

STATEMENT OF EVIDENCE

HERITAGE

PLANNING AND ENVIRONMENT COURT

APPEAL NO. 313 OF 2010

Between: JOHN EDWARD MYTTON BARNES and GEOFFREY
FREDERICK COOK (APPELLANTS)

And: SOUTHERN DOWNS REGIONAL COUNCIL
(RESPONDENT)

And: THE CHIEF EXECUTIVE, DEPARTMENT OF
ENVIRONMENT AND RESOURCE MANAGEMENT
(FIRST CO-RESPONDENT)

AND: McCONAGHY GROUP PTY LTD (SECOND CO-
RESPONDENT)

PREPARED BY: Michael Scott Architect
B. Arch. (Hons) UQ

ACTING FOR : Appellants

FINAL

DATE: 5 July 2011

1.0 INTRODUCTION

This report forms a statement of evidence for an Appeal to the Planning and Environment Court by John Edward Mytton Barnes and Geoffrey Frederick Cook against Southern Downs Regional Council's approval of an application made under the *Sustainable Planning Act 2009* for the partial demolition of a building, on land situated at 84 Fitzroy St, Warwick, described as Lot 1, RP 94676.

This appeal was originally against an approval in December 2009 by Southern Downs Regional Council for the demolition of the whole of the building situated at 82 Fitzroy Street, Warwick, and part of the rear of the adjacent building at 84 Fitzroy Street. Since the appeal was commenced in early 2010, two preliminary decisions have been made by the Court in the proceedings which have narrowed the original issues that were in dispute:

- The demolition of 82 Fitzroy Street and the conditions relating to that demolition are not part of this appeal and are not in dispute;
- The requirement to restore the front part of 84 Fitzroy Street is part of the approval of the demolition of 82 Fitzroy Street;
- A possible shopping centre extension, which may require the rear wing of 84 Fitzroy Street to be demolished, is not part of this appeal;
- The issues in the appeal are whether the rear section of 84 Fitzroy Street should be approved for demolition, and
- Whether a "large underground water tank" as mentioned in the Queensland Heritage Register Citation, as part of the property at 84 Fitzroy Street in 1882, if it still exists, should be located and preserved.

The original development application was lodged by McConaghy Group Pty Ltd in September 2007 to the Warwick Shire Council, with referral to DERM, and the *Warwick Shire Planning Scheme 1999*, and the *Queensland Heritage Act 1992*, which were current at that time, are relevant for assessment of the issues of this appeal.

The heritage experts giving evidence in this appeal have met and produced a joint statement identifying where they are in agreement and where they are in disagreement, dated 27 June 2011, and a subsequent joint statement dated 30 June 2011.

This report has been prepared by Michael Scott, whose qualifications and experience are set out at Appendix 1. I have read and understood Part 3

of the Planning and Environment Court Rules 2010 and Rule 428 of the Uniform Civil Procedures Rules 1999.

I acknowledge that my duty in this appeal is to the Court. I confirm that I have received instructions from Cook and Associates Lawyers, to consider the heritage issues of the matter subject to this appeal. This report is the outcome of that consideration. The opinions stated in this report are mine. In preparing my report I have undertaken an inspection of the site and locality.

I declare that the factual matters stated in this report are, as far as I know, true and that I have made all enquiries I considered desirable and appropriate and that no matters of significance which I regard as relevant have, to my knowledge, been withheld from the Court.

2.0 UNDERSTANDING THE HERITAGE PLACE

2.01 The Statements of Significance, as noted in the Queensland Heritage Register Citation, give reasons for the heritage listing of this building (references to 82 Fitzroy Street have been removed from these statements):

Criterion A

Plumb's Chambers, comprising an 1874-75 stone building, is important in illustrating the transformation of Warwick in the late 1860s and 1870s from a squatters' town to the principal urban centre of Queensland's most prosperous pastoral and agricultural district. The 1874-75 building is indicative of Warwick's first building boom. This building also illustrates a tradition of masonry construction in Warwick and district dating from at least the 1860s and sustained well into the early 20th century, which sets the district apart from any other in Queensland.

Criterion B

The 1874-75 building survives as an excellent example of a substantial, two-storeyed, stone building with commercial premises on the ground floor and residence on the first floor, designed to impress and inspire confidence. Few buildings of this type and material have survived in Queensland, and even fewer Georgian-styled stone shop-houses in Queensland overlook a town square. The building provides rare evidence of the nature of the accommodation and work place of a successful 1870s business family in a developing Queensland rural town. More particularly, it is important in illustrating the nature of such buildings in a town in which stone and brick construction for commercial buildings was

the norm at this period.

Criterion C

This building is important in illustrating the design, materials and construction techniques of mid-19th century masonry building in Queensland, and has potential to reveal further information about 19th century stone and brick construction.

Criterion D

This building is important in illustrating the design, materials and construction techniques of mid-19th century masonry building in Queensland, and has potential to reveal further information about 19th century stone and brick construction. The 1874-75 building survives as an excellent example of a substantial, two-storeyed, stone building with commercial premises on the ground floor and residence on the first floor, designed to impress and inspire confidence.

Criterion E

This building occupies a prominent role in the streetscape along Fitzroy Street between Guy and Palmerin Streets, and the pitch of the roofs contribute to the unity of the street.

Criterion H

The 1874-75 building is significant also for its close association with Warwick chemist and seedsman David Clarke, who made a substantial contribution to the expansion of agriculture in the Warwick district in the 1860s and 1870s.

2.02 The following photographs give an indication of the appearance of 84 Fitzroy Street and its setting.



Photograph 1: 84 Fitzroy Street, Warwick from Fitzroy Street.



Photograph 2: 84 Fitzroy Street from Haig Avenue. Portion of building subject to this appeal, in foreground.



Photograph 3: Rear-most wing of 84 Fitzroy Street from the back yard of the building.



Photograph 4: Rear of 84 Fitzroy Street.



Photograph 5: Front of 84 Fitzroy Street showing the eastern side wall.



Photograph 6: 84 Fitzroy Street with adjacent State Heritage Listed Police Station.



Photograph 7: State Heritage Listed Police Station and Court House to the west of 84 Fitzroy Street



Photographs 8, 9 & 10: Details of Plumb's Chambers, Police Station and Court House

2.03 Plumb's Chambers is less grand than both the Police Station and Court House as is appropriate to the expression of a successful and prosperous merchant's Business Premises and Residence as opposed to civic buildings such as the Police Station and Court House. Plumb's Chambers also uses a simple Georgian Style as opposed to the more academic Neo-classical Styles used in the civic buildings next door.

2.04 To understand the noteworthiness of Plumb's Chambers it may be worth referring to a notice of the completion of the building, printed in the Warwick Newspaper "The Examiner and Times" in May 1875, entitled *Improvements in Warwick*.

The many improvements which have lately been made in Warwick, and the evident signs of advancement in the styles adopted in the new buildings are worthy of notice at our hands.

The new premises erected by Mr. D. Clarke, in Fitzroy Street, especially deserve more than a passing notice. These consist of a large stone building, the lower portion of which will be used partly as a store by Messrs. Barnes and Lavers, and as a chemist and druggist shop by Mr. Clarke: and the upper portion as a residence.

It is a fine building, of a most substantial character, and is the largest stone structure in Warwick. It is situated in Fitzroy Street, immediately opposite the Square, and stands out prominently amongst the buildings in the south portion of the town.

The dimensions are, length 50 feet (with frontage to Fitzroy Street), depth 48½ feet, height from floor to roof inside 23 feet. The walls are all of dressed stone, 18 inches thick, and of good masonry, and the roof is of galvanised iron.

The rooms consist of chemist's shop 30 feet by 13, with laboratory and dispensing room behind, grocer's shop and store (for Messrs. Barnes and Lavers) 30 feet by 20 feet, and sitting room, and dining room and kitchen on the ground floor.

