

# **'FURTHER STATEMENT'**

**Town Planning Evidence Report**

**Prepared by PETER GILL**

**Appeal No. BD313 of 2010**

**PLANNING & ENVIRONMENT COURT**

**JOHN EDWARD MYTTON BARNES & GEOFFREY FREDERICK COOK**

**V**

**SOUTHERN DOWNS REGIONAL COUNCIL**

**AND**

**THE CHIEF EXECUTIVE, DEPARTMENT OF ENVIRONMENT AND  
RESOURCE MANAGEMENT**

**AND**

**McCONAGHY GROUP PTY LTD**

**(ACN 108 353 199)**

**Date: 22 July 2011**

# STATEMENT TO THE COURT

I confirm that I, **Peter John Gill** have read and understood Planning and Environment Court Rules to Experts.

I have been instructed by **Gadens Lawyers**, to provide a Town Planning opinion on the matters before the Court. In preparing this report of my opinions, I have:

a. Made all the enquiries which I believe are desirable and appropriate and that no matters of significance which I regard as relevant have, in my knowledge, been withheld from the Court; and

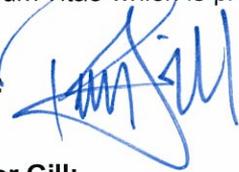
b. Considered the site and its locational circumstances, and the (IPA-compliant) Planning Scheme instruments.

I understand that my duty is to assist the Court and this duty overrides any other obligations I may have. I have been instructed on my duty and no instructions were given or accepted to adopt, or reject, any particular opinion in preparing the report. The factual matters stated in this report are true as far as I am aware. The opinions stated in this report are genuinely held by me. I understand my duty is to the Court and I have complied with my duty.

Any tests or technical analysis referred to in the attached report were conducted by me except if referenced otherwise.

I have academic qualifications in town planning. Details of my qualifications and experience are contained in the curriculum vitae which is provided at **Appendix A** to this report.

Signature:



Name: **Peter Gill**:

Date: **22 July 2011**

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# 1 BACKGROUND INFORMATION

## 1.1 THIS REPORT

- 1.1.1 This town planning report is prepared to assist the Court with respect to matters of disagreement between town planning experts in the appeal, being myself (on behalf of the second co-respondent) and Associate Professor Searle (on behalf of the Appellant) in this appeal between John Edward Mytton Barnes and Geoffrey Frederick Cook ('the Appellant') and Southern Downs Regional Council ('the Respondent') and The Chief Executive, Department of Environment and Resource Management ('the First Co-Respondent') and The McConaghy Group Pty Ltd (ACN 108 353 199) ('the Second Co-Respondent'). I note that Ms Doherty appears as town planning expert for Southern Downs Regional Council, however through the Joint Report of Town Planning Experts ("JRTP") (**Appendix B** to this report) process no areas of disagreement between myself and Ms Doherty have been identified, and as such this report will focus on the areas of disagreement as noted above.
- 1.1.2 I have reproduced those sections of the Warwick Shire Council Planning Scheme which I consider relevant in Section 2 of this report. I acknowledge that it is for the Court to interpret these provisions; however they are included in order to assist me to assess the implications imposed by the planning scheme in respect to the proposed development and suitability of the subject site for the proposal at hand.
- 1.1.3 This report assesses whether the application for Preliminary Approval for Building Work (Demolition of Part of a Heritage Place), having regard to the Planning Scheme provisions, the site and its environs, and the conditions of the proposed approval warrants approval on town planning grounds. This report focuses and examines in more detail those statements and opinions expressed by me in the JRTP in the matters where I disagree with the Appellant's Town Planning Expert Witness.

## 1.2 APPLICATION AND APPROVAL BACKGROUND INFORMATION

- 1.2.1 On or about 18 July 2007 the Second Co-Respondent lodged a development application for Preliminary Approval for Building Work (Demolition of Part of a Heritage Place). For the purposes of this Appeal the application is specifically relevant only to the site at 84 Fitzroy Street, Warwick ("the site"). The application proposed the demolition of part of the building on the site, comprising the rearmost section of the building and situated approximately in the centre of the southern half of the site (refer Locality and Context Plan at **Appendix C** of this report).
- 1.2.2 The application was supported by a Statement of Heritage Impact and Conservation Assessment Report prepared by Watson Architects dated July 2008, and A Structural Engineers Statement prepared by Farr Engineers also dated July 2008.
- 1.2.3 The Site is included on both the Queensland Heritage Register and the Warwick Shire Register of Cultural Heritage Places. The identification of the site in the Warwick Shire Register results in the proposal requiring Impact Assessment. The inclusion on the Queensland Heritage Register establishes the Department of Environment and Resource Management (DERM) as a concurrence agency for the application.
- 1.2.4 The application was referred to DERM, and following assessment the agency recommended that the application be approved, subject to a range of conditions (as reproduced for reference below), in summary requiring extensive archival recording, architectural documentation and ultimately conservation works to the original buildings on site, including:

*"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.*

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).

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 stabilisation of building fabric and reconstruction of damage 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 stabilise 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 stabilisation of no. 84 Fitzroy Street.

1.4 The conservation works documentation referred to in 1.2 and the proposed methods of structural stabilisation 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 stabilisation 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."

1.2.5 On or about 21 October 2009, Council resolved to approve the application, subject to conditions. Notably Schedule 2 of the conditions applying to the approval reproduced the conditions imposed by DERM as a concurrence agency. I note that the effect of DERM's conditions is that no demolition of the proposed component of the building, nor for that matter any other assessable use of the site may commence until the conservation work required to the remainder of the building is complete.

1.2.6 The application was the subject of six (6) submissions from the public, and this Appeal, filed on or about 14 December 2010, has arisen from one of those submissions.

1.2.7 A Mediation was conducted by Mr Taylor (current Registrar) on Thursday 30 June 2011 however no agreement of any nature was reached.

### 1.3 PROPOSED DEVELOPMENT

1.3.1 The application proposes the demolition of part of a heritage place by way of a Preliminary Approval for Building work. The proposed demolition comprises the rearmost section of the Heritage listed building situated at 84 Fitzroy Street, Warwick.

1.3.2 The Heritage listings (both State and Local) for the site identify the site in its entirety. As agreed in the JRTP, the original two storey sandstone building with primary frontage to Fitzroy Street is of particular heritage, streetscape and character significance, and its retention; conservation and re use is highly desirable.

1.3.3 For the purposes of this report, I have undertaken an estimated calculation of the gross floor area (GFA) and a comparative estimate of the relationship of total GFA to the GFA of the rear addition as shown at **Figure A, Appendix D** to this report. I note that all measurements are approximate, and are scaled from reproduced plans as referenced below and previously included in Schedule 3 of the Watson Architects Statement of Heritage Impact. Further in this regard, the GFA calculations are taken to exterior walls, and do not include the veranda areas fronting Fitzroy Street.

- 1.3.4 The total GFA of the building is approximately 429m<sup>2</sup>. The approximate GFA of the rear addition is 37.6m<sup>2</sup>. The rear addition represents approximately in my estimation 8% of the building GFA.
- 1.3.6 The approval, with particular reference to the conditions in Schedule 2 attached to the approval, will result in the renovation and capacity for re use of approximately 92% of the building GFA.
- 1.3.7 The building currently on site forms roughly an 'L- shaped' footprint.
- 1.3.8 The removal of the rear portion of the building would result in the availability of a cohesive rectangular area of land at the rear of the site, of approximately 400m<sup>2</sup>.

