

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**  
Co-respondent

And: **McCONAGHY GROUP PTY LTD  
ACN 108 353 199**  
Co-respondent

**WITNESS STATEMENT**

1. I am John Edward Mytton Barnes, the appellant in these proceedings. My principal place of residence is 6/36 Louisa Road, Balmain, NSW 2041.
2. I am the owner of Canning Downs, a historic property established in 1840 as the first pastoral licence in what is now Queensland. My family has owned Canning Downs, which is entered on the State Heritage Register, since 1917 and I am well acquainted with the responsibilities of maintaining and preserving a property in accordance with the policies and principles implemented by the Department of Environment and Resource Management.
3. My interest in these proceedings is purely directed to protecting the cultural heritage values of Warwick.
4. I understand the properties at 82 to 84 Fitzroy Street, Warwick were purchased by Rose City Centre Pty Ltd in 2009 for the sum of \$350,000.00. Annexed hereto and marked "A" is a true copy of the Form 1 Transfer obtained from the records of the Department of Environment and Resource Management.
5. For the purposes of protecting and restoring the buildings at 82 to 84 Fitzroy Street, I would be prepared to purchase those properties from the current owner for the sum of \$500,000.00 or market value. My intention would be to restore the buildings so that they could be adapted for re-use as contemporary commercial or professional office space whilst retaining their heritage significance and streetscape values.

Signed and declared by John Edward Mytton Barnes on 21 July, 2011 before me:

  
Declarant

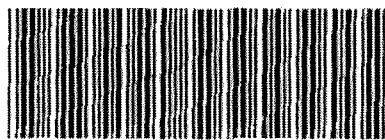
  
Solicitor

"A"

QUEENSLAND LAND REGISTRY  
Land Title Act 1994, Land Act 1994 and Water Act 2000

**TRANSFER**

Form 1 Version 5  
Page 1 of 1



**712577474**

**\$632.50**

07/07/2009 15:26

**BE 200**

*Duty Imprint*

Client No.: 1051414 Duties Act 2001  
Transaction No.: 500-011-788  
Duty Paid \$: 10675.00  Exempt  
UTI \$: NIL  
Date: 6/7/09 Signed: [Signature]

Section 162A requires information about privacy in NR&W see <http://www.nrw.qld.gov.au/about/privacy/index.html>.

**1. Interest being transferred** (if shares show as a fraction)  
fee simple

**Lodger** (Name, address & phone number)  
GADENS LAWYERS  
240 Queen Street  
BRISBANE QLD 4000  
Tel: 3231 1666

**Lodger Code**  
162A

Ref: 20071114

Note: A Form 24 - Property Information (Transfer) must be attached to this Form where interest being transferred is "fee simple" (Land Title Act 1994), "State leasehold" (Land Act 1994) or "Water Allocation" (Water Act 2000)

2. Lot on Plan Description	County	Parish	Title Reference
Lot 1 on RP 94676	Merivale	Warwick	12949093
Lot 1 on RP 5801	Merivale	Warwick	11280069
Lot 2 on RP 5801	Merivale	Warwick	11280069
Lot 3 on RP 5801	Merivale	Warwick	17320154

**3. Transferor**  
John Adrian Hill as personal representative under instrument no. 710896699

**4. Consideration**  
\$350,000.00

**5. Transferee** Given names Surname/Company name and number (include tenancy if more than one)  
Rose City Centre Pty Ltd ACN 056 117 330

**6. Transfer/Execution** The Transferor transfers to the Transferee the estate and interest described in item 1 for the consideration and in the case of monetary consideration acknowledges receipt thereof. The Transferor declares that the information contained in items 3 to 6 on the attached Form 24 is true and correct. The Transferee states the information contained in items 1, 2, 4 to 6 on the attached Form 24 is true and correct. Where a solicitor signs on behalf of the Transferee the information in items 1, 2, 4 to 6 on Form 24 is based on information supplied by the Transferee.  
**NOTE: Witnessing officer must be aware of their obligations under section 162 of the Land Title Act 1994.**

Separate executions are required for each transferor and transferee. Signatories are to provide to the witness, evidence that they are the person entitled to sign the instrument (including proof of identity).

[Signature] Solicitor  
IAN HENRY STACEY  
Witnessing Officer (signature, full name & qualification)

26 JUN 2009  
Execution Date

John A Hill  
Transferor's Signature

Witnessing Officer (signature, full name & qualification)

Execution Date

Transferor's Signature

Witnessing Officer (signature, full name & qualification)

30/6/09  
Execution Date

[Signature]  
\* **GARY KOH**  
SOLICITOR  
Transferee's or Solicitor's Signature

Witnessing Officer (signature, full name & qualification)

Execution Date

Transferee's or Solicitor's Signature

(Witnessing officer must be in accordance with Schedule 1 of the Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

\*Note: A Solicitor is required to print full name if signing on behalf of the Transferee and no witness is required in this instance