The upstairs rooms are reached by a wide and commodious staircase, and consist of four bedrooms, all lofty and well-ventilated, and two sitting rooms of good size, and one large room for a library or study 30 feet by 20 ft.

The front rooms open on to a balcony, from which is obtained an extensive view to the east, and good views to the north and west.

The house throughout is well-furnished, and in its construction Mr. Clarke has had an eye to comfort as well as substantiality. In the kitchen is a new cooking stove of the "Mistress" pattern, and nearly every room has a fireplace in it fitted with grates for the purpose of burning coal. There is also a good bathroom, and water from a large underground tank will be laid on to the lower parts of the building, supplied by a force pump.

Everything in connection with the details is of a substantial character, and many little things have been attended to during its construction which will go a long way towards convenience as well as comfort.

We should like to see a few more houses of this description erected in our principal streets, as such substantial structures tend to impress a stranger favourably as to the standing of the town and its residents.

We wish Mr. Clarke every success in his new premises and his extended sphere of business, and we are sure that his enterprise will be well rewarded with increased trade and greater success.

2.05 There seems to be consensus amongst Warwick residents that this building was of high quality, with advertisements for businesses moving to more "commodious" premises in Fitzroy Street, opposite the park, from time to time in the local newspaper over the late 19th and early 20th century. During the period 1883-1909 the property was let either as a house, store or both. Tenants included Dr William Tilley from 1887-89, surgeon at the

Warwick hospital; Mrs WD Wilson from 1891-94, storekeeper and widow of a former Warwick businessman and Mayor; and S Benjamin from 1899 until at least the early 1900s, wine and spirit merchant.

David Clarke owned the land from 1868, organised the construction of the building in 1875, and remained in possession of the property until November 1909, when it was transferred to retired Freestone farmer and grazier, James Wilson. James Plumb and his family purchased the property in 1914. Plumb was active in the Masonic movement, and served as Worshipful Grand Master of St George's Lodge in Warwick. He resided and worked at the Fitzroy Street premises until his death in 1933, and his widow remained there until her death in 1948. According to the Warwick Post Office Directories, Plumb was a bootmaker. He had a big enough premises to be manufacturing for the Darling Downs.

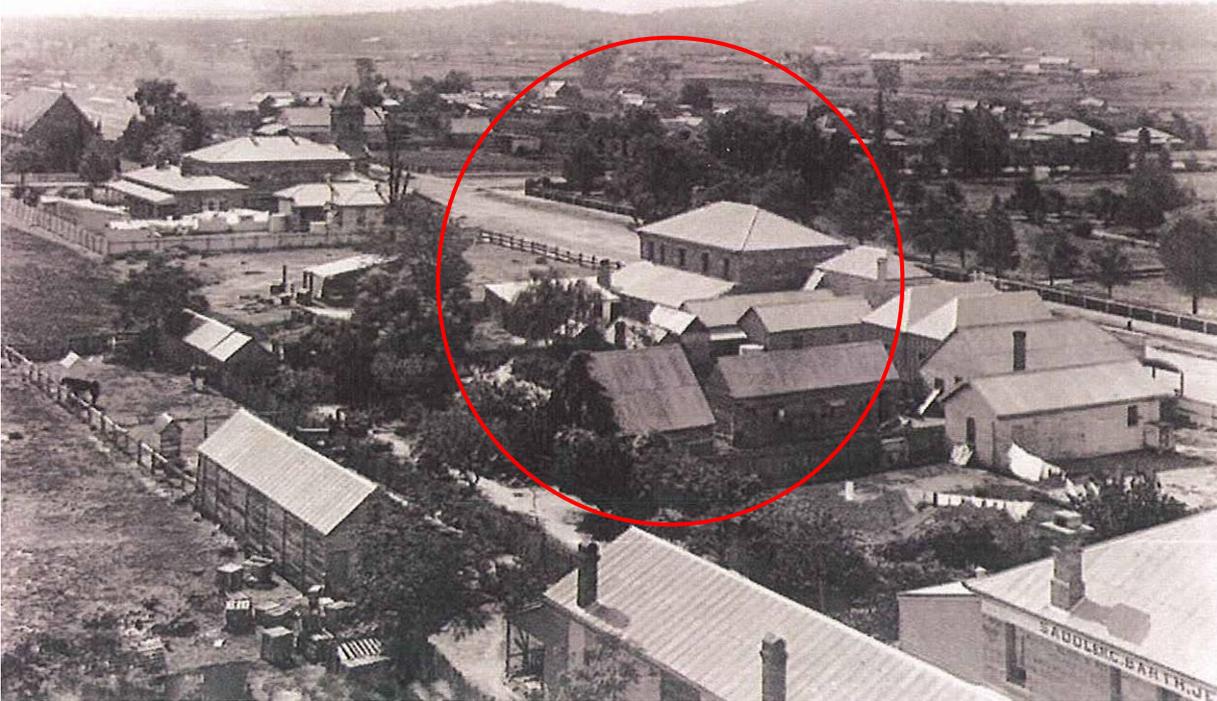
- 2.06** In 1882, after David Clarke had transferred his business to his son Charles, and Charles had moved to St George, the property was advertised 'to let' in the *Warwick Examiner and Times*, giving us another impression of how the owner wanted to present the premises, shop and grounds to prospective tenants (spelling and grammar mistakes intact):

TO LET, Large Stone Shop, with storeroom, situate in Fitzroy street, fronting the Square: also the Dwelling Premises on the second floor, containing 15 rooms, with Bathroom, Stables, Coach-house, large underground Tank (with force pump attached), and every convenience. Dwelling and Shop can be let separately or together. Rent Low. Apply to C. B. DAVENEY

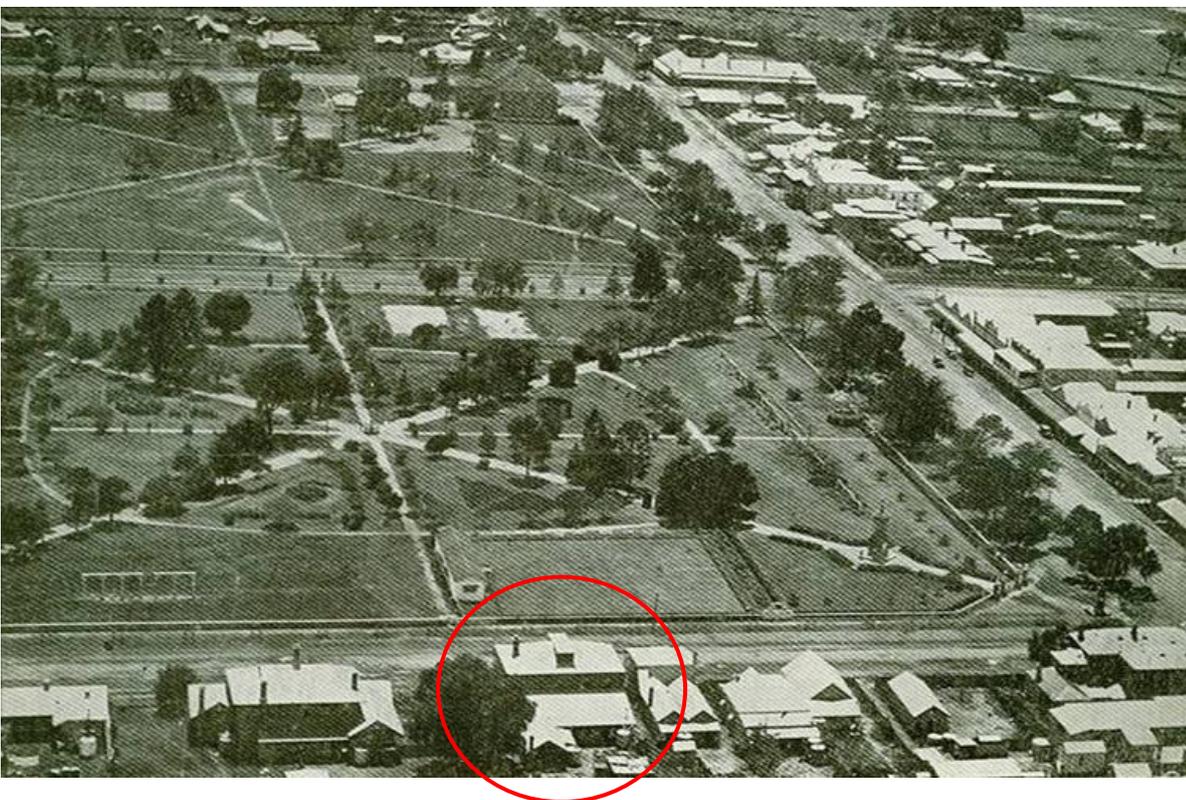
- 2.07** In this description of 84 Fitzroy Street in 1882, designed to show off the best attributes of the property, it is described as:
- 'Large' – containing 15 rooms,
 - 'Stone' – solid and substantial,
 - In a Good Position – in Fitzroy Street, fronting the 'Square',
 - Luxurious – offering every convenience (even a Bathroom)
 - Well Serviced – Bathroom, Stables, Coach-house, large underground Tank (with hand pump fitted)