## 1.4 SITE CONTEXT AND SURROUNDS

- 1.4.1 The site, formally described as Lot 1 on RP 94676, is situated at the corner of Fitzroy Street and Haig Avenue, Warwick. The site comprises an area of 736m<sup>2</sup>.
- 1.4.2 The site is included in the City Centre Land Use Area under the planning scheme. The various scheme provisions applying to the site and the nature of intended development are addressed in further detail in Section 2 of this report, however in summary the City Centre area in my opinion is enshrined in the planning scheme as the focus for development investment and the centre of commercial, business and community activity within Warwick.
- 1.4.3 Upon further review of the planning scheme, it is noted that unlike other Land Use Areas (such as the Town Centre Frame area), no maximum plot ratio for development in the City Centre Land Use Area is evident, other than the limitations presented by design matters such as building setbacks, landscaping, car parking etc. In my opinion this would appear to promote intent for maximisation of development opportunity in the heart of Warwick, and has implications for the nature of this proposal as discussed further in Section 2 of this report.
- 1.4.4 Fitzroy Street is identified in the planning scheme as a "principle street", and provides the primary frontage to the site, and to adjoining and adjacent properties along Fitzroy Street. Fitzroy Street provides the primary means of visual and pedestrian access and aspect to the site. Accordingly the primary views of the site and its influence upon streetscape, character and amenity is from Fitzroy Street having aspect to the two storey sandstone component of the building.
- 1.4.5 Contextually, the site is situated having frontage on the southern side alignment, and approximately in the middle of Fitzroy Street between Palmerin Street (to the east) and Guy Street (to the west).
- 1.4.6 Two attractive and significant heritage buildings are evident at locations along Fitzroy Street, to the west of the site. The adjacent property to the west (86 Fitzroy Street), separated from the site by Haig Avenue and a landscaped buffer strip includes the State and local heritage listed Warwick Police Station. Two distinct buildings are located on that property, with the heritage listed building fronting Fitzroy Street, and a modern brick structure and associated car parking situated at the rear of the property. The primary view of the police station from the rear of the site is of the modern structure.
- 1.4.7 Further again to the west along Fitzroy Street, on the corner of Fitzroy and Guy Streets is the Warwick Court House (88 Fitzroy Street). The buildings on the property comprise a modern brick structure adjacent to the police station, and the State and local heritage listed Court House building at the western corner of the property.
- 1.4.8 To the east of the site, while acknowledging the State heritage listing of 82 Fitzroy Street, no other properties are currently heritage listed at the State or local level.
- 1.4.5 Situated to the north of the site across Fitzroy Street is Leslie Park, a significant open and public space area within the city centre. Of note, immediately opposite the site and within Leslie Park is the Warwick Bowls Club, and the bowls clubhouse which is a single storey

modern brick building. The park and bowls club, and Leslie Park on the northern side of Fitzroy Street in the immediate area do not in my opinion offer any significant built form contribution to the cultural heritage character of the area; however do provide significant public views to the site, primarily of the building presentation to Fitzroy Street.

- 1.4.6 In considering the surrounding context of the site, I have formed the opinion that while heritage listed buildings are evident, they are relatively few in number, and the overall heritage streetscape character of the area is dispersed, rather than cohesive or pristine. Those significant heritage buildings evident present within their individual site context, intermingled with modern additions. To the rear of those properties on the southern side of Fitzroy Street, buildings are predominantly modern additions.
- 1.4.7 Haig Avenue currently serves primarily as an access point for vehicles to the rear of the Rose City Shoppingworld a modern and large building to the rear of the site. Inspection of the Avenue reveals no significant allowance for pedestrian access, with the buildings on the site built to the site boundary. No landscaping, footpath or other treatments generally associated with pedestrian access and streetscape presentation is evident.
- 1.4.8 **Photographs 1 to 8** (refer **Appendix E** of this report) provide a series of images taken along Fitzroy Street from the west to the east. It is evident that the component of the building proposed for demolition is noticed only in passing glimpses from this principle aspect, primarily when looking directly down Haig Avenue or when proceeding along Haig Avenue itself.
- 1.4.9 The building is currently vacant, and is in my opinion following an inspection of the site, in a significantly dilapidated state both externally and internally. Any use of the building for habitable purposes would appear to require significant investment in renovation. I understand through enquiries that the building has been vacant for an extended period of time, and further am advised that no record of recent development application or enquiry is evident at Council, other than the application the subject of this Appeal.
- 1.4.10 Importantly and having reference to the Structural Engineers Statement by Farr Engineers lodged in support of the application, there appears to be “significant concern” as to the structural integrity of the original heritage building fronting Fitzroy Street and extending down Haig Avenue (excluding the area proposed for demolition). Haig Avenue, as evidenced in **Photograph 4 (Appendix E)** is currently barricaded, possibly to limit access due to safety concerns.
- 1.4.11 **Photographs 9 to 12 (Appendix E)** show the part of the building proposed for demolition, as viewed from various locations along Haig Avenue and from the Police Station site. While the heritage value of the building is a matter for the Heritage Experts to consider, it is my opinion that the streetscape presentation of the building is incongruous with that of the original building on site. I consider that the building presents to Haig Avenue as rendered brick, rather than the original building sandstone, with a ‘tin’ roof of entirely different appearance to the original roof lines.

## 1.5 JOINT REPORT OF TOWN PLANNING EXPERTS

- 1.5.1 A Meeting of Town Planning Expert Witnesses was conducted between myself, Associate Professor Glen Searle (on behalf of the Appellant), and Ms Annette Doherty (on behalf of the Respondent) which culminated in the signing of a Joint Report on 14 July 2011 (“the JRTP”). A copy of the JRTP is included as **Appendix B** to this report.
- 1.5.2 Several ‘Points of Agreement’ were listed in Section 3 and Section 9 of the JRTP. It is noted that the Points of Agreement were generally limited to matters of a factual nature and the specific components of the Planning Scheme which were agreed to be of relevance in this appeal.
- 1.5.3 Section 10 of the JRTP sets out the ‘Points of Disagreement’ established through the JRTP process, which were constructed through consideration of the relevant planning matters,

and can broadly be summarised as disagreement as to the alleged conflict with all the planning scheme provisions agreed to be of relevance.

1.5.4 Section 2 of this report deals with assessment of the proposal against those matters of relevance in the planning scheme, and the points of disagreement in respect to those matters.

1.5.5 Section 8 of the JRTP dealt with the matter of Grounds to Justify the Approval, which are reproduced for reference as follows:

- *“The proposal offers a practical approach to provide community and public benefit through the opportunity to facilitate the effective and active re-use of a significant heritage building;*
- *The proposal provides an opportunity for community and public benefit through opportunity to restore and maintain via private investment the significant components of the buildings on site (noting that as determined by the JRHE);*
- *Through this investment and restoration, opportunity to significantly improve the streetscape presentation and amenity both to Fitzroy and the most visible part of Haig Avenue.”*

1.5.6 It is noted that agreement in these matters was reached between Ms Doherty and myself, however Associate Professor Searle did not agree with these grounds. Further consideration of the planning grounds to overcome any conflict as determined by the Court is dealt with in Section 4 of this report.

## 2 ASSESSMENT AGAINST THE PLANNING SCHEME

### 2.1 THE PLANNING SCHEME

2.1.1 The application was made under the Warwick Shire Planning Scheme 1999, which is an IPA compliant planning scheme and took effect on 9 December 1999.

### 2.2 LEVEL OF ASSESSMENT

2.2.1 The subject site is included in the Queensland State Heritage Register, and importantly in the Warwick Shire Council Heritage Register. The listing within the Warwick Shire Heritage Register elevates the level of assessment for the proposal to 'Impact Assessment' under the planning scheme Section 5.3.2 Table of Development – Carrying out Building Work, which establishes Development Requiring Impact Assessment – having regard to this matter - as follows:

*“ Removal, demolition or external building work other than in the circumstances identified in the Code Assessable category, on buildings listed in Planning Scheme Policy No. 1.”*

(Note: Planning Scheme Policy No. 1 relates to Cultural heritage, and includes the Shire of Warwick Heritage Register).

### 2.3 RELEVANT PLANNING SCHEME PROVISIONS

2.3.1 As noted in Section 6 of the JRTP, agreement was reached as to the relevant Sections of the Planning Scheme of relevance to this appeal, which are listed below and reproduced for consideration further in this Section of this report. These sections are listed in the Further and Better Particulars issued by the Appellant dated 11 April 2011 as grounds for appeal, alleging inconsistency with the planning scheme in all matters. For the purposes of this Further Statement, I have expanded upon those areas where additional consideration has been undertaken:

- 4.2.1 City Centre – Key Policy Statements; sub clauses (i) and (ii);
- 4.2.2 City Centre – Policy Intent
- 4.2.4.1 City Centre – Impact Assessment Criteria;
- 4.2.5.1 City Centre Development Code – Application of the Code
- 4.2.5.2 City Centre Development Code – Purpose
- 4.2.5.4 City Centre Development Code – Development Controls
- 5.3.3.1 Carrying Out Building Work – Impact Assessment Criteria

2.3.2 As noted in the same Section of the JRTP, Ms Doherty and I were in agreement that in addition to those matters raised in the Further and Better Particulars, the following components of the planning scheme had relevance in this Appeal:

- Desired Environmental Outcome (DEO) No 2.3 – The Economy (iii); and
- DEO No 2.4 – Cultural, Economic, Physical and Social Wellbeing (ii); and
- Shire Wide Measure (SWM) 3.1.4 – Landscape and Cultural Heritage (3.1.4.2 Assessment Principles (ii) and (iii) are also relevant in the Appeal.

