Title

Preliminary Approval for Building Work (Partial Demolition of Building on Register of Cultural Heritage Places) - 84 Fitzroy Street, Warwick

Document Information



Report To: Planning and Environment Committee

Reporting Officer:

Meeting Date: 21 October 2009

Angela Mann Planning Officer

File Ref: BLD\07991

APPLICANT:	Urbis Pty Ltd		
OWNER:	Rose City Centre Pty Ltd		
ADDRESS:	84 Fitzroy Street, Warwick		
RPD:	Lot 1 RP94676, Parish of Warwick, County of Merivale		
ASSESSMENT AGAINST:	Warwick Shire Planning Scheme		
LAND USE AREA:	City Centre		
PROPOSAL:	Preliminary Approval for Building Work (Partial Demolition of Building on the Register of Cultural Heritage Places)		
LEVEL OF ASSESSMENT:	Impact		
SUBMITTERS:	Six		
REFERRALS:	Department of Environment and Resource Management (Formerly Environmental Protection Agency)		
FILE NO.:	BLD\07991		

Background Information

An application has been received for a Preliminary Approval for Building Work (Partial Demolition of Building on the Register of Cultural Heritage Places) on land at 84 Fitzroy Street, Warwick, Lot 1 RP94676, Parish of Warwick, County of Merivale.

Report

The subject property is located with frontage to Fitzroy Street and Haig Avenue. The building located at 84 Fitzroy Street is included on the Warwick Shire Register of Cultural Heritage Places. The building at 84 Fitzroy Street and the building on the adjoining land at 82 Fitzroy Street are both included on the Queensland Heritage Register, and are collectively known as Plumb's Chambers.

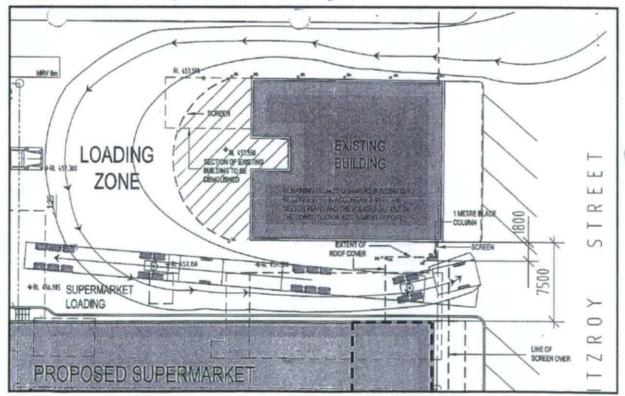


Lot 1 RP94676 contains a two storey sandstone building. The Queensland Heritage Register listing details that the building was constructed in 1874-1875, and that the ground floor was occupied by two commercial premises, with the upper floor being a residence. The building was originally constructed for Warwick chemist and seedsman, David Clarke. The building contained on Lot 1 RP5801 is a brick and timber building, dating to the 1860s.



Rose City Shopping Centre is located to the south of the subject lots. Ultimately the applicant plans to expand the existing Rose City Shoppingworld to the east of the subject lots.

The applicant proposes to remove the building at 82 Fitzroy Street and the single-storey rearmost western wing of 84 Fitzroy Street to facilitate the expansion of the Rose City Shoppingworld. It is proposed that the service area associated with the proposed extension to shopping centre will be separated from 84 Fitzroy Street by a free-standing continuous curved masonry walls at the rear of the building. This will act as a physical and visual barrier and provide a small courtyard area for the building.





The above photographs indicate the rear section of 84 Fitzroy Street which is proposed to be removed.

As the building at 82 Fitzroy Street is not included on the Warwick Shire Register of Cultural Heritage Places, the demolition of this building does not require assessment under the Warwick Shire Planning Scheme.

As only the building at 84 Fitzroy Street is included on the Warwick Shire Register of Cultural Heritage Places, this report deals with the proposed partial demolition of that building. Although the Department of Environment & Resource Management has also assessed the demolition of the building at 82 Fitzroy Street, due to that building also being on the Queensland Heritage Register.

The Queensland Heritage Register listing states that:

Plumb's Chambers, both buildings, 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.

The applicant's Statement of Heritage Impact report, by Watson Architects, states as follows:

To satisfy the needs of shop retailers for space and the demand for growth, the expansion would require the use of the site occupied by 82 Fitzroy Street and 84 Fitzroy Street known as Plumb's chambers.