Of interest in this case is the inclusion of stables, coach-house, and large underground tank in this list of important attributes of the property.

2.08 Evolution of the Service Wings of 84 Fitzroy Street. The following photographs show a number of changes which have occurred to the service wings of 84 Fitzroy Street over the years:



Photograph 11: This 19th century photograph from the Town Hall clock tower shows the subject building in its centre (source Qld State Library, date 1899)

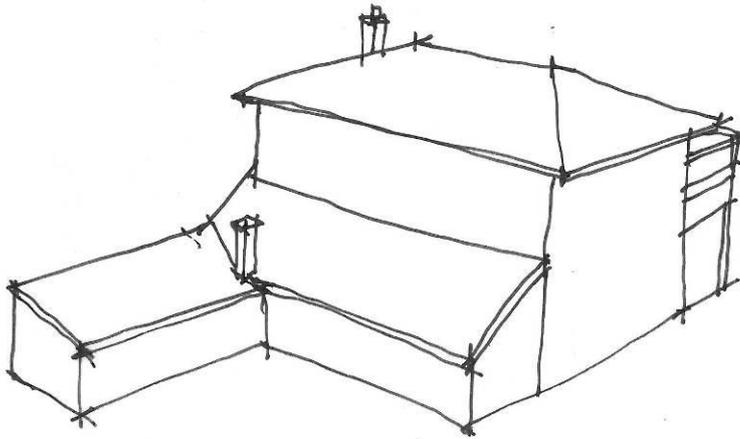


Photograph 12: Aerial Photograph of Leslie and Cunningham Park from 1929, with Plumb's chambers in foreground.



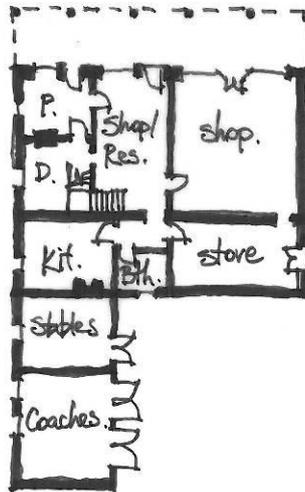
Photograph 13: Current photograph of Plumb's Chambers from Town Hall clock tower (source Geoff Cook, 2011)

2.09 These three configurations of the subject building's service wings have been sketched and correlated with building plans on the following pages:



Sketch of
84 Fitzroy St.
in 1899.

Conjectural
Ground
Floor
Plan.



Conjectural
First
Floor
Plan.

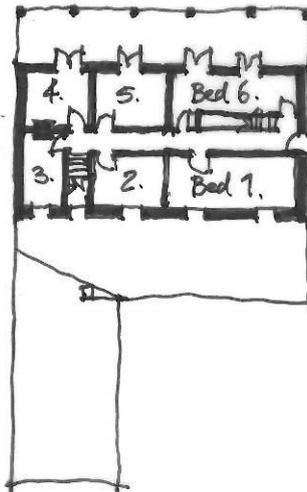
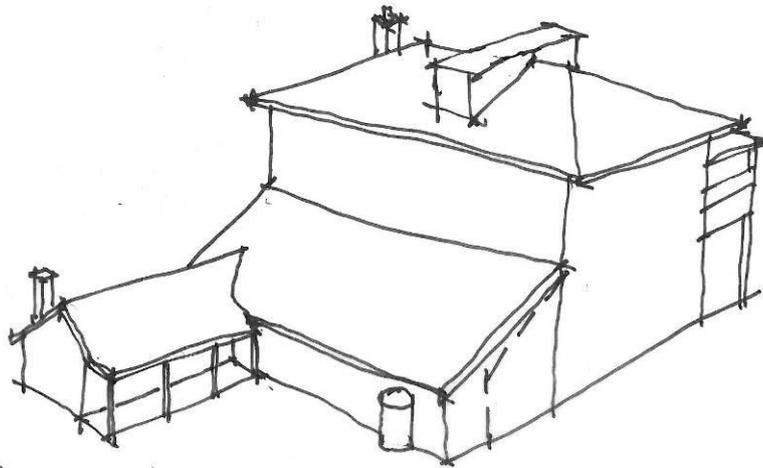
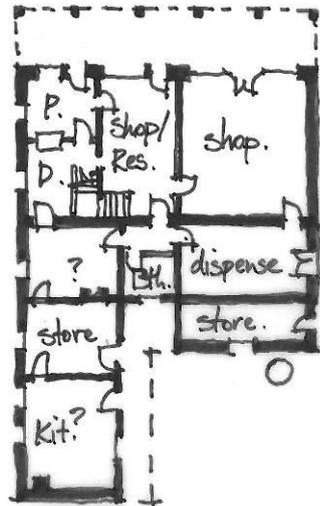


Figure 14: Perspective sketch and conjectural floor plans of 84 Fitzroy Street in 1899.



Sketch of
84 Fitzroy St.
in 1929.

Conjectural
Ground
Floor
Plan.



Conjectural
First
Floor
Plan.

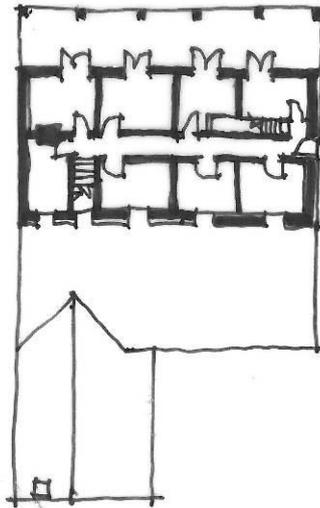
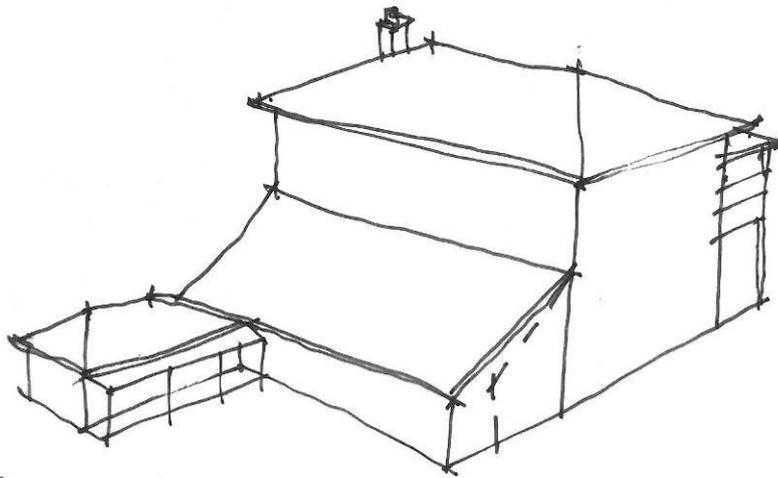
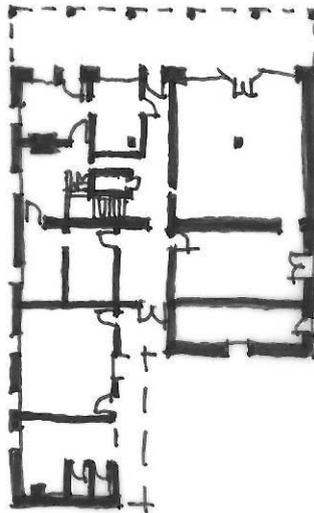


Figure 15: Perspective sketch and conjectural floor plans of 84 Fitzroy Street in 1929.