2.3.4 In considering the relevant sections of the planning scheme as provided below, I note importantly that the provisions of *the Integrated Planning Act 1999* (IPA) (as the Act in force at the time of application), and accordingly the planning scheme recognise various discreet aspects of development. The relevant application and approval is for “building work” which is recognised as a component of “development” as defined by the Act, and made assessable development under the planning scheme, in relation to 84 Fitzroy Street. I identify no requirement under the Act or planning scheme that an application for any other aspect of development must be made along with the application at hand. Rather, the planning scheme includes a range of provisions relevant to the nature of the proposed development, against which the application (for building work) may be measured.

The application is for ‘Preliminary Approval’, which provides no immediate development rights. In effect, the application and approval serves to approve ‘in principle’ that aspect of development being applied for (the demolition). In this case, any eventual application for material use of site, for whatever that use may be, will require a subsequent development application, to be assessed against all relevant provisions of the planning scheme.

## 2.4 ASSESSMENT AGAINST DEO 2.3 - THE ECONOMY

2.4.1 DEO 2.3 is of relevance and states:

*“(iii) Warwick City will have a strengthened role as the major community and economic centre for the Southern Downs sub-region, by providing:*

- *Higher order retail, professional and commercial services and government facilities within the central city area; and..”*

2.4.2 At an overarching level DEO 2.3 is relevant in that it establishes in a broad sense the nature of uses and development opportunity envisaged for the central city area of Warwick, and clearly envisages development of a higher order in the central city area. This has bearing in matters relating to the City Centre Development Code considered further in this report.

## 2.5 ASSESSMENT AGAINST DEO 2.4 CULTURAL ECONOMIC, PHYSICAL AND SOCIAL WELLBEING

2.5.1 DEO No. 2.4 Cultural, Economic, Physical and Social Wellbeing (ii) states (emphasis added):

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

2.5.2 To the extent that any inconsistency identified in further components of the scheme, as an Impact Assessment application reference is had ultimately to the DEOs of the planning scheme. The application, supported by Watson Architects’ Statement of Heritage Impact and Conservation Assessment Reports July 2008, and underpinned by DERM conditions of approval requiring the conservation and restoration to a useable state of approximately 92% of the GFA of the building prior to any demolition work is considered to represent an effective approach to conservation of the cultural heritage significance of on the site.

2.5.3 To the extent then that any inconsistency with later provisions of the planning scheme is found by the Court, it is considered that the proposal achieves consistency with the relevant DEOs of the scheme.

## 2.6 ASSESSMENT AGAINST SWM 3.1.4 LANDSCAPE AND CULTURAL HERITAGE

2.6.2 While not listed in the Further and Better Particulars, SWM 3.1.4 was considered of relevance by Ms Doherty and I in the JRTP, and states (emphasis added):

#### “3.1.4.2 Assessment Principles

- (ii). *Development proposals will be subject to consideration of their **impact on the character of the Shire and the landscape qualities and character of a particular locality**, especially when **viewed** from major transport routes or other **public spaces**. Council may require the submission of a detailed assessment in this regard.*

*In considering applications for development at or near places listed in the policy, Council will have regard to the heritage qualities of the **locality** and whether the proposed development will be sympathetic to them. Council may request the submission of a conservation report, as described in the policy.*

- (iii). *Council may give favourable consideration to a development proposal which may not otherwise have been intended in a particular land use area, providing that it would provide for the **active use** of a heritage place listed in the policy at the same time as conserving its heritage qualities.*

2.6.3 **Further Comment:** The SWM clearly gives recognition to consideration of the impact of development on streetscape, character and heritage in the context of the relevant locality. The application, while proposing the demolition of the rear addition of the building on site, includes (by way of conditions of approval) consideration of the building as a whole, and its' streetscape, character and heritage contribution to the locality. As I have stated earlier, it is my opinion that the character of the locality is one of relatively few heritage buildings, and while two of those buildings in particular are significant, they are interspersed with modern additions. The area does not in my opinion present a cohesive precinct or locality of interdependent heritage buildings and streetscapes.

The rear addition and Haig Avenue is relatively inaccessible as a visual and functional component of the broader locality, as discussed in Section 1.4 of this report. As I have noted, the addition appears to be incongruous with the original building, and not highly attractive in its own right, negating its ability to provide any individual attraction as an item of character and streetscape value. The appearance of the addition in my opinion detracts somewhat from the appearance of the original structure.

In Section 7.3.1 of the JRTP I agreed with Ms Doherty's opinion that re use of heritage buildings is a recurring theme in the planning scheme. Here, as in regard to various provisions addressed below I consider that the proposed demolition of what amounts to approximately 8% of the building on site, situated at the rear of the site and of only minimal visual presentation to the surrounding locality, when considered against the opportunity for renovation, conservation and active re-use of 92% of the building, providing the primary presentation to public spaces and view corridors is a positive outcome and accords with the intent of the SWM.

## 2.7 ASSESSMENT AGAINST THE MEASURES FOR THE CITY CENTRE LAND USE AREA

2.7.1 Section 4.2 of the planning scheme provides the range of measures and assessment provisions for the City Centre Area. For completeness the relevant provisions as agreed through the JRTP process are reproduced below, and it is these matters which are held as grounds for appeal by the Appellant. In summary I retain the opinions expressed by myself in the JRTP with respect to each of these provisions, and have added commentary following further consideration of the matters inherent in each area.

2.7.3 Section 4.2.1 provides the Key Policy Statements for development in the City Centre Area, and states:

#### “4.2.1 Key Policy Statements

- (i). *The city centre will be a socially, culturally and economically vibrant place in which higher order services and facilities that meet the needs of the city, the Shire and the Southern Downs sub-region are available, and in which there is a high level of daytime and night time activity.*

- (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.*"

2.7.4 **Further Comment:** As per the JRTP, the heritage significance or otherwise of the building is a matter for the heritage experts to consider. Continuing on the overarching intent of DEO 2.3 (as considered above) it is apparent that the City Centre Area is intended to be a focus for development and investment, particularly with the aim of achieving "vibrant" and "active" uses contributing to the function of the centre. Currently, the vacant and dilapidated state of the building would appear to provide minimal contribution to the amenity of the area, and preclude any active use or habitation, and would require significant investment in order to return it to a useable state. Through enquiries made with Council, it is evident there has been no interest in undertaking such redevelopment (other than via the application here at consideration) for a significant period of time.

The current contribution of the site as a whole to the intent of the Policy Statement is in my opinion limited. Streetscape character as discussed elsewhere in this report is considered by way of the contribution to a broader locality based context. As stated by me in the JRTP it is considered that by far the greater component of streetscape presentation is to the Fitzroy Street frontage, comprising the original building.

The approval as it stands, allowing the demolition of the rear 8% of the building, and having regard to the minimal contribution of that rear addition to the character of the locality, results in an active contribution to the renovation and opportunity for re use of the original building, and conservation of the building in the long term.

2.7.5 Section 4.2.2 provides the Policy Intent for development in the City Centre. As agreed through the JRTP, the following paragraphs of the Policy Intent are of relevance:

*"4.2.2 Policy Intent*

*The types of uses considered to be appropriate to the city centre are those which will serve to consolidate its function as the pre-eminent centre for the Southern Downs sub-region.*

*The city centre is the preferred location for commercial activities, government offices and community facilities which serve more than a local level catchment. It is the only land use area in which higher than local order retail and office based uses are likely to be considered appropriate.*

*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 below and that in section 5.3 require that any proposed development which would involve demolition, removal or external works to these buildings will be subject to impact assessment".*

2.7.6 **Further Comment:** The application does not propose any particular use of the site. However under the Policy Intent there is clear intent for use of the site for activities such as higher order commercial, retail, government and community uses, which are consistent uses in the City Centre Land Use Area.

The site in its current state does not allow for such uses to be established. This observation relates to not only the condition of the building, but also to the provision of the range of other matters generally required by the planning scheme for full and effective use of any similarly zoned site as an active use in the centre, such as car parking, landscaping and appropriate access arrangements.

In the first instance the renovation of the original building will facilitate its active re use, the purpose of which could include any one of a number of consistent uses in the Land Use Area, and conserve the original heritage qualities of the building.

The demolition of the rear addition, exclusive of matters relating to heritage and character, would not detract from the sites ability to achieve the Policy Intent. On consideration I would suggest that the demolition would further enhance the site potential, allowing a more coherent approach to redevelopment at the rear, and removal of a potential limitation to any future development's integration with the existing building.

2.7.7 Section 4.2.4.1 provides the Impact Assessment Criteria for development in the City Centre, and states:

*“4.2.4.1 Impact Assessment Criteria*

*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:*

*a) 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”.*

2.7.8 **Further Comment:** As noted in Section 7.4.3 of the JRTP and elsewhere in this report, the application was lodged and supported by the Watson Architects reports concerning Heritage Significance and Conservation Measures. While matters regarding the heritage significance of the building area are for the heritage experts to consider, it is noted that these reports found in summary that conservation efforts should be focused on the original sandstone building.