The development proposal would involve the demolition of 82 Fitzroy Street and the partial demolition, retention and conservation of 84 Fitzroy Street. The retained and conserved building (84 Fitzroy Street) would remain associated with the shopping centre development.

In relation to the building located at 84 Fitzroy Street, the Statement of Heritage Impact states:

The condition of 84 Fitzroy Street, although structurally compromised was considered capable of structural repair and retention. Conservation of the building would need to address the two main broad issues:

- The requirement to stablise and repair the structures:
- 2. The requirement to make the building useable and habitable, potentially with the need to upgrade the building to satisfy certain current building standards and codes.

The third issue relates to the complexity and logistics of the required conservation measures.

The most structurally compromised wall of 84 Fitzroy Street is located on its boundary adjoining Haig Avenue. As a result, all conservation/building work related to stabilising the wall will likely need to be undertaken from inside the building envelope. The need to undertake remedial work to be building form within the property will have a significant impact on the cost of the works and the potential damage to other parts of the fabric. Temporary shoring of the wall may be possible with approvals from the Queensland Department of Main Roads and the Police Station however we understand that there will remain a need to maintain public access to the shopping development.

Referral

The application required referral to the Department of Environment and Resource Management (formally Environmental Protection Agency). Initially the DERM (then EPA) refused the application, however after further discussions with the applicant the DERM issued an amended concurrence agency advice, requiring conditions to be attached to any approval. The conditions relate to the preservation of the cultural heritage of each of the buildings.

Submissions

Six submissions were received to the application (see attached). The issues raised in the submissions are as follows:

The demolition of the buildings will detract from the heritage aspects of this shire. A happy development outcome can be achieved in most circumstances which allows the old and new to co-exist together. While pleased that the proposed development intends to retain most of 84 Fitzroy Street, it should not be at the expense of 82, which is an older building and equally significant. Any attempt to demolish one of the buildings would diminish the heritage significance of the other as they compliment each other well.

The buildings, called Plumb's Chambers, were erected circa 1860/1874 and form an important part of Warwick's cultural heritage. The buildings are important to Warwick's cultural heritage as they represent the streetscape which existed during the late 1800's at the dawn of Queensland's history. It is an important part of the streetscape which includes the old sandstone Court House/Police Station and Leslie Park. If they are destroyed, part of the unique character of Warwick is also lost forever.

Warwick is in a position at this point in time to avoid the mistake of losing its quintessential character which is demonstrated largely by its housing and commercial building styles, a mistake which has been made in the centre of many other Queensland towns by allowing incessant subdivision and new development and is now irreversible.

McConaghy Group is not the only stakeholder in regard to the future of 82 Fitzroy Street. It is suggested that all citizens, community organisations, Regional Council and the State Government (EPA) are also vital stakeholders in this decision making process – especially given the 150th anniversary of the Proclamation of the Colony of Queensland, and since Warwick is a proud and vital part of that early history of Queensland.

The McConaghy Group has already been allowed to remove heritage buildings to make way for the shopping centre. The once attractive streetscape on both sides of Grafton Street between Palmerin Street and Guy Streets has long gone. But enough is enough, it is now time for McConaghy Group to dig deep in to their financial pockets and repay some of that kindness which was extended to them in previous years by the local Council. They can repay some of that kindness by agreeing to finance — in cooperation with a wider public effort — the preservation of the essential fabric and structure of the buildings at both 82 and 84 Fitzroy Street.

There is apathy in the local community that developers usually win, rather than cultural heritage, when large projects are being decided.

Comment: The removal of 82 Fitzroy Street will have a significant impact on the streetscape of the area and the commercial heritage of Warwick. However 82 Fitzroy Street is not listed on the Register of Cultural Heritage Places. Therefore Council does not have any jurisdiction over the demolition of this building. The building at 82 Fitzroy Street is included on the Queensland Heritage Register and the DERM has assessed the application. The DERM consider the demolition of the building at 82 Fitzroy Street as acceptable and have required conditions to be placed on any approval.

The part of the building at 84 Fitzroy Street that is proposed to be demolished is an unsympathetic later addition to the rear of the building. The original and more significant part of the building will be retained. DERM has considered the removal of this later addition as acceptable.

 To simply destroy an old building because it "is all too hard" is a poor excuse which should never be accepted. When it is gone, it is gone forever and out future generations are again deprived. The brick exterior of 82 Fitzroy Street, while certainly needing some repointing work, appears to be in reasonable shape for its age. It is suggested that the second option be sought.