Sketch of
84 Fitzroy St.
in 2011.

Existing
Ground
Floor
Plan.



Existing
First
Floor
Plan.

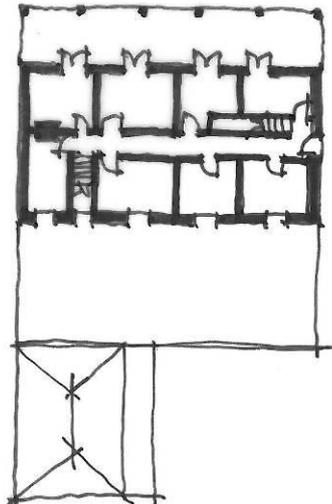


Figure 16: Perspective sketch and existing floor plans of 84 Fitzroy Street.

2.10 The "L" shaped service wings of the building at 84 Fitzroy Street are present in the photograph of 1899 and the conjectural plans of the building

correlate with the newspaper description of the property from 1882. A close check of the 1899 and current photographs indicate that the lean-to section of the service wings has grown wider between these dates. This alteration to the building is apparent in the building fabric where the earlier building line is apparent in the stone work of the eastern wall (see photo 17 below).



Photograph 17: Vertical joint and more steeply angled wall-top line in eastern wall of service wing of 84 Fitzroy Street, confirming photographic evidence that this lean-to wing was increased in width between 1899 and 1929.

- 2.11** The rear-most service wing appears to be the same plan shape as the existing building, but the roof has been altered in each of the periods photographed. In 1899 the rear-most roof is a skillion, sloping to the east, in the 1929 photograph the rear-most roof is a gable, and currently the rear-most roof is fully hipped.
- 2.12** As the rear-most service wing has been in existence since at least 1899 and probably prior to 1882, it would appear it has always been of brick construction, containing timber framed double-hung windows to Haig Avenue. The rendered finish on the outside of this wall appears to be relatively recent. If this rear-most service wing was used as stables and coach-house in its earliest configuration this would probably explain the lack of brick walls on the inner walls, which would have largely contained stable and coach doors.

2.13 There is a chimney at the junction of the two service wings in 1899. In the conjectural plan of this period I have suggested this could be the Kitchen fireplace chimney, probably for the "Mistress" pattern cooking stove mentioned in the 1875 newspaper article. In the 1929 photograph the earlier chimney is missing and there is a new chimney at the back corner of the rear-most service wing. The remnant of this chimney still exists, cut off below the new roof, as photographed below:



Photograph 18: Remnant of chimney in rear-most service wing of 84 Fitzroy Street.

- 2.14** As there is only one chimney in the service wings of the building in 1929 I have suggested that the kitchen may have moved into the rear-most service wing at this time.
- 2.15** An above-ground corrugated-iron tank is visible in the 1929 photograph, and exists currently. This tank may have replaced the earlier below-ground tank or supplemented it by 1929.
- 2.16** Site observation also reveals a change in stone colour between the two storey main building and the lean-to service wing (as photographed below). Roy Hoskins has identified the main building stone as Warwick Free-stone and the service wing as Helidon sandstone. This indicates that either the lean-to service wing was built after the main building or different stone was used for its construction. As the logical place for the Kitchen described in the 1875 newspaper article is in this service wing it seems

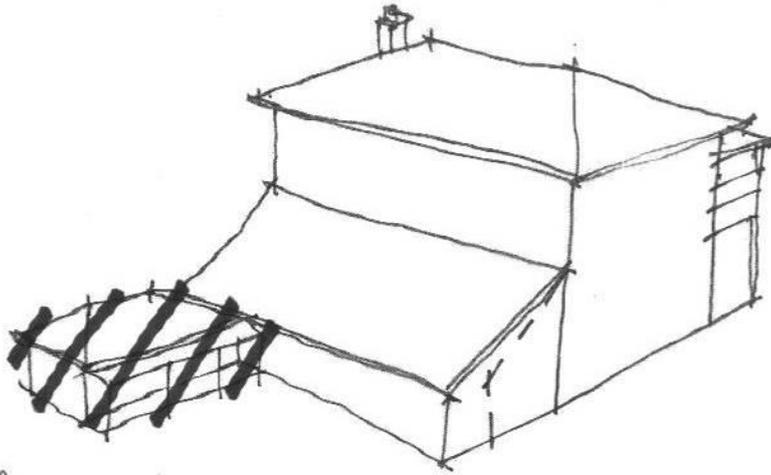
most likely that the lean-to service wing was built at the same time as the main building but with sandstone from different quarries.



Photograph 19: A change in stone colour exists between the two storey main building and the lean-to service wing. This photograph shows yellow Warwick Free-stone to the right (main building) and a mix of yellow, brown, and purple hued Helidon sandstone to the left (lean-to service wing).

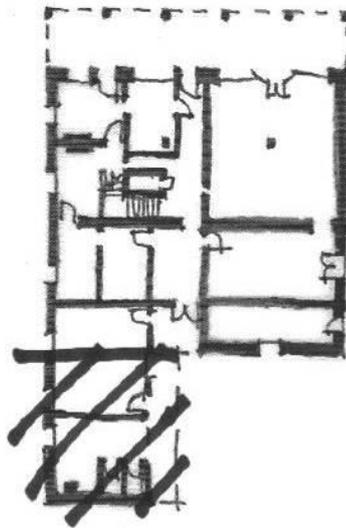
3.0 THE PROPOSAL

3.01 The proposal being assessed is to demolish the rear-most service wing of the building at 84 Fitzroy Street. This is shown diagrammatically below:



Sketch of
84 Fitzroy St.
in 2011.

Existing
Ground
Floor
Plan.



Existing
First
Floor
Plan.

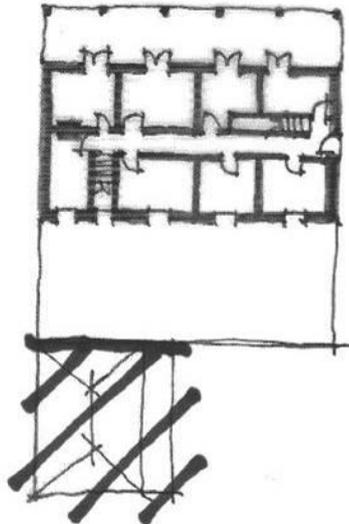


Figure 20: Perspective sketch and existing floor plans of 84 Fitzroy Street with proposed area for demolition shown hatched.

3.02 In this case this proposal is to be assessed on its own merits, which brings this report to its focus, which is whether the rear-most service wing is important to the heritage place or not.