As considered elsewhere in this report, I consider that the streetscape value of the rear addition to be of limited value, due to its relatively incongruous appearance, the limited streetscape offer of Haig Avenue, and the minimal visibility of the rear area of the site in the broader locality context.

Importantly, the reports noted above supported an approach for conservation and renovation of the original component of the building, which ultimately was enshrined in the DERM conditions of the approval.

The demolition proposed facilitates the renovation (and effective conservation in the long term) of 92% of the building. The demolition of the rear addition, while conditioned to require the renovations, further provides an opportunity for a potentially more cohesive and integrated re development of the rear of the site, an incentive for the substantial investment required to make good the original building.

In addition I have referred to the findings of the Structural Engineers Statement prepared by Farr Engineers. The structural integrity of the original building is of concern, and as noted faces “possible collapse”. The alternative to proceeding with the approval at hand, is to do nothing. It could be construed that this would result ultimately and in the absence of investment in the site ‘as is’, in the loss of the major component of the building.

To the extent that any adverse impacts relating to the demolition of the rear addition are be determined by the Court, it is an accepted planning practice to consider the relative merits of proposals, and on balance determine the most appropriate outcome. In this case it is my opinion that the positive contribution of the renovations required by condition of approval, and the opportunity for active re use of the original building justify the removal of the rear addition.

2.7.9 Section 4.2.5.2 provides the City Centre Development Code Purpose and states:

*“4.2.5.2 Purpose*

*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 the 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”.*

2.7.10 **Further Comment:** I have provided elsewhere in this report my opinion of matters relating to streetscape character, context and amenity. The purpose of the code is notably to provide for “sympathetic alterations” to existing buildings. While the application proposes the demolition of the rear wing, as previously noted in this report I consider the rear wing to be of limited value to the streetscape context and character, and in appearance somewhat detrimental to the original building. The removal of the wing in my opinion would not detract from the quality of the original structure, and in effect removes, in my opinion, an unsympathetic component.

The renovation and opportunity for active re use of the original building without alterations to the most visible component, is inherently a design outcome which is “conducive to the functioning of the area”.

2.7.11 Section 4.2.5.4 provides the City Centre Code Development Controls, and of relevance states:

*“4.2.5.4 Development Controls*

*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.*

*Acceptable Solutions*

- *Development, including external building work to existing buildings which adjoin a place identified as having heritage significance in Planning Scheme Policy No. 1, shall incorporate design elements (including building setback, form, scale, proportion, character, materials, and ornamentation) which are compatible, complementary and respectful to the heritage place”.*

2.7.12 **Further Comment:** The application proposes the demolition of the rear wing. No other development on the site is proposed. The consequential outcomes of the approval by way of the DERM conditions requiring renovation are to ‘make ready’ the original sandstone building for active use.

I note that the provisions of the Acceptable Solution refer to development of “...existing buildings which adjoin a place identified as having heritage significance...”. In this instance I would consider the Acceptable Solution to not be applicable, and consideration should therefore be made regarding satisfaction of the Performance Objective.

It is noted that the PC relates intrinsically to the heritage value of the structure, which is for other experts to determine, however I note that the proposal does not seek alteration of the original building, and as discussed previously facilitates the retention of the building and long term use and conservation.

## 2.8 ASSESSMENT AGAINST THE MEASURES FOR CARRYING OUT BUILDING WORK (SECTION 5 OF THE PLANNING SCHEME)

2.8.1 Section 5 of the planning scheme provides the Measures for Carrying Out Building Work. As agreed in the JRTP, Section 5.3.3.1, providing the Impact Assessment Criteria for Assessable Building Work is relevant and states:

### *“5.3.3.1 Impact Assessment Criteria*

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

*Council will also have regard to other relevant provisions of this planning scheme, including the policy intent and impact assessment criteria set out in section 4.0 for the particular land use area in which the site is located. To this end, the purposes for which the building is intended to be used, or is likely to be suitable for, will be a relevant consideration.*

#### *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”.*

2.8.2 **Further Comment:** The Impact Assessment Criteria for Assessable Building Work (regarding demolition or removal) essentially replicate the text ascribed to the Impact Assessment Criteria for the City Centre. I therefore refer to my comments at Section 2.7.8 of this report.

### 3 Planning Grounds to Overcome Conflict

- 3.1 In summary, I consider that to the extent that the Court may find any conflict with the provisions of the planning scheme, there are grounds to justify the approval which include but are not limited to:
- 3.1.1 The proposal offers a practical approach to provide community and public benefit through the opportunity to facilitate the effective and active re-use of a significant heritage building (community benefit);
  - 3.1.2 The proposal provides an opportunity for community and public benefit through opportunity to restore and maintain via private investment the significant components of the building on site (noting that heritage significance as determined by the JRHE) (community benefit);
  - 3.1.3 Through this investment and restoration, opportunity to significantly improve the streetscape presentation and amenity both to Fitzroy Street and the most visible part of Haig Avenue (community benefit);
  - 3.1.4 The removal of the rearmost portion of the building does not represent the loss of a significant component of the building from a streetscape, character or amenity perspective given the minimal visibility to that part of the site and the limited current streetscape offer of Haig Avenue (no significant community disbenefit);
  - 3.1.5 The current interest in development on the site is the sole expression of development intent for many years. The alternative to achieving the restoration of the main building area on site through the loss of a minor component at the rear is to do nothing, which having regard to the Engineering Statement prepared by Farr engineers would potentially result in collapse and complete loss of the building fabric on site (community disbenefit).

## 4 Conclusion

- 4.1 The matter before the court concerns an appeal against the approval of an application for preliminary approval for building work – demolition of part of a heritage place on land described as lot 1 RP 94676, and situated at 84 Fitzroy Street, Warwick. The proposed demolition is for the rear addition to the building on site, comprising an estimated GFA of 37.6m<sup>2</sup> of the total estimated building GFA of 429m<sup>2</sup>.
- 4.2 The Appellant claims having regard to planning matters, that the approval for demolition is in conflict with several relevant areas of the Warwick Shire Planning Scheme, and that there are not sufficient grounds to justify the approval. Those areas are listed in section 2.3.1 of this report, with additional areas of the planning scheme considered to be relevant by the Planning Expert on behalf of the First Co-Respondent and myself provided in section 2.3.2 of this report.
- 4.3 I disagree with the town planning expert for the Appellant, in those matters included in the JRTP, particularly with reference to those matters described in sections 8 and 10 of the JRTP.
- 4.4 In my view there are grounds in support of the application sufficient to overcome any inconsistency as may be determined by the court.
- 4.5 There is a planning benefit to the community by way of the approval, as:
- 4.5.1 In regard to the proposed demolition, the area of building to be demolished is minor, representing 8% of the total estimated building GFA. The rear addition, in appearance and materials does not from a streetscape and amenity perspective, nor does it in my opinion add any significant value to the original building structure, or the surrounding area. The location of the rear addition is visible only in passing glimpses from Fitzroy Street, and is situated in relative isolation from any surrounding development or land use. The demolition of the rear addition in my opinion would have no significant impact on the character or function of the locality, and again in my opinion would be unlikely to be noticed by the majority of the community – no community loss.
- 4.5.2 The approval results in the renovation and restoration of the original building, comprising 92% of the estimated building GFA. This serves to 'make ready' for use, the component of the building which in my opinion provides the most significant contribution to the heritage and character of the area, and facilitates the re-establishment of the range of activity and use clearly encouraged by the planning scheme. In addition to achieving the desired land use and activity outcomes, the approval serves to allow the ongoing conservation of the vast majority of the building, and that significantly visible component which is potentially subject to collapse – community benefit.
- 4.5.3 The approval will allow through the demolition of, what is in my opinion a minor and limited component of the building, the ability to consider redevelopment of the rear of the site on a more regularly shaped and coherent parcel of land. This provides an incentive for future development and consolidation of centre land uses as advanced by the planning scheme, and further provides incentive for restoration of the original building. The redevelopment as previously stated offers a practical approach to provide community and public benefit through the opportunity to facilitate the active re-use of a significant heritage building – community benefit.
- 4.6 In conclusion it is my opinion that when considering the approval, on balance the significant investment in the retention and conservation, and restoration to active use of the original component of the building, representing 92% of the building, and as required by the approval represents a good planning outcome.