No work should be done without expert consultant advice being carried out in accordance with ICOMOS and Burra Charter principles.

An assumption has been made that because the current owners say that they do not have the financial resources to repair and maintain the buildings, then no-one can. The difficultly with that assumption is that the buildings have not been made available for sale on the open market. Therefore this assumption has not been properly tested.

The EPA has the power to compel owners to repair and secure heritage listed buildings. If such owners cannot do so, then their obligation as custodians is to take some action, whether than be the sale of a building or otherwise, rather than allow a building to fall into disrepair. It is unlawful not to maintain a heritage listed building.

Comment: Both buildings are included on the Queensland Heritage Register and the proposed demolition has therefore been assessed by the DERM having regard to cultural heritage value of the buildings. The Department Environment & Resource Management is the State government department charged in dealing with Cultural Heritage matters and have made their decision based on the criteria they use to assess impacts on State listed Heritage Buildings throughout the state.

• There is no compelling reason for the Council to accept, without question and in the absence of proper evidence, the proposition that the shopping centre can only expand on that particular site. Nor, for that matter, should it be taken as a given that the shopping centre has to expand at all. It must be remembered that it is the developer's assertion that the shopping centre has to expand even though, from casual observation, it appears there are already vacancies in the main shopping strip in Palmerin Street and some of those retail outlets have been vacant for a considerable period of time.

Comment: Council must assess the application to partially demolish the building at 84 Fitzroy Street in accordance with the Warwick Shire Planning Scheme and Planning Scheme Policy No. 1 (Cultural Heritage). This assessment focuses on the cultural significance of the building and the feasibility of conservation actions.

Both buildings are included on the Queensland Heritage Register and the proposed demolition has therefore been assessed by the DERM having regard to the cultural heritage value of the buildings. Part of the assessment would include the review of the structural information provided and any other documentation submitted by the applicant.

To suggest that the buildings would be lost if the developer does not get his own way is
certainly making big assumptions. While it is admitted that there is a need to maintain a
significant retail centre for the growing population, it should not be at the expense of
other important contributors to our economy such as tourism. It this character is lost

through demolition of heritage buildings in the important Fitzroy Street streetscape, the future economic returns for tourism, will be seriously jeopardised. These future economic returns, to the whole community, are likely to far outweigh the short term cost of redesigning the shopping centre.

Comment: The need for the expansion of the shopping centre is not a matter for Council to consider and is a financial decision of the developer. As previously mentioned 82 Fitzroy Street is not included on Council's Register of Cultural Heritage Places. The streetscape in this location is of cultural heritage significance. The DERM have assessed the application and consider it acceptable.

• The Watson Architects report (Conservation Assessment Report) is not a truly independent analysis of the state and value of the buildings because it has been commissioned by the shopping centre owner purely for the purpose of justifying demolition in the context of the proposed shopping centre expansion. The conclusion that there is no viable alternative to the complete demolition of 82 Fitzroy Street cannot be accepted in the absence of a second opinion form an independent and unbiased architectural expert.

For the same reason the Watson Architects report is biased, the engineering opinion of the building being structurally unsound is also flawed. Again, an independent second opinion should be sought.

Comment: The building at 82 Fitzroy Street is not included on the Register of Cultural Heritage Places and therefore does not trigger assessment against the Warwick Shire Planning Scheme. The quality of the reports submitted as part of the application is a matter that the DERM would have considered as part of the assessment. The Department Environment & Resource Management's role in this application is to be the independent and unbiased expert on matters of cultural heritage in the State and as a result the reports presented by the applicant's consultants have been assessed separately from the applicant or Council.

Assessment against the Planning Scheme

This application required assessment against the Policy Intent and Impact Assessment Criteria for City Centre Land Use Area, and the Impact Assessment Criteria for the Demolition or Removal of Heritage Listed Buildings.

The Desired Environmental Outcomes for the Shire, as outlined in the Planning Scheme, state that the historic architecture and traditional form and structure in Warwick City will be maintained or enhanced, and that there will be effective conservation of places or cultural heritage significance in the Shire. The removal of the rear of 84 Fitzroy Street will not compromise the streetscape or the heritage value of the building. The rear of the building seems to be a much later extension to the remainder of the building.

In assessing an application for a proposal to demolish or remove a building listed in Planning Scheme Policy No. 1, Council must consider 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.

The applicant submitted a Conservation Assessment Report and Statement of Heritage Impact report. The reports detail the building's significance in terms of history, architecture and streetscape, and then goes on to detail the structural problems, options and the required conservation methods. Both reports have been assessed by the Department of Environment and Resource Management, which will be discussed in more detail later in the report.

Policy Intent

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.

For this reason, the table of development ... requires that any proposed demolition, removal or external works to these buildings will be subject to impact assessment.

It is desired that the heritage buildings be retained and their continual use be encouraged. The part of the building at 84 Fitzroy Street that is proposed to be demolished is an unsympathetic later addition to the rear of the building. The original and more significant part of the building will be retained. DERM has assessed the application and considered it appropriate.

Demolition of Building included on Register of Cultural Heritage Places

The building is included as Listing No. 55 of the Warwick Shire Cultural Heritage Study. The Heritage Study states that the building is significant:

- for its association with the local historical theme of the development of Warwick as an administrative centre; and
- for its architectural value as a sandstone building in a district characterized by the use of local sandstone.

The conservation approach recommended by the study includes conserving the significant fabric of the place through local town planning mechanisms and encouraging the continued use of the place for commercial purposes.

The applicant proposes to remove the single-storey rear-most western wing of the building at 84 Fitzroy Street, in order to allow sufficient manoeuvrability for service vehicles associated with the proposed future extension of the Rose City Shoppingworld. The Statement of Heritage Impact report details the following information about the rear area of 84 Fitzroy Street:

This single storey structure is attached to the rear of the sandstone skillion structure on the western side of the building and consists of rendered brick walls with chamferboards facing the rear court area. This additional structure appears later in construction and features a low-pitched hip roof. It contains a recently constructed timber framed and fibrous cement-sheeted room and an ablutions area at the rear. The building has a recent custom orb roof sheeting and quad guttering.

This rear-most western wing was assessed to have little remaining fabric of cultural heritage significance and its removal is considered acceptable.

The remainder of the rear of the site contains two outbuildings (associated with 82 Fitzroy Street); a weatherboard toilet with curved corrugated iron roof and a chamfer-board shed with toilet and gabled roof.

The Statement of Heritage Impact report details the conservation measures to be undertaken. The Department of Environment and Resource Management have considered the proposal in relation to cultural heritage and require conditions to be attached to any approval, including the archival recording of the registered places and the conservation of the building at 84 Fitzroy Street.

Conclusion

The applicant proposes to remove the single-storey rear-most western wing of the building located at 84 Fitzroy Street, which is included on the Warwick Shire Register of Cultural Heritage Places. This building, and the building on the adjoining land at 82 Fitzroy Street, is included on the Queensland Heritage Register, and are collectively known as Plumb's

Chambers. The part of the building at 84 Fitzroy Street that is proposed to be demolished is an unsympathetic later addition to the rear of the building. The original and more significant part of the building will be retained.

The Department of Environment and Resource Management (formerly Environmental Protection Agency) was a concurrence agency for the application and has assessed the proposal in relation to the cultural heritage impact. The DERM considers the proposal acceptable and requires conditions to be attached to any approval.

Recommendation

THAT the report of the Planning Officer dated 13 October 2009 in relation to Application for a Preliminary Approval for Building Work (Partial Demolition of Building on Register of Cultural Heritage Places) - 84 Fitzroy Street, Warwick, Lot 1 RP94676, Parish of Warwick, County of Merivale, be received and:

- A. THAT Council note that the building located at 82 Fitzroy Street is not on Council's Register of Cultural Heritage Places and Council has no control over the demolition of this building. This building is on the Queensland Heritage Register and Department Environment & Resource Management has approved the demolition of this State listed building:
- B. THAT the applicant be required to provide at least the following information to Council as part of any application to extend the existing Rose City Shoppingworld:
 - Details of the proposed driveways and methods to ensure compatibility with heritage character of the adjoining building including pavement treatments, textures and colours, for both the southern and eastern side of the building at 84 Fitzroy Street;
 - 2. Details of appropriate and sympathetic vehicle protection methods surrounding the building at 84 Fitzroy Street; and
 - 3. Details relating to the methods of conservation, including timeframes, and the potential re-use of the building.
- C. THAT the application for a Preliminary Approval for Building Work (Partial Demolition of Buildings on Register of Cultural Heritage Places) on land at 84 Fitzroy Street, Warwick, described as Lot 1 RP94676, Parish of Warwick, County of Merivale, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

- The development of the site is to be generally in accordance with the following proposal plan and report submitted by the applicant, as determined by the Director Planning and Environment, and subject to the final development being amended in accordance with the conditions of this approval.
 - Plan Approval as a Concurrence Agency Response, stamped 17 September 2009, plan dated November 2008 prepared by Thomson Adsett Architects.
 - Report: Statement of Heritage Impact: Plumb's Chambers 82 & 84 Fitzroy St, Warwick, dated July 2008, prepared by Watson Architects.

Land Use & Planning Controls

- The applicant is to preserve the existing "Cantors" signage, currently located on the eastern side of the verandah at 82 Fitzroy Street. The original sign is to be appropriately displayed within 84 Fitzroy Street, once conservation work has been completed.
- 3. The applicant is to preserve the blocks which currently contain the painted "Plumb's Chambers" sign on the façade of 82 Fitzroy Street. These original blocks

- are to be appropriately displayed within 84 Fitzroy Street, once conservation work has been completed.
- 4. The applicant is to appropriately photograph the facades of 82 Fitzroy Street and 84 Fitzroy Street together, and display at least one photograph within 84 Fitzroy Street, once conservation work has been completed. Along with the displayed photograph is to be a script detailing the history of each building, including previous tenants, and the buildings' significance to the Warwick district.

Building, Health & Development Compliance

- 5. The applicant is to apply for Building Approval in accordance with the Integrated Planning Act for the demolition works. The applicant will be required to submit the appropriate forms, plans and fees associated with this application. The demolition works are to accord with the plans approved in this approval.
- 6. The applicant is to permit Council officers unrestricted access to the site at any time subject to reasonable security and health restrictions on access, so as to ensure the demolition is being conducted in accordance with the conditions of the approval.
- 7. Provision shall be made for the storage and removal of building materials in accordance with the *Environmental Protection (Waste Management) Regulation 2000* to the satisfaction of the Director Planning and Environment, this includes any asbestos or other hazardous materials.

Amenity & Environmental Controls

8. The applicant is to ensure that all wastes are suitably collected and disposed of so as not to adversely impact on the environment.

Roadworks and Stormwater Drainage

 The applicant must reinstate any footpaths, kerbing and channelling, roadworks and drainage works damaged during demolition works, to the satisfaction of the Director Engineering Services.

Water Supply & Sewerage

10. The applicant is to apply for Plumbing and Drainage Approval in accordance with the Plumbing and Drainage Act for the proposed disconnection of the water supply and sewerage system within the existing building, currently located on Lot 1 RP5801 and any of the proposed structures to be removed on Lot 1 RP94676. The applicant will be required to submit the appropriate forms, plans and fees associated with this application.

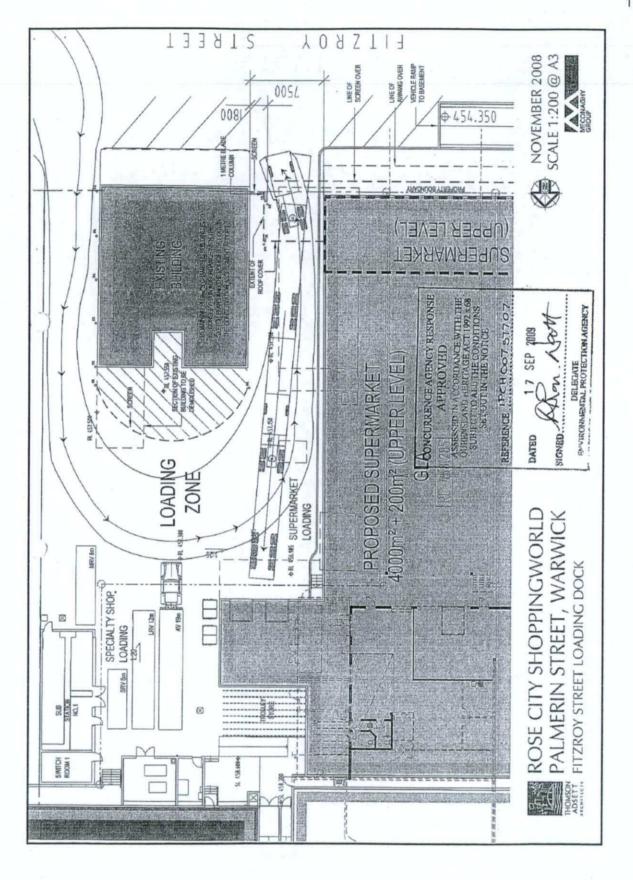
Aboriginal Cultural Heritage

11. In carrying out the development, all reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will be complying with the cultural heritage duty of care if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will help determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.nrw.gld.gov.au.

Schedule 2 - Department of Environment and Resource Management (Formerly Environmental Protection Agency) Conditions as a Concurrence Agency

<u>Attachment - Concurrence Agency Response</u> Conditions of Approval: Plumb's Chambers -Demolition Works, 17 September 2009 Project Ref No 318441 : QHR No 601725 Permit No. IPCH00757707

Conditions of Approval			Reasons for Conditions
1.	Prior to commencement of demolition works within the registered place (82 and 84 Fitzroy Street), the applicant must comply with conditions 1.1 to 1.6.		To ensure that the cultural heritage values of the place are appropriately recognised
	1.1	Prepare an archival record of the registered place, including all existing buildings, structures and established vegetation in accordance with EPA Guideline: Archival recording of heritage registered places (Draft January 2009)	and managed.
	1.2	Engage a suitably qualified heritage architect to document conservation works to the building at no. 84 Fitzroy Street (including work associated with the structural stabilization of building fabric and reconstruction of damaged and missing elements), generally in accordance with Conservation Assessment Report, Plumb's Chambers, prepared by Watson Architects, July 2008.	
	1.3	Prepare documentation of proposed methods to structurally stabilize the building at 84 Fitzroy Street, and engage an engineer experienced in the conservation of heritage buildings whose appointment is approved by the Manager, Regional and Heritage Council Support, Environmental Protection Agency, to review proposed methods of structural stabilization of no. 84 Fitzroy Street.	
-	1.4	The conservation works documentation referred to in 1.2 and the proposed methods of structural stabilization referred to in 1.3 are to be submitted to the Manager, Regional and Heritage Council Support, Environmental Protection Agency for approval.	
	1.5	Conservation works to the building at 84 Fitzroy Street are to be carried out after the approvals in 1.4 is obtained. The conservation works are to include the conservation works referred to in 1.2 and the structural stabilization referred to in 1.3.	
	1.6	On completion of the conservation works referred to in 1.4, the applicant must obtain written confirmation from the Manager, Regional and Heritage Council Support, Environmental Protection Agency that the conservation works to no 84 referred to in 1.4 have been satisfactorily carried out.	·
2.	The applicant must only demolish buildings and additions in accordance with the following as modified by these conditions of approval:		To ensure development is carried out as approved.
	Drawing: Rose City Shoppingworld, Palmerin Street, Warwick – Fitzroy Street Loading Dock, November 2008, 1:200 @A3 by Thompson Adsett Architects		
	Conservation Assessment Report, Plumb's Chambers, prepared by Watson Architects, July 2008		



watsonarchitects

design sustain conserve



CONCURRENCE AGENCY RESPONSE APPROVED

ASSESSED IN ACCORDANCE WITH THE QUEENSLAND HERITAGE ACT 1992 s.68 SUBJECT TO ALL THE CONDITIONS SET OUT IN THE NOTICE

REFERENCE IPCH 00757707

DATED

1 7 SEP 2009

SIGNED.

Dan North

DELEGATE

FINAL PROTECTION AGENCY

CONSERVATION ASSESSMENT REPORT

PLUMB'S CHAMBERS 82 & 84 FITZROY ST WARWICK









Plumb's Chambers 82 & 84 Fitzroy St

Conservation Assessment Report

CONCURRENCE AGENCY RESPONSE APPROVED

ASSESSED IN ACCORDANCE WITH THE QUEENSLAND HERITAGE ACT 1992 s.68 SUBJECT TO ALL THE CONDITIONS SET OUT IN THE NOTICE

REFERENCE IPCH 00757707

DATED

<u> </u>7 SEP 2009

SIGNED ..

DELEGATE ENVIRONMENTAL PROTECTION AGENCY

CONSERVATION ASSESSMENT REPORT

PLUMB'S CHAMBERS 82 & 84 FITZROY ST WARWICK

For The McConaghy Group

Prepared by Watson Architects July 2008

071001-6.6

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Plumb's Chambers 82 & 84 Fitzroy St Conservation Assessment Report CONTENTS CONCURRENCE AGENCY RESPONSE **APPROVED** Introduction ASSESSED IN ACCORDANCE WITH THE OUEENSLAND HERITAGE ACT 1992 s.68
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Attachments

1. Submissions