4.0 THE IMPACT OF THE PROPOSAL ON THE HERITAGE PLACE.

4.01 Discussion of Significance of the Rear-most Service Wing.

As discussed in this report the main building and its service wing are integral to the Cultural Significance of the Heritage Place as both are necessary to understand the way the building worked. The service wing supported the functions of the main building from early in its life and both parts of the building need to be retained to understand it.

4.02 The western and southern walls of the rear-most service wing are brick rather than stone, but I do not think this is an impediment to its value. In most 19th century urban buildings the front was typically treated differently from the sides and backs – with the front being more ornate and expensively finished, the sides less so and the rear most pragmatically constructed. The interesting thing about 84 Fitzroy Street is that so much of it is constructed in stone, leaving only the rear-most service wing constructed in other materials.

4.03 The rear-most service wing roof has been altered at least three times during its life and its interior, a similar number of times. It is to be expected that service areas are more likely to change to respond to changing needs, as for example horses and coaches of 19th century use changed to motor car use in the 20th century. In the case of 84 Fitzroy Street the residential use of the building in the 19th century and early 20th has also changed in recent times to an exclusively commercial use, which has been expressed most forcefully in the service areas. If the service areas had remained in their earlier configuration there would be more evidence of these earlier uses and hence greater historical value, so the service areas of this building have been diminished in value as their uses have been overwritten by changes. Importantly with this building, the evidence of changing uses has not been removed. While the rear-most service wing remains in place, the evolution of the building as a whole can be interpreted and used to understand the cultural significance of the heritage place.

4.04 Plumb's Chambers, with the neighbouring State Heritage listed Police Station and the Court House, with Leslie Park opposite, forms an exceptional streetscape. The service wing of Plumb's Chambers forms a minor but not insubstantial component of the appearance of 84 Fitzroy Street in this streetscape, as seen in the photographs of Plumb's Chambers from Fitzroy Street which look down Haig Avenue (see Photograph 1).

4.05 Based mainly on the contribution the service wings, including the rear-most wing, make to understanding the heritage place, and partly on the visual contribution Plumb's Chambers makes to this precinct of heritage places in Fitzroy Street, of which the service wing of the subject building forms a part, I think the part of 84 Fitzroy Street proposed to be demolished has

considerable significance to the heritage place, using the relative levels of significance within Andrew Watson's Conservation Assessment Report for Plumb's Chambers, prepared in 2008 – as follows:

A – Exceptional significance

Fabric that forms a remarkable, rare or unusual part of the place. Fabric considered essential to the understanding, appreciation or cultural value of the place. Fabric that must be retained and rigorously conserved (e.g. maintained, preserved, restored or reconstructed). Intervention would not normally be permitted.

B – Considerable significance

Fabric considered important to the understanding, appreciation or cultural value of the place but which could possibly be intervened with in a sensitive, controlled and limited manner. Fabric that should be retained and appropriately conserved (e.g. maintained, restored, reconstructed, adapted).

C – Some significance

Fabric considered useful, but not essential, to the understanding, appreciation or cultural value of the place but for which sensitive intervention would be acceptable. Fabric that is desirable to be retained and appropriately conserved.

D – Little of no significance

Intervention and/or new work are appropriate provided that no nearby areas of higher cultural significance are compromised.

E - Intrusive element

Fabric should be removed and original form reconstructed or new compatible adaptation made.

4.06 Because this report gives the rear-most service wing of 84 Fitzroy Street considerable significance, it follows that it should be retained and appropriately conserved, rather than demolished.

4.07 Discussion of Significance of the large underground tank

The large underground tank was included in both 19th century newspaper articles describing this property. This is one of the few Queensland Heritage Register Citations which mentions an underground tank.

4.08 While it is considered not uncommon for 19th century residences to have underground tanks I have only come across four underground cisterns in my 25 years of practice as a conservation architect. One of those underground brick tanks is at *Canning Downs*, just outside Warwick. Canning Downs, one of Queensland's oldest homesteads, has brick stables

dating from the 1850s, and the under-ground brick tank was built to provide water for the horses stabled there (see photo below).



Photograph 21: The domed top of the underground brick water tank at Canning Downs

- 4.09** Interestingly the QHR Citation for *Canning Downs* doesn't mention the underground brick tank, which indicates there is little information about how common or otherwise these heritage items are.
- 4.10** The underground tank at 84 Fitzroy Street is documented as existing in the 19th century accounts of the building. As David Clarke was responsible for the construction of 84 Fitzroy Street and he was a chemist, manufacturing drugs and potions required a good source of clean water, and so the large underground tank was essential to his business – reticulated water was introduced in Warwick in 1878, three years after 84 Fitzroy Street was built.
- 4.11** As two of the statements of significance relate to the importance of association of this heritage place with David Clarke, and the use of masonry – both in illustrating the construction techniques of mid-19th century masonry building in Queensland and in the potential to reveal further information about 19th century stone and brick construction, I think the large underground tank has importance to the heritage place.
- 4.12** The large underground tank described as existing at 84 Fitzroy Street in the 19th century is not visible, and it is not known whether it still exists

(potentially covered by soil in the back yard), or not. Given its importance if it does exist, I think it should be searched for and conserved if found.

5.0 Assessment against the relevant sections of the Queensland Heritage Act

5.01 Section 1, Object of this Act (in part)

- (1) *The object of this Act is to provide for the conservation of Queensland's cultural heritage for the benefit of the community and future generations.*
- (2) *The object is to be primarily achieved by –*
 - (d) *regulating, in conjunction with other legislation, development affecting the cultural heritage significance of Queensland heritage places*
- (3) *In exercising powers conferred by this Act, the Minister, the chief executive, the council and other persons and entities concerned in its administration must seek to achieve –*
 - (a) *the retention of the cultural heritage significance of the places and artefacts to which it applies*
 - (b) *the greatest sustainable benefit to the community from those places and artefacts consistent with the conservation of their cultural heritage significance.*

5.02 Section 68, Assessing development applications under the Planning Act – State heritage places (in part)

- (1) *If, under the Planning Act, the chief executive is the assessment manager or a referral agency for a development application for development of a State heritage place, the chief executive must assess the application against the object of this Act.*
- (2) *If the chief executive is satisfied the effect of approving the development would be to destroy or substantially reduce the cultural heritage significance of a State heritage place, the chief executive must, unless satisfied there is no prudent and feasible alternative to carrying out the development –*
 - (b) *if the chief executive is a concurrence agency for the application – tell the assessment manager to refuse the application.*
- (3) *In considering whether there is no prudent and feasible alternative to carrying out the development, the chief executive must have regard to –*
 - (a) *safety, health and economic considerations: and*
 - (b) *any other matters the chief executive considers relevant.*

5.03 As noted above in this report, as the whole of the service wings of 84 Fitzroy Street, including the rear-most section subject to this appeal, has

considerable significance, its demolition would substantially reduce the cultural heritage significance of the heritage place. As there is a prudent and feasible alternative to demolishing this part of the building, which is not to demolish it, this proposal should be refused.

5.04 In this case, with building work being proposed to a State heritage place, DERM was acting as a concurrence agency for the application and in my opinion should have told the assessment manager (Warwick Shire Council) to refuse the application.

5.05 For completeness this report will consider the relevant provisions of *Warwick Shire Planning Scheme 1999*, as well as *the Queensland Heritage Act 1992*. This report will start with the later, more detailed provisions of the Planning Scheme, and work up to the more strategic provisions.

5.06 Assessment against the relevant sections of the Warwick Shire Planning Scheme 1999

Planning Scheme Policy No. 1 – Cultural Heritage

84 Fitzroy Street, Warwick is listed in the heritage register in this policy, where the policy direction is to ensure the protection of places on the register. This Policy notes overarching policy direction is provided by *Desired Environment Outcome 2.4.2*, which states:

There will be effective conservation of places of cultural heritage significance in the Shire and new development which sensitively responds to them.