Appendix A

Curriculum Vitae Peter Gill



## Peter Gill

DIRECTOR

Peter is an urban planner with over 19 years experience in Consultancy, Local and State Government. As a Director with Urbis, Peter draws on his significant experience in the areas of statutory and strategic planning processes to advise clients in the delivery of development solutions, including retail, commercial and residential land use outcomes. Peter has particular expertise in management and delivery of significant multi-disciplinary planning, transport and infrastructure projects. His career has provided extensive experience in land use assessment and preparation of statutory planning instruments and policy outcomes, notably including the delivery of Master Plans for significant urban areas. He has specific expertise in the management, planning and environmental assessment, and delivery of approvals for significant infrastructure projects.

### Qualifications and Affiliations

Bachelor of Applied Science  
(Built Environment) – Queensland  
University of Technology

Graduate Diploma Urban and  
Regional Planning – Queensland  
University of Technology

Planning Institute of Australia (PIA) –  
QLD Division Committee Member

Queensland Environmental Law  
Association (QELA) – Management  
Committee Member

### Work History

2007-Current Urbis Pty Ltd

2006-2007 - Veitch Lister Consulting

2003-2006 - Energex

1993-2003 - Ipswich City Council

1991-1993 (former) Pine Rivers  
Shire Council

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w [urbis.com.au](http://urbis.com.au)

### Experience

Peter's recent experience includes:

- Project manager for the preparation and delivery of the Toowoomba City Centre Master Plan, including master planning and land use analysis, traffic, transport and infrastructure assessment and modeling, and preparation of implementation plans and costing analysis for key projects (February – November 2009).
- Project manager for the preparation and delivery of the Strathpine MRAC Master Plan, including master planning, strategic positioning, land use analysis, traffic, transport and infrastructure assessment and modeling, and preparation of implementation plans and costing analysis for key projects (November 2009 – June 2010).
- Lead consultant for delivery of major multidisciplinary planning and environmental assessment projects for Community Infrastructure Designation, including ENERGEX South Pine to Hays Inlet 110kV power line corridor, Cornubia and Yandina Substations (March 2008 – February 2009);
- Management and delivery of statutory planning approvals for a range of significant projects, including residential, retail, commercial, infrastructure and educational developments;
- Project management of transport modeling and planning projects, including large mixed-use developments and public transport corridors.

Appendix B

JRTP

Held at: Brisbane

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  
ACN 108 353 199**

Second Co-respondent

**Associate Professor Glen Searle– for Appellant ('Barnes and Cook')**

**Ms Annette Doherty for Respondent Council ('the Council')**

**Mr Peter Gill for Second Co-Respondent ('McConaghy Group')**

## **1. STATEMENT TO THE COURT**

- 1.1 In accordance with the orders of the Court in these proceedings, the expert witnesses for town planning called by the Appellants, Respondent and Second Co-respondent held an initial meeting of experts via teleconference in accordance with Part 3 of the *Planning and Environment Court Rules 2010* ("the Rules") on 9 June 2011. Thereafter the meeting process was conducted by email and telephone until conclusions were reached as recorded in this Joint Report of Town Planning Expert Witnesses ("the JRTP").
- 1.2 This document is the joint report prepared in accordance with Part 3 of the Rules:
  - a. stating the joint opinion of experts in relation to an issue in dispute in the proceeding; and
  - b. identifying the matters about which the experts agree or disagree and the reasons for any disagreement.
- 1.3 The Experts acknowledge the following:
  - a. In preparing this Joint Report it is acknowledged that we have been instructed on an Expert's duty in accordance with Rule 27 of the Planning and Environment Court Rules 2010, and that we have understood and discharged that duty;

- b. We verify that no instructions were given or accepted to adopt or reject any particular opinion in preparing this joint written statement.

## 2. ATTACHMENTS

2.1 Attachment 1 - Locality and Context Plan

2.2 Attachment 2 – Curricula Vitae

## 3. FACTUAL INFORMATION

3.1 The following is a summary of the facts and matters applicable to the site and proposal which may be **agreed**.

- 3.1.1 Site Address: 84 Fitzroy Street, Warwick
- 3.1.2 RPD: Lot 1 RP94676
- 3.1.3 Site Area: 736m<sup>2</sup>
- 3.1.4 Site Dimensions (Approximate): 18.3m x 40.4m
- 3.1.5 Proposal: Demolition of part of a Heritage Listed Building (84 Fitzroy Street, Warwick)
- 3.1.6 Definition: defined as "Building Work" under the Integrated Planning Act 1999 (current at the time)
- 3.1.7 Application: Preliminary Approval (Building Works) Demolition of Heritage Listed Buildings (84 Fitzroy Street, Warwick)
- 3.1.8 Date of Application: On or about 18 July 2007
- 3.1.9 Date of Decision: On or about Wednesday 21 October 2009
- 3.1.10 Planning Scheme current at application: Warwick Shire Planning Scheme 1999 ("the planning scheme")
- 3.1.11 Assessment: Impact Assessable
- 3.1.12 Referral Agencies (Concurrence): Department of Environment and Resource Management (DERM) 5 December 2008
- 3.1.13 Submitters: Six

## 4. MATTERS EXCLUDED FROM DISCUSSION

4.1 Heritage: The site is included on the Queensland Heritage Register under the *Queensland Heritage Act 1992* (Reference CC710). The site is included in the Warwick Shire Council Register of Cultural Heritage Places under the planning scheme. While matters of heritage significance and value are of consideration in this matter as a whole, this report acknowledges that such consideration is to be undertaken by the Joint Report of Heritage Experts (JRHE). Accordingly no opinion of matters relating to heritage significance form part of this report, and further no reference has been had to any JRHE.

- 4.2 Structural Condition: The issue of the structural integrity of the buildings is to be considered through the Joint Report of Engineering Experts (JREE), and accordingly no opinion of matters relating to structural integrity form part of this report.

## 5. BACKGROUND AND NATURE OF PROPOSAL

The following is a summary of background matters relating to the site and the proposal which are of relevance in this appeal.

### The Site

- 5.1 The site is situated on the corner of Fitzroy Street and Haig Avenue, at 84 Fitzroy Street Warwick, and described as Lot 1 on RP94676 (refer to Locality Map at Attachment 1).
- 5.2 The primary streetscape frontage of the site is Fitzroy Street, which **Mr Gill** notes is identified as a Principle Street within Section 4.2.5.4 (d) of the planning scheme. Haig Avenue forms the western boundary of the site, and principally is used as access to Rose City Shoppingworld to the south of the site.
- 5.3 The site contains a structure comprising a two storey sandstone component forming the original building on site with primary frontage to Fitzroy Street, extending to later single storey additions to the rear of the site along Haig Avenue.
- 5.4 The entire site and structures are included on both the Queensland Heritage Register, and the Warwick Shire Register of Cultural Heritage Places. The inclusion of the site on the Council Register triggers the requirement for Impact Assessment for the proposal.
- 5.5 For the purposes of this report, while not forming an opinion of heritage significance, it is agreed that the original two storey building and single storey addition (PG notes this is **exclusive** of the component proposed for demolition) are of particular value in heritage terms and should be retained. Conservation measures to restore this component of the buildings on site would be highly desirable from an amenity and streetscape perspective, and would facilitate adaptive reuse of the building.
- 5.6 The buildings on site are currently vacant, and would not appear to be suitable for habitation or use. The structural integrity of the main component of the building is at question and is the subject of separate consideration through the JREE.
- 5.7 Under the planning scheme the site is situated within the City Centre Land Use Area.

### The Proposal

- 5.8 The development application seeks Preliminary Approval for Building Work – Demolition of part of a Heritage Place at 84 Fitzroy Street, Warwick. The proposed demolition comprises a partial demolition only, and is restricted to the demolition of the rear most single storey western wing of the building.
- 5.9 An application for Preliminary Approval only to undertake the proposed demolition was lodged with Council on or about 18 July 2007.
- 5.10 The application, for the purposes of this appeal relates only to the proposed Preliminary Approval for Building Work - Demolition at 84 Fitzroy Street.
- 5.11 The application was referred to DERM as a Concurrence Agency, and as the State Government Agency charged with dealing with Cultural Heritage matters.

5.12 On or about 21 October 2009, Council resolved to approve the application, subject to conditions. Of particular note and relevance to this appeal, Schedule 2 of the conditions comprised DERM conditions enforced through their powers as a Concurrence Agency under the IPA. These conditions are as follows:

- "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.*
- 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).*
- 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 stabilisation of building fabric and reconstruction of damage 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 stabilise 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 stabilisation of no. 84 Fitzroy Street.*
- 1.4 *The conservation works documentation referred to in 1.2 and the proposed methods of structural stabilisation 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 stabilisation 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."*

5.13 This appeal was filed against Council's approval on or about 14 December 2010.

## 6. PLANNING PROVISIONS

6.1 The Warwick Shire Planning Scheme 1999 applies to the site.

6.2 The following provisions of the Planning Scheme are **agreed** to be applicable to the issues in this appeal:

- 4.2.1 City Centre – Key Policy Statements; sub clauses (i) and (ii);
- 4.2.2 City Centre – Policy Intent
- 4.2.4.1 City Centre – Impact Assessment Criteria;
- 4.2.5.1 City Centre Development Code – Application of the Code
- 4.2.5.2 City Centre Development Code – Purpose

4.2.5.4 City Centre Development Code – Development Controls

5.3.3.1 Carrying Out Building Work – Impact Assessment Criteria

### 6.3 Desired Environmental Outcomes (Section 2 of the planning scheme)

6.3.1 Mr Gill and Ms Doherty are of the opinion that DEO No 2.3 The Economy (iii) is relevant in this appeal and is as follows:

(III). *Warwick City will have a strengthened role as the major community and economic centre for the Southern Downs sub-region, by providing:*

- *Higher order retail, professional and commercial services and government facilities within the central city area; and*
- *A range of employment opportunities will be available in identified industrial land within and near the city*

6.3.2 DEO No. 2.4 Cultural, Economic, Physical and Social Wellbeing (ii) is relevant in this appeal and is as follows:

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

### 6.4 Shire Wide Measures (SWM) (Section 3 of the planning scheme)

6.4.1 Mr Gill and Ms Doherty are of the opinion that SWM 3.1.4 Landscape and Cultural Heritage (3.1.4.2 Assessment Principles, (ii) and (iii)) is of relevance in this appeal and is as follows:

“3.1.4.2 Assessment Principles

(II). *Development proposals will be subject to consideration of their impact on the character of the Shire and the landscape qualities and character of a particular locality, especially when viewed from major transport routes or other public spaces. Council may require the submission of a detailed assessment in this regard.*

*In considering applications for development at or near places listed in the policy, Council will have regard to the heritage qualities of the locality and whether the proposed development will be sympathetic to them. Council may request the submission of a conservation report, as described in the policy.*

(III). *Council may give favourable consideration to a development proposal which may not otherwise have been intended in a particular land use area, providing that it would provide for the active use of a heritage place listed in the policy at the same time as conserving its heritage qualities.*

### 6.5 Measures for the City Centre Land Use Area (Section 4.2 of the planning scheme)

6.5.1 Section 4.2.1 provides the Key Policy Statements for development in the City Centre area. It is of relevance to this appeal and states:

4.2.1 Key Policy Statements

(i). *The city centre will be a socially, culturally and economically vibrant place in which higher order services and facilities that meet the needs of the city, the Shire and the Southern Downs sub-region are available, and in which there is a high level of daytime and night time activity.*

- (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.*

6.5.2 Section 4.2.2 provides the Policy Intent for development in the City Centre Area. Of relevance to this appeal the first, second, fifth, sixth and ninth paragraphs state:

*“4.2.2 Policy Intent*

*The types of uses considered to be appropriate to the city centre are those which will serve to consolidate its function as the pre-eminent centre for the Southern Downs sub-region.*

*The city centre is the preferred location for commercial activities, government offices and community facilities which serve more than a local level catchment. It is the only land use area in which higher than local order retail and office based uses are likely to be considered appropriate.*

*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 below and that in section 5.3 require that any proposed development which would involve demolition, removal or external works to these buildings will be subject to impact assessment”.*

Associate Professor Searle is of the opinion that the following paragraph of Section 4.2.2 is of relevance to this appeal:

*Development on other premises in the city centre is to occur in a manner which is compatible with buildings listed in the Cultural Heritage policy.*

6.5.3 Section 4.2.4.1 provides the Impact Assessment Criteria for the City Centre, and of relevance includes the following:

*“4.2.4.1 Impact Assessment Criteria*

*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:*

- a) *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”.*

6.5.4 Section 4.2.5.2 provides the City Centre Development Code Purpose, and of relevance includes the following:

*“4.2.5.2 Purpose*

*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 the*

*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”.*

- 6.5.5 Section 4.2.5.4 provides the City Centre Development Code Development Controls, and of relevance include the following:

*“4.2.5.4 Development Controls*

*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.*

*Acceptable Solutions*

- *Development, including external building work to existing buildings which adjoin a place identified as having heritage significance in Planning Scheme Policy No.1, shall incorporate design elements (including building setback, form, scale, proportion, character, materials, and ornamentation) which are compatible, complementary and respectful to the heritage place”.*

6.6 Measures for Carrying Out Building Work (Section 5 of the planning scheme)

- 6.6.1 Section 5.3.3.1 provides the Impact Assessment Criteria for Assessable Building Work, and of relevance include the following:

*“5.3.3.1 Impact Assessment Criteria*

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

*Council will also have regard to other relevant provisions of this planning scheme, including the policy intent and impact assessment criteria set out in section 4.0 for the particular land use area in which the site is located. To this end, the purposes for which the building is intended to be used, or is likely to be suitable for, will be a relevant consideration.*

*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”.*

## 7. PLANNING ISSUES IN THE APPEAL

7.1 The issues in dispute in this appeal are those listed in the Amended Grounds of Appeal and Further and Better Particulars dated 11 April 2011.

7.2 The planning issues in this appeal arise from the above document, and can broadly be summarised as follows:

- a. Alleged conflict with the planning scheme regarding the proposed reduction or destruction of a heritage place; and
- b. Alleged conflict with the planning scheme provisions regarding streetscape and amenity; and
- c. Alleged conflict with the planning scheme regarding provision of conservation assessment reports and the establishment of 'no feasible and viable alternative' to the demolition proposed.

7.3 Shire Wide Measure (SWM) 3.1.4 Landscape and Cultural Heritage (Section 3 of the planning scheme)

7.3.1 **Mr Gill** notes and agrees with **Ms Doherty's** comments below, and is of the opinion that the most significant contribution of the site to the retention and enhancement of landscape qualities promoted by the planning scheme is to be found in the principle component of the buildings fronting Fitzroy Street. Mr Gill further refers to the findings of the Structural Engineering Assessment prepared by Farr Engineers 9 July 2007, which found this component of the structures to be structurally unsound to the point of possible collapse. **Mr Gill** considers that a "do nothing" approach would result in the ultimate loss of this most visible and iconic component of the building, and the heritage, streetscape and amenity contribution it potentially offers which of itself would fail the overall desire of the planning scheme.

The application, as supported by a "Conservation Assessment Report" prepared by Watson Architects dated July 2008, and a "Heritage Report" prepared by Thomson Adsett dated September 2007, in **Mr Gill's** opinion achieves the planning scheme's intent for conservation of heritage qualities, and contribution to streetscape and amenity measures. The proposal, while being for the demolition of a portion of the buildings on site (comprising a minor component of the extent of those buildings), enshrines (via both supporting documentation and conditions of approval applied by DERM) the retention and restoration of the majority of the heritage building fabric allowing the active use of the site for a range of opportunities.

7.3.2 **Ms Doherty** notes that providing for the reuse of heritage buildings is a theme throughout the planning scheme. The proposal to retain and renovate the more significant parts of the building is a relevant and necessary consideration. Allowing the demolition of the rearmost section of the building subject to the conservation of the more significant parts of the building will assist in achieving compliance with the scheme; i.e. the retention and protection of a building of heritage significance, maintenance of the character of the area, improvement to the amenity of the area, the protection and enhancement of the streetscape, the retention of architectural significance, and the reuse of the building for commercial or other purposes.

7.3.3 **Associate Professor Searle** notes that the rear section of 84 Fitzroy Street is noted in the heritage listing and forms part of the overall listing for the property. The rear section provided service areas that were necessary to the service and function of the whole building and, therefore, contributes to the

historic values of the whole building. The rear section is visible from Fitzroy Street and Haig Avenue and contributes to the streetscape character and associated heritage values of the whole of building. Its demolition would not comply with the scheme's provisions for the retention and protection of a building of heritage significance, maintenance of the character of the area, improvement of the amenity of the area, the protection and enhancement of the streetscape, and the retention of architectural significance.

#### 7.4 Measures for the City Centre Land Use Area (Section 4.2 of the planning scheme)

##### 7.4.1 City Centre Land Use Area – Key Policy Statements

7.4.1.1 As noted previously in this report, the active re-use of heritage buildings is a relevant theme in the planning scheme. The Achievement of this intent in **Mr Gill's** opinion, given the existing dilapidated state of the building on site, and its current state of presentation to both Fitzroy Street and Haig Avenue, will be dependent on significant investment in the site particularly having regard to any conservation measures and or restoration to be undertaken, understanding that retention of any part of the building fabric on site is a desirable outcome in itself. The proposed demolition of a minor component of the site (in **Mr Gill's** opinion), and the opportunity for future effective use of the rear of the site in whatever form that may take, facilitates the investment required to renovate the more significant components of the site.

The application at hand represents a Preliminary Approval for building work. The application and the approval ultimately serve to retain by far the majority of the building fabric on site, comprising in **Mr Gill's** opinion and as discussed elsewhere in this report, the most significant components of the building.

As elsewhere in this report, **Mr Gill** observes that the overall considerations of heritage significance are a matter for the heritage experts. However having regard to the streetscape character is of the opinion that the predominant offer is presented through the Fitzroy Street frontage, having aspect to a "principal street" as identified in the planning scheme, and with significant views from Fitzroy Street itself and from public places, including Leslie Park situated immediately to the north of the site.

While the streetscape value of Haig Avenue is not disregarded, in **Mr Gill's** opinion its relative value diminishes over distance from Fitzroy Street. The Avenue itself currently presents a relatively poor pedestrian environment and streetscape, with no dedicated pedestrian access, and evident structural and safety issues presented by the wall of the main building structure. The rear part of the site is only visible through passing glimpses from the main pedestrian and vehicular thoroughfare of Fitzroy Street.

**Mr Gill** is of the opinion that the proposal achieves compliance with the scheme through the proposed restoration and retention of significant and highly visible heritage buildings, the improvements to streetscape presentation in the areas of highest visibility, safety and amenity, and the opportunity for active re use of heritage buildings.

7.4.1.2 **Ms Doherty** is of the opinion that the renovation and reuse of this building will allow it to contribute to the social, cultural and economic role of the city centre.

The building in its current state has a very poor standard of amenity due to the deterioration of the building. The DERM has conditioned conservation works to the more significant parts of the building (see conditions 1.2-1.5). By allowing the demolition of the rearmost section of the building subject to the renovation of the more significant parts of the building, this will assist in achieving compliance with the scheme by creating a higher standard of amenity and protecting the more significant parts of the building from deterioration.

This site has frontage to both Fitzroy Street and Haig Avenue. **Ms Doherty** is of the opinion (and **Mr Gill** agrees) that Fitzroy Street is the major frontage; not in terms of length, but in terms of prominence and streetscape value.

This section of the building is located at the rear of the building, is not obvious from Fitzroy Street, and does not present as part of the Fitzroy Street streetscape. It is only visible from Fitzroy Street at very acute angles, and it is **Ms Doherty's** opinion that when this part of the building can be viewed it detracts from the streetscape due to its materials, scale and style being in contrast with the remainder of the building and the neighbouring courthouse and police station buildings.

Haig Avenue is a very short narrow street, and the Haig Avenue streetscape is not visible from a distance. What streetscape there is is very limited and mixed, and could not be described as a cohesive streetscape. It comprises this building, a newer commercial shopping centre and the police station. This is the only building on the eastern side of the avenue. Ms Doherty is of the opinion that the rearmost part of the building detracts from the streetscape due to its incompatibility with the scale and style of the stone parts of the building.

7.4.1.3 **Associate Professor Searle** notes again that the rear section of 84 Fitzroy Street is noted in the heritage listing and forms part of the overall listing for the property. The rear section provided service areas that were necessary to the service and function of the whole building and, therefore, contributes to the historic values of the whole building. Every streetscape is relevant under Section 5.3.3.1 of the planning scheme, and the demolition of the heritage rear section of 84 Fitzroy Street would significantly diminish the existing quality of the Haig Street streetscape by further reducing the built form continuity of the streetscape on that side, and lessen streetscape amenity by significantly increasing the gap in the street frontage.

#### 7.4.2 City Centre Land Use Area – Policy Intent

7.4.2.1 **Mr Gill** says that the future use of the site is not the subject of this application, however the planning scheme by its stated intent and attendant tables of use promotes activities such as commercial/office, retail or government service type uses. Any future use importantly would be subject to further development application.

The relative heritage value of buildings on site is a matter for the Heritage Experts to determine, however as discussed previously in this report it is **Mr Gill's** opinion that the principal two storey structure fronting Fitzroy Street represents the primary contribution

to streetscape and aesthetic presentation, and is currently not in a ready state for use for the purposes promoted by the planning scheme.

In **Mr Gill's** opinion the proposal provides opportunity to redevelop the rear of the site, and enhances (and conditions) the opportunity for investment in renovation and re use of the more significant building fabric on site, and in this regard achieves compliance with the planning scheme.

7.4.2.2 **Ms Doherty** says it is intended that heritage buildings within the City Centre Land Use Area will be used for commercial activities. In its current state, the building is not suitable for commercial purposes. Allowing the demolition of the rearmost section of the building, subject to the renovation of the remainder of the building, will achieve compliance with the scheme by encouraging the reuse of the building for commercial purposes, and ensuring the development is undertaken in a way so as to protect the heritage value by conserving the older and more significant parts of the building.

7.4.2.3 **Associate Professor Searle** notes that the rear section of 84 Fitzroy Street, which is heritage listed within the City Centre Land Use Area, is structurally sound and in reasonably good condition. As such, there is no structural impediment to its future re-use for a commercial purpose, while its demolition would remove this opportunity.

#### 7.4.3 City Centre Land Use Area – Impact Assessment Criteria

7.4.3.1 **Mr Gill** says that the heritage value and architectural significance or otherwise of the structures on site is a matter for the Heritage Experts. The application was made having regard to supporting studies as referenced elsewhere in this report. Conservation measures for the renovation of the more significant component of the building fabric were proposed via these reports, and extensive conservation measures are imposed via Schedule 2 of the approval, comprising DERM's conditions of approval as agreed through the course of the application. These conditions require significant investment in architectural assessment and design commitments, and renovation to a useable state prior to any demolition as proposed by the application at appeal, or commencement of new use on the site.

**Mr Gill** has previously provided his opinion regarding streetscape value in Section 7.4.1.1 of this report.

7.4.3.2 **Ms Doherty** says the applicant did provide conservation studies with the application; i.e. "Heritage Report" by Thomson Adsett dated September 2007 and "Conservation Assessment Report" by Watson Architects dated July 2008. Though the issue of heritage significance will be appropriately addressed in the JRHE, the studies by Thomson Adsett and Watson Architects suggest that the rearmost brick and timber addition is of little heritage significance, and that demolition of this section would be of minimal impact.

**Ms Doherty** has previously provided her opinion regarding the significance of the building in terms of streetscape value at 7.4.1.2 of this report.

7.4.3.3 **Associate Professor Searle** has previously provided his opinion of the heritage significance of the rear of 84 Fitzroy Street at 7.4.1.3 of this report. He has previously provided his opinion of the streetscape significance of the rear of the property at 7.4.1.3 of this report.

#### 7.4.4 City Centre Development Code – Purpose

7.4.4.1 **Mr Gill** notes and agrees with **Ms Doherty's** comments below, and adds that while having regard to the desire expressed in the Code Purpose for retention of heritage qualities and streetscape character, notes that the purpose is underpinned by a desire for building and design outcomes in the city centre to contribute to the area's functional success. It is Mr Gill's opinion that the renovation and opportunity for re use of the significant parts of the building will facilitate both the retention of heritage fabric, and promote a more functional integration of the building, from both a land use and design perspective.

7.4.4.2 **Ms Doherty** says the current state of dilapidation of the building has resulted in a poor standard of amenity which detracts from the city centre. The retention and conservation of the more prominent and significant parts of the building will improve the amenity of the area while maintaining the streetscape context.

The proposed development does provide for sympathetic alterations to the building.

7.4.4.3 **Associate Professor Searle** notes again that the rear section of 84 Fitzroy Street is noted in the heritage listing and forms part of the overall listing for the property. The rear section provided service areas that were necessary to the service and function of the whole building and, therefore, contributes to the historic values of the whole building. An underground water tank, which is likely to be representative of very early 19th century brick making and brickwork construction in Warwick, is located near the rear section of 84 Fitzroy Street and may be damaged if the rear section is demolished. The underground water tank is noted in the heritage listing and forms part of the overall listing for the property.

#### 7.4.5 City Centre Development Code – Development Controls

7.4.5.1 **Mr Gill** acknowledges the role of the Heritage Experts with regard to matters of heritage value and context. **Mr Gill** is of the opinion that the proposal, as a Preliminary Approval for Building Work does not promote any particular use of the site, rather it evidently seeks to gain certainty regarding opportunity for future use of the rear of the site via demolition of a minor component of the building in terms of overall scale of area. Any future use (including that of the primary and original buildings) will be subject to further development application, and subject to the code provisions enshrined in the planning scheme.

Other than for the minor rear portion of the building, the application via supporting studies, and via the Schedule 2 conditions of the approval as imposed by DERM relating to architectural assessment and renovation, in Mr Gill's opinion complies with the planning scheme via conservation and retention of significant heritage buildings, and importantly the design elements to be addressed under the code provisions.

7.4.5.2 **Ms Doherty** notes that the proposal provides for the retention and conservation of the most significant parts of the building which equates to around 87% of the existing structure. The conservation of the older sandstone parts of the building will ensure the design elements of the building are retained and conserved. The rearmost timber and brick addition, which is proposed to be demolished, is not respectful of the design qualities of the older parts of the building; the use of different materials and roofline are examples of this.

7.4.5.3 **Associate Professor Searle** has previously provided his opinion of the heritage of the rear of the building and its associated underground tank at 7.4.4.3 above. As such, the proposed demolition of the rear portion of the building does not comply with the planning scheme in terms of conservation and retention of significant heritage buildings.

7.4.6 5.3.3.1 Carrying out Building Work – Impact assessable Criteria

7.4.6.1 **Mr Gill** notes and agrees with Ms Doherty's comments below.

7.4.6.2 **Ms Doherty** says this section of the planning scheme relates specifically to the assessment of applications for the demolition of, or external building works to, heritage buildings. This section states that the purposes for which the building is intended to be used, or is likely to be suitable for, must be considered in the assessment of such an application.

Providing for the reuse of heritage buildings is a theme throughout the planning scheme (see section 3.1.4.2), and the proposal to retain and renovate the more significant parts of the building is a relevant and necessary consideration. Allowing the demolition of the rearmost section of the building subject to the renovation of the more significant parts of the building will assist in achieving compliance with the scheme; i.e. retention and protection of building of heritage significance, improvement to amenity, protection and enhancement of streetscape, and reuse of building for commercial purposes.

**Ms Doherty** has previously provided comment regarding conservation studies at 7.4.3.2 of this report.

7.4.6.3 **Associate Professor Searle** says that the rear section of the building is structurally sound and in reasonably good condition, and thus having high potential for re-use without significant renovation. Its demolition would not meet the planning scheme's policy intent (4.2.2) that use of heritage buildings for commercial purposes 'is to be undertaken in such a way as to protect their heritage values'.

## 8. GROUNDS TO JUSTIFY THE APPROVAL

8.1 **Mr Gill** says to the extent the court may find any conflict with the provisions of the planning scheme, there are grounds to justify the approval which include but are not limited to:

8.1.1 The proposal offers a practical approach to provide community and public benefit through the opportunity to facilitate the effective and active re-use of a significant heritage building;

8.1.2 The proposal provides an opportunity for community and public benefit through opportunity to restore and maintain via private investment the

significant components of the buildings on site (noting that as determined by the JRHE);

8.1.3 Through this investment and restoration, opportunity to significantly improve the streetscape presentation and amenity both to Fitzroy and the most visible part of Haig Avenue.

8.2 **Ms Doherty** notes and agrees with the grounds to justify the approval as suggested by Mr Gill.

8.3 **Associate Professor Searle** does not agree with the grounds to justify the approval as suggested by Mr Gill.

## 9. MATTERS ABOUT WHICH WE AGREE

9.1 There is agreement regarding the 'factual matters' set out in Section 3 of this report;

9.2 There is agreement regarding the planning scheme provisions which are applicable to the issues in this appeal, as set out in Section 6 of this report; and

9.3 There is agreement that matters relating to heritage significance and technical matters relating to structural integrity are matters for other experts.

## 10. MATTERS UPON WHICH WE DISAGREE

10.1 Matters of disagreement which can be summarised from the above report include:

10.1.1 The extent to which the component of the building proposed to be demolished contributes to streetscape character and amenity;

10.1.2 Whether the proposal conflicts with the Shire Wide Measure for Landscape and Cultural Heritage;

10.1.3 Whether the proposal conflicts with the City Centre Land Use Area Policy Statements, Policy Intent and Impact Assessment Criteria;

10.1.4 Whether the proposal conflicts with the City Centre Development Code Purpose and Development Controls;

10.1.5 Whether the proposal conflicts with the Impact Assessment Criteria for carrying out Building Work; and

10.1.6 Whether there are sufficient grounds to justify the approval despite any such conflicts.

11. It is **agreed** that this Joint Report accurately represents the Outcomes of the Meeting of Town Planning Experts.

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**Signatures of experts participating in the joint report**

  
.....

Date: 13/7/11

**Associate Professor Glen Searle**

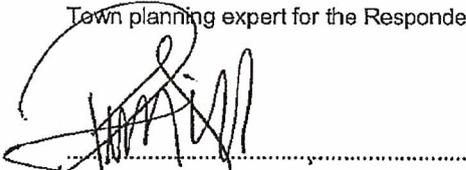
Town planning expert for the Appellants

  
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Date: 14/07/2011

**Annette Doherty**

Town planning expert for the Respondent

  
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Date: 4/7/2011

**Peter John Gill**

Town planning expert for the Second Co-Respondent

Attachment 1.      Locality and Context Plan



Above – 84 Fitzroy Street, Warwick – Locality and Context Plan

## Attachment 2.      Curricula Vitae

**Associate Professor Glen Searle**

**Ms Annette Doherty**

**Mr Peter Gill**

## **GLEN H SEARLE**

**PLACE OF BIRTH:** Whyalla, South Australia

### **QUALIFICATIONS**

**BA (Honours) (Div IIA)**, University of Adelaide, 1966  
(Honours degree awarded in Geography; joint major Economics)

**PhD**, Macquarie University, 1980  
(Awarded in Geography for thesis on 'Factors Affecting Government Location Decisions, with Reference to the NSW Government Decentralisation Program')

### **PROFESSIONAL MEMBERSHIP**

Fellow of the Planning Institute Australia  
Honorary Fellow, Faculty of Architecture, Building and Planning, University of Melbourne (from 4/2009)

### **PROFESSIONAL EXPERIENCE**

#### **6/2009 – Present**

UNIVERSITY OF QUEENSLAND  
School of Geography, Planning and Environmental Management. Associate Professor; Director, Planning Program (8/2010 – 12/2010, 4/2011 – 6/2011)

#### **9/1991 to 5/2009**

UNIVERSITY OF TECHNOLOGY, SYDNEY  
Faculty of Design, Architecture and Building: Senior Lecturer in Urban Planning; Director, Planning Program (9/1998 – 9/2001, 7/2004-5/2009).

#### **5/89 - 9/91**

N.S.W. DEPARTMENT OF PLANNING  
Deputy Manager, Policy. Responsible for oversight of Urban Development Program and chairing Urban Development Committee subcommittees; responsible for management of Land Audit and Metropolitan Strategy Reviews and related issues.

#### **1/89 - 5/89**

N.S.W. DEPARTMENT OF PLANNING  
Senior Planner Grade 3. Responsible for co-ordinating and providing planning input to UDC, Western Sydney Planning and Development and Development Committee and Chief Town Planners meetings; providing branch input to industrial areas, rural planning, open space/drainage planning matters.

#### **8/81 -1/89**

N.S.W. DEPARTMENT OF PLANNING  
Town Planner/Specialist (ATP to 12/82; Grade 1-2 to 7/84, Grade 3 to 5/89).  
Responsible for developing resource infrastructure contribution policy; providing departmental input to government office relocation policy, evaluating medium term Sydney release area options; preparing metropolitan employment forecasts and policies; preparing financial, land supply and other socio-economic input to N.W. Sector planning, preparing labour force forecasts; preparing urban financing policies

and forward estimates; making cost-benefit and other economic input into various departmental planning issues.

**8/79 - 8/81**

DEPARTMENT OF GEOGRAPHY, MONASH UNIVERSITY

Junior Research Fellow. Carried out field-based study of nature and causes of employment change in 120 companies in Melbourne.

**10/76 - 8/79**

UNITED KINGDOM DEPARTMENT OF ENVIRONMENT, LONDON

Senior Research Officer. Responsible for supplying data and reports on levels of urban deprivation; reporting on western European inner city socio-economic problems and policies.

**1/76 - 10/76**

DEPARTMENT OF GEOGRAPHY AND PLANNING, MIDDLESEX

POLYTECHNIC

Research Assistant. Carried out computer analysis of landscape data and contributed to landscape evaluation report.

**10/75 - 1/76**

HIGGS & HILL PTY LTD, SURREY

Salaries Clerk.

**11/74 - 9/75**

SCHOOL OF EARTH SCIENCES, MACQUARIE UