from the commencement of this temporary local planning instrument.

The commencement date of this temporary local planning instrument is **30 July 2021**.

Part 2 Application of the temporary local planning instrument

Area to which temporary local planning instrument applies

This temporary local planning instrument applies to land described as Lot 1 on RP72012 located at 64 Goodwin Terrace, Burleigh Heads. The specific location is identified in **Appendix A Map 1 – The Old Burleigh Theatre Arcade**.

Application of Temporary Local Planning Instrument

This temporary local planning instrument applies to development over Lot 1 on RP72012, including building work involving the removal, demolition or partial demolition of a building on land described as Lot 1 on RP72012, on the date of commencement of this TLPI.

Relationship with City Plan

This TLPI applies assessment provisions to development over Lot 1 on RP72012 and applies in addition to the current provisions of the City Plan. If the City Plan is inconsistent with this temporary local planning instrument, this temporary local planning instrument—

- (a) prevails to the extent of the inconsistency; and
- (b) has effect in place of the City Plan, but only to the extent of the inconsistency.

Part 3 Effect on the City Plan

Affected provisions of the City Plan

This temporary local planning instrument affects the operation of the City Plan by:

- (a) Inserting the reference to **Section 5.7 Categories of development and assessment – Building work** in **Section 8.2.9.1 Application** of the Heritage overlay code.
- (b) Inserting the additional Strategic framework specific outcome in **Section 3.8.4 – Cultural heritage**:
 - (5) *The Old Burleigh Theatre Arcade is an important heritage place for the City and is to be protected. Its removal or demolition will not be supported. Partial demolition may occurs when:*

(i) *those elements of the Burleigh Theatre Arcade identified through a Council approved Conservation Management Plan as being constructed prior to 1976 and contributing to the cultural heritage significance of the Old Burleigh Theatre Arcade, are protected as required by the Conservation Management Plan; and (ii) development is designed and sited to appropriately respond to the cultural heritage significance of the Old Burleigh Theatre Arcade.*

Note: *The Conservation Management Plan must be approved by Council prior to the issue of any development approval over Lot 1 on RP72012.*

Note: *Any assessable development that is inconsistent with this provision is considered not to be in the public's interest.*

- (c) Amend the title of Table 5.7.1 to be **Table 5.7.1: Building work**
- (d) Inserting the following additional assessable development trigger in **Table 5.7.1 Categories of development and assessment – Building work**:

Zone	Categories of development and assessment	Assessment benchmarks and required outcomes
All Zones	Impact assessment	
	<i>If involving any removal, demolition or partial demolition on Lot 1 on RP72012</i>	Heritage overlay code

(e) Inserting the following additional overall outcomes in Section 8.2.9.2 of the Heritage overlay code:

(g) *Any development that involves the removal or demolition of the Old Burleigh Theatre Arcade is not supported.*

(h) *Any development involving partial demolition ensures that the significant elements of the Burleigh Theatre Arcade identified through an approved Conservation Management Plan are protected and remain in-situ.*

(i) *Any development on land described as Lot 1 on RP72012 is appropriately designed and sited to respect and respond to:*

(a) *the culturally significant elements of the Old Burleigh Theatre Arcade that remains in-situ; and*

(b) *building's contextual cultural significance within the existing urban fabric of Burleigh Heads.*

(f) Add the following assessable development benchmarks and corresponding AOs in **Part B Table 8.2.9-1 Heritage overlay code – for assessable development:**

Table 8.2.9-1: Heritage overlay code – for assessable development

Performance outcomes	Acceptable outcomes
Building works associated with the Old Burleigh Theatre Arcade	
<p>PO9 Development that involves the removal or demolition of the Old Burleigh Theatre Arcade is not supported.</p>	<p>AO9 No acceptable outcome is provided.</p>
<p>PO10 Development involving partial demolition of the Old Burleigh Theatre Arcade is to:</p> <ul style="list-style-type: none"> (a) ensure that the cultural heritage significance of the significant elements are to be protected and remain-in-situ. The significant elements may include, but not limited to: <ul style="list-style-type: none"> (i) the original brickwork, doors, windows, stairwells, fittings, awning and rainwater heads, downpipes, roofing, structure that is dated as older than 1976; (ii) existing windows, doorways in areas of 1954 brick walling and size or locations of openings are not to be changed; (iii) the layout and location of existing street entry, entry arcade area, internal central gallery space, front shops, external side access ways (along east and west walls) and 1954 east and west staircases, first and second floor offices (Goodwin Terrace end); (iv) the volume of the open void of the internal central gallery space. The void includes the extent of existing ceiling height, gallery width and length; (v) maintaining public access to the internal gallery area of the building; (b) design and plan new development so that its scale, form, bulk, layout, materials and finishes respects and responds to the building's in-situ components of this heritage place and its contextual significance; (c) design new development that does not cover or conceal any original fabric, features and fittings that is dated as older than 1976; and (d) design and site new development to maintain significant views to and from the historic building from all surrounding streets and public areas. <p>Note: The preparation of a Conservation Management Plan by an appropriately qualified Heritage Consultant is Council's preferred method to demonstrate compliance with this PO.</p>	<p>AO10 No acceptable outcome is provided.</p>

(g) Amending the Heritage overlay map to identify Lot 1 on RP72012 as a Local Heritage Place.

Definitions:

Appropriately qualified heritage consultant:

Someone who has qualifications, experience or standing appropriate to undertaking the preparation of Conservation Management Plan. To fulfil this requirement the consultant must have:

- A degree in architecture
- Demonstrable professional experience in heritage conservation of at least 7 years full time
- Current full international membership of the Australia International Council on Monuments and Sites (ICOMOS)

Appendix A – Location of the Old Burleigh Arcade Theatre



For more information

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