5.07 Section 5.3.3.1 Impact Assessment Criteria – Carrying out Building Work (in part)

The criteria set out below will be considered by Council in assessing applications for impact assessment for building work.

(a) Demolition or Removal

In assessing an application for a proposal to demolish or remove a building listed in Planning Scheme Policy No. 1, consideration will be given to whether a conservation study has demonstrated that:

- *The building is of no significance in terms of its historical, architectural, streetscape and other special value; or*
- *Where the building is of significance, that conservation actions are not feasible or viable*

(b) External Building Work

In assessing an application for external building work to a building listed in Planning Scheme Policy No1, consideration will be given to whether a conservation study has demonstrated that the new work will

not detract from the heritage significance of the building and will be compatible with the streetscape.

5.08 On the understanding, in this case, that demolition includes partial demolition and external building work includes demolition work, this report, functioning as a conservation study in respect to assessing the heritage values of the rear-most section of the service wings of 84 Fitzroy Street finds that the section of the building in question does have significance in terms of its:

- historical value, in explaining the nature and functioning of the heritage place;
- architectural value, in being an integral part of the building from early in the life of the building;
- streetscape value, in being a minor but not insubstantial part of the appearance of 84 Fitzroy Street, especially as seen in conjunction with the adjacent State heritage listed Courthouse and Police Station buildings.
- That the section of the building in question is structurally sound and in reasonable condition, such that conservation action – retention rather than demolition, is feasible and viable,
- that demolition of this part of the building would detract from the heritage significance of the building
- and finally that removal of the rear-most part of the existing building would be less compatible with the streetscape than the building currently is.

5.09 Section 4.2.5.2 Purpose – City Centre Development Code

The purpose of this code is to retain the heritage qualities of the City Centre through the retention of highly significant and significant heritage places in a streetscape context which provides for sympathetic alterations to existing buildings and incorporation of new development which is compatible with, and respectful to, the existing streetscape character.

In addition, the code seeks to create a built environment which incorporates a standard of design and amenity conducive to the functioning of the area and its role as an important community focus.

5.10 While this code is clearly aimed at the compatibility of new development to retained heritage buildings, in so far as the purpose mentions retention of significant heritage places and sympathetic alterations to existing buildings, this provision has some relevance to the retention of the rear-most part of the existing building, the demolition of which would result in a diminished heritage place, less compatible with the streetscape than 84 Fitzroy Street currently is.

5.11 Section 4.2.5.4 Development Controls – City Centre Development Code (in part)

(a) *Heritage Context, Performance Objective*

- *To ensure that heritage places are retained in a context which is appropriate to an understanding of their cultural value and respectful of their design qualities*

5.12 As noted above when considering the Purpose of this code, the demolition of the rear-most part of the existing building would result in a diminished heritage place. Such an action would be contrary to an understanding of the cultural value of 84 Fitzroy Street and not respectful of the design qualities of the Heritage Place.

5.13 Section 4.2.4.1 Impact Assessment Criteria – Material Change of Use – City Centre (in part)

In assessing applications for all development requiring impact assessment in the City Centre Land Use Area, Council will consider the following matters in addition to any other relevant provision of this planning scheme:

(c) *For applications involving the demolition or removal of buildings listed in Planning Scheme Policy No.1, whether a conservation study has demonstrated that:*

- *Conservation actions are not feasible or viable; or*
- *The building is of no significance in terms of its historical, architectural, streetscape and other special value.*

(d) *For applications involving external building work to buildings listed in Planning Scheme Policy No.1, whether a conservation study demonstrates that the new work will not detract from the heritage significance of the building and will be compatible with the streetscape.*

5.14 As noted above in response to Section 5.3.3.1 Impact Assessment Criteria – Carrying out Building Work, this report has found that the proposal to demolish the rear-most part of the existing building would not meet these provisions of the Planning Scheme.

5.15 Section 4.2.2 City Centre – Policy Intent (in part)

The buildings of heritage significance within the city centre are listed in Planning Scheme Policy – Cultural Heritage. It is intended that these buildings are to be used for commercial activities, however, development is to be undertaken in such a way as to protect their heritage values.

5.16 As noted above, this report has found that the demolition of the rear-most part of the building at 84 Fitzroy Street would be contrary to protecting the heritage values of the Place.

5.17 Section 4.2.1 City Centre – Key Policy Statements (in part)

(ii) The city centre will have a high standard of amenity, with a cohesive streetscape character in which buildings of heritage significance are protected and new development occurs in a compatible form.

To achieve these strategic aims of the Planning Scheme, the relevant Codes need to be satisfied, and as noted above the demolition of the rear-most part of the building at 84 Fitzroy Street would be contrary to protecting the heritage values of the Place. This proposal also has an impact on the streetscape character of Fitzroy Street, and in turn an impact on the amenity of the city centre, such that this Key Policy Statement is not met, and the proposal should be refused.

A handwritten signature in blue ink, appearing to read 'M. Scott', is positioned above the typed name.

Michael Scott Architect
B.Arch. (Hons) UQ

CURRICULUM VITAE FOR MICHAEL SCOTT 2008

APPENDIX 1

CURRICULUM VITAE

May 2011

NAME: Michael Scott

ADDRESS: 42 Gaunt Street
Newmarket 4051

TELEPHONE: (H) 3356 4980
(Mob) 0407 113249

CURRENT EMPLOYER: self employed

CURRENT POSITION: Architect

TIME IN THIS POSITION: 9 years

DATE OF BIRTH 15 May 1962

PROFESSIONAL STATUS: Registered Architect

CONSERVATION / RESTORATION

- \$25 000 (estimate) Hamilton Hall and former Council Chambers, Hamilton. Restoration of parapet and fences to street frontages. Documentation from research and site investigation.
- \$35 000 City Hall Council Chambers, Floor 1. New lights, curtains, carpet and re-painting. Co-ordination of consultants, assistance with Council's Heritage Architect on selection and documentation of materials and fittings.
- \$20 000 Repairs to 1940s section of Mount Coot-tha Lookout
Advice and Works Documentation

COLOUR SCHEMES

- NEW**
- Standards for Libraries
 - Garden City Bus Depot Interiors
This depot won RAIA Qld. Award 1994.
- OLD**
- Valley Pool façade
 - Sandgate Town Hall
 - Miscellaneous areas of City Hall
 - Corinda and Ithaca Libraries

SKETCH DESIGNS

Development of standard amenities building
QEII Stadium Façade Recladding options
Brisbane Administration Centre – Floor 15 replanning
MLC Centre – Floor 4 and 7 replanning
Several Ward Offices

1986 – 1992

ROBERT RIDDEL ARCHITECT

\$3 Mill. Extensions and conservation of 1930s Hennessy and Hennessy designed Law Library, University of Queensland. Team Leader, Contract Documentation.

RAIA Qld. Non-Residential Award 1990.

\$60 000 to \$300 000 Numerous alterations and extensions to houses of varying degrees of heritage significance, from interesting pre-WWII cottages to historically important, substantial houses by architects such as A B Wilson and Robin Dods.

- \$100 000 Refurbishment Commercial Mixed Use Building, Fortitude Valley, including restaurant fitout and offices above. Contract Documentation and Administration.
- \$30 Mill. Development Application drawings for a resort on the mid-NSW coast near South West Rocks.
- \$1 Mill. Ambassadors Villas, Hyatt Coolum Resort for principal architects, Bligh Voller. Contract Documentation and details during Contract Administration. This resort won the RAIA Qld Tourism Award 1994.
- \$2 Mill. Presentation drawings for a competition entry, new Uniting Church Complex, Robina, Gold Coast.
- \$100 000 Alterations, Sunnybank State Secondary School. Contract Documentation.

1986 **ADDISON ASSOCIATES**

- \$1 Mill. Public Housing, Lyneham North, Canberra
(approx.) Design Development and Contract Documentation.

EDUCATION

- 1985** Graduated from University of Queensland
Bachelor of Architecture with Honours
- 1979** Dux, Toowoomba Grammar School

**QUEENSLAND HERITAGE REGISTER ENTRY FOR
PLUMB'S CHAMBERS, FITZROY ST, WARWICK**

APPENDIX 2

Plumb's Chambers

Place Details

Place ID	601725
Registration Type	State Heritage
Place Name	Plumb's Chambers
Alternative Name	Medical Hall
Place Classification	Built
Place Category	Retail, Wholesale, Services
Place Type	Shop house/s
Themes	3 Developing secondary and tertiary industries / 3.8 Marketing, retailing and service industries
Register Entry Date	03/11/1997

Location

Address	82 & 84 Fitzroy Street
Town / Suburb	WARWICK
Post Code	4370
LGA	SOUTHERN DOWNS REGIONAL COUNCIL

Cultural Heritage Significance

Principal Period of Significance 1860s-1910c (fabric) 1860s-1880s (historical)

Plumb's Chambers, comprising a brick and timber building possibly dating to the 1860s and an 1874-75 stone building, is important in illustrating the transformation of Warwick in the late 1860s and 1870s from a squatters' town to the principal urban centre of Queensland's most prosperous pastoral and agricultural district. The possibly c1860s brick building may represent the beginnings of this movement, and the 1874-75 building is indicative of Warwick's first building boom. Both buildings also illustrate a tradition of masonry construction in Warwick and district dating from at least the 1860s and sustained well into the early 20th century, which sets the district apart from any other in Queensland.

Criterion A

The 1874-75 building survives as an excellent example of a substantial, two-storeyed, stone building with commercial premises on the ground floor and residence on the first floor, designed to impress and inspire confidence. Few buildings of this type and material have survived in Queensland, and even fewer Georgian-styled stone shop-houses in Queensland overlook a town square. The building provides rare evidence of the nature of the accommodation and work place of a successful 1870s business family in a developing Queensland rural town. More particularly, it is important in illustrating the nature of such buildings in a town in which stone and brick construction for commercial buildings was the norm at this period.

Criterion B

Both buildings are important in illustrating the design, materials and construction techniques of mid-19th century masonry building in Queensland, and both have potential to reveal further information about 19th century stone and brick construction.

Criterion C

Both buildings are important in illustrating the design, materials and construction techniques of mid-19th century masonry building in Queensland, and both have potential to reveal further information about 19th century stone and brick construction. The 1874-75 building survives as an excellent example of a substantial, two-storeyed, stone building with commercial premises on the ground floor and residence on the first floor, designed to impress

Criterion D

and inspire confidence.

Criterion E

Both buildings occupy a prominent role in the streetscape along Fitzroy Street between Guy and Palmerin Streets, and the pitch of the roofs contribute to the unity of the street.

Criterion H

The 1874-75 building is significant also for its close association with Warwick chemist and seedsman David Clarke, who made a substantial contribution to the expansion of agriculture in the Warwick district in the 1860s and 1870s.

History

Plumb's Chambers comprises two distinct buildings. One is a substantial, two-storeyed stone building with rear service wings, constructed in 1874-75 for Warwick chemist and seedsman David Clarke. This building functioned as shops on the ground floor with residential accommodation above. The second comprises a small, two-storeyed brick and timber building with brick extensions at the rear. From photographic evidence, sections of this building appear to pre-date the adjacent 1874-75 stone building. The whole site was initially part of allotment 12 of section 21 in the Town of Warwick (comprising 2 roods), first sold at auction in September 1857 for £4. In 1866 title to the whole of the allotment passed to Frederick Hudson, public of Warwick, who purchased the land for £40. It is not known whether improvements had been made to the property by this date. Hudson transferred the property to his wife Margaret, who subdivided the block into three parts, selling off the western and eastern subdivisions in 1868. Mrs Hudson retained the middle subdivision, on which the present brick and timber building stands, until 1876. The 1874-75 Stone Building [No.84 Fitzroy Street] The western part of the allotment, about 29 perches, (later subdivision 1) was sold for £60 to David Clarke, chemist and druggist of Warwick, and title was transferred to him in May 1868. Clarke, an Irish Protestant emigrant and dispensing chemist since c1856, arrived in Warwick in 1867. During the next 15 years he played an important role in the development of agriculture in the Warwick district, at a period when powerful local pastoralists were still strongly opposed to opening the land to selection. Clarke actively promoted the expansion of agriculture on the southern Darling Downs, specialising in the importation of seeds (including cotton and Indian wheat) and fruit trees likely to succeed in the district. In late 1867 he instigated the formation of the highly successful Eastern Downs Horticultural and Agricultural Association, established in October that year. He was the Association's first secretary, and retained that position for well over a decade. In the early 1880s Walter Hill, curator of the Botanic Gardens in Brisbane, said of David Clarke that he had . . . done as much to foster and encourage agriculture as any man he knew of in the colony, and who had placed the district under considerable obligation to him . . . Clarke also took an active role in Protestant work and was nominated for the 1880 Warwick town council elections. In May 1867 Clarke had established a wholesale and retail Drug, Grocery and Seed Warehouse in Warwick in rented premises at the corner of Fitzroy and Albion Streets, opposite the first Bank of New South Wales. By October 1869, Clarke's business had proved so successful that he was able to separate the drug and seed departments from his grocery business, moving the former into a purpose-built addition which opened on 15 November 1869 as the Medical Hall. In the early 1870s business expanded with a branch opened at Quartpot Creek (Stanthorpe) following the discovery of tin early in

History

1872 [this branch seems to have been short-lived] and in May 1872 a move across Fitzroy Street to larger premises formerly occupied by the Bank of New South Wales. Clarke's success in Warwick as a dispensing and manufacturing chemist and seedsman culminated in 1874 with the selling off of his grocery business to George P Barnes (formerly Clarke's assistant) and William Lavers in October, and the construction of substantial new stone premises on the Fitzroy Street land he had acquired in 1868 from Margaret Hudson. The site overlooked the Square [now Leslie Park] and was just down the road from the new Bank of New South Wales on the southwest corner of Palmerin and Fitzroy Streets. The new Medical Hall must have been well under construction when Clarke called tenders for the carpenter's work in October 1874 and the plasterer's work in January 1875. In late February 1875 Clarke advertised for sale the portable building then occupied by his chemist shop - this was located in Fitzroy Street, but on which allotment is not clear - and the new stone building must have been close to completion at this time. When completed, Clarke's two-storeyed stone building contained residential accommodation on the first floor and at least two shops on the ground floor. Besides accommodating Clarke's Medical Hall, from May 1875 Barnes & Lavers, grocers, also moved into part of the building. By August 1877 Barnes and Lavers had moved out, but two grocery shops as well as the Medical Hall were operating on the ground floor from August 1877 to March-April 1878. The building was erected during the town's first 'boom', when Warwick was transformed in the late 1860s and 1870s from a squatters' town into the principal urban centre of a prosperous pastoral and agricultural district. It was a substantial building and made a prominent contribution to the streetscape. Retailers in nearby premises frequently advertised in the 1870s-early 1880s as 'adjoining' or 'adjacent' to David Clarke's chemist shop. In the early 1880s David Clarke passed the running of his business to his son, Charles De Lacy Clarke, also a licensed chemist, and left Warwick early in 1882. Charles Clarke then took over the Medical Hall in his own name, but by September/October 1882 had purchased a business in St George, advertising the Warwick building for rent. At that period the main building comprised 15 rooms, with a large shop and storeroom on the ground floor, residential accommodation on the first floor, bathroom, kitchen, stables, coach-house and a large underground water tank with pump. Despite an attempt in 1893 by David Clarke's mortgagor, the Queensland Investment and Land Mortgage Co. Ltd, to sell the property, the title remained in Clarke's name until November 1909, when it was transferred to retired Freestone farmer and grazier, James Wilson. During the period 1883-1909 the property was let either as a house, store or both. Tenants included Dr William Tilley, surgeon at the Warwick hospital, from 1887-89; Mrs WD Wilson, storekeeper and widow of a former Warwick businessman and Mayor, 1891-94; and S Benjamin, wine and spirit merchant, from 1899 until at least the early 1900s. James Wilson occupied the stone building as his town residence for less than a year before his death in September 1910. However, in mid-1910 he had requested and received permission from the Warwick Town Council to erect a balcony over the footpath in front of his stone buildings, and was in the process of carrying out what were described in the local press as extensive alterations to his home when he collapsed. It is understood that the present balcony and some rear renovations date to this period. The brick and timber building [No.82 Fitzroy Street] Mrs Hudson retained the middle section of allotment 12 until 1876. Photographic evidence reveals several structures extant on the site c1872; whether any of

these survive as part of the present brick and timber building has not been established, although it is possible. In April 1869 Mrs Hudson had advertised to let Borger's old blacksmith's shop adjoining the Royal Exchange Hotel, [the hotel was on the southwest corner of Fitzroy and Palmerin Streets, on the site later occupied by the Bank of New South Wales]. Warwick historian Thomas Hall recalled in 1925 that Henry Borger opened a blacksmith's shop in Fitzroy Street, and it may have been on that part of allotment 12 which Mrs Hudson still held in 1869. In November 1876, title to this property, about 34.5 perches (later subdivision 3 of allotment 12 of section 21), was transferred to Charles Joseph Isambert, wine and spirit merchant of Warwick, who had paid £325 for the site. A c1899 photograph reveals two buildings on this site: the present two-storeyed brick and timber building, and a single-storeyed timber shop to its east. Warwick Municipal Council rate records reveal that Isambert ran a business in one of these buildings from at least 1881, and that the other was let from 1881 to 1894 to Henry Borger, blacksmith, and in 1895 to John Borger, also a blacksmith. The eastern-most shop was replaced by 1901 with a cottage [since demolished] erected for Isambert's daughter, Mary Ann Saunders. No tenant occupied the site after 1895, suggesting that the blacksmith's shop was the single-storeyed timber structure replaced by 1901 with Mrs Saunders' cottage, and that Isambert's business was conducted from the present brick and timber building. CJ Isambert had held the license for the European Hotel in Grafton Street, Warwick 1872-75. By December 1876 he had a boot warehouse in Guy Street, removing in March 1878 to larger and more convenient premises in Fitzroy-street, adjoining Mr Clarke's chemist shop. This is likely to be the present brick and timber building, on land he had acquired in 1876. No record has been found of premises being erected for Isambert on this site or any other at this period, and it is likely the building to which he removed in 1878 was extant at the time he acquired title to the property in 1876. His business was still located in Fitzroy Street, opposite the Square, in January 1880, and by August 1882 he had disposed of his boot stock and opened a new drapery store in the same premises, next door to Charles Clarke's chemist shop in Fitzroy Street. In September 1884 Isambert auctioned off the contents of his drapery store, but retained the Fitzroy Street property, possibly using the building in connection with his wine and spirit dealership, for which he held a Wholesale Spirit Dealer's License 1889-91. He retired in the early 1890s, a few years before his death in 1893. Following Isambert's death the property passed to trustees and then to his daughter. James Wilson acquired title in July 1910, just over 6 months after acquiring the adjacent stone building. The verandah on the brick and timber building matches in detail the 1910 verandah on the adjacent stone building, and may have been constructed subsequent to Wilson's death in September 1910. Plumb's Chambers [Nos 84 & 82 Fitzroy Street] The two buildings had been owned separately until title to both was transferred to James Wilson in 1909-10. In 1914, title to subdivision 1 of allotment 12 (the stone building) and resubdivisions 1 & 2 of subdivision 3 of allotment 12, comprising 15 perches, (the brick and timber building) passed to Warwick bootmaker James Plumb and his family, and at some period after this date both sets of buildings become known as Plumb's Chambers. Plumb was active in the masonic movement, and served as Worshipful Grand Master of St George's Lodge in Warwick. He resided and worked at the Fitzroy Street premises until his death in 1933, and his widow remained there until her death in 1948. It is

understood that the present owner acquired the property in 1949. Plumbs' Chambers are still used for commercial purposes.

Description

Plumb's Chambers comprises two distinct buildings situated on the south side of Fitzroy Street overlooking Leslie Park, about half a block west of the corner of Palmerin Street, the main street of Warwick. Across Haig Avenue to the west is the Warwick Police Station [600948] and Court House [600949]. The larger of the Plumb's Chambers buildings is a two-storeyed sandstone structure with single-storey wings to the rear, and a two-storeyed verandah to the street. It has shops to the lower level and residential accommodation above. Across a narrow laneway to the east is a brick building with a narrow timber upper level and similar two-storeyed verandah, with a series of timber outbuildings to the rear. The larger building is constructed of tooled sandstone blocks laid in ashlar coursing. It has a hipped corrugated iron roof with acroteria to the gutter corners. Penetrating the roof is a sandstone chimney with a cornice and three arched cowls. To the northern or street elevation, the two-storeyed timber verandah which overhangs the footpath, has a skillion roof and boarded ends. Set on stone plinths, the stop-chamfered posts to the lower level are topped with timber cornices, and have a slatted valance above. The upper level balustrade, now clad in fibrous cement sheet appears to have a dowelled balustrade concealed beneath. The posts of the upper level are finished with scrolled timber brackets below the roof beam. The street elevation at ground level has three separate entries and windows. To the western end is a four-panelled door with tilting fanlight beside a small vertical sliding sashed window. To the centre is a similar door, with "Plumb's Chambers" painted to the fanlight, and a group of three windows beside. To the eastern end is a timber shopfront which angles back to the recessed entry of panelled french doors. The underside of the verandah is of ripple iron with internal gutters and a moulded plaster cornice at the wall. The verandah is accessed at the upper level by four pairs of glazed french doors. Only the stonework to this street elevation has been painted. All four sides of the two-storeyed section show cross-plates with tie rods stabilising the upper level. Windows to the side and rear elevations are vertical sliding sashes with projecting stone sills. To the rear is a single-storey skillion wing of stone with a recess clad in weatherboards for a back door and windows. There is a later single-storeyed extension running perpendicular to the remainder, built of rendered masonry and weatherboards with a hipped corrugated steel roof. Across the laneway to the east is the two-storeyed building with the lower level constructed of brick, and a narrow timber upper level to the street frontage. This upper level is clad in chamfer-boards with a hipped corrugated iron roof and casement windows. To southeast corner is an unpainted brick chimney with corbelled top. Overhanging the footpath is a two-storeyed timber verandah, similar in detail but smaller in proportion to that of the sandstone building. It is partially enclosed with slatted timber blinds. The lower level is constructed of brick, some sections of which are painted. It is divided into two shops, each with a four-panelled entry door and tilting fanlight, and a large shopfront window (one of which has twelve panes, the other six). The rear section has a double gabled roof and central half-round gutter. To the west side is a brick chimney beside a further entry door. The rear of the building is also divided into two, with a skillion roof over separate boarded entry doors. To the rear of this property are several outbuildings, including a weatherboard toilet with curved

Description

corrugated iron roof, and a chamfer-board garage with a gabled roof. It has not been possible to date to inspect the interior of either building.

Element
Element Name
Design Period
Construction Period

Plumb's Chambers
Mid-19th century (1840s - 1860s)
1860s - 1910c

Place Components

Garage
Toilet block/Earth closet/Water closet
Shop/s
Out building/s
Service wing
Residential accommodation - house/quarters above shop/s

Images and Maps

Images



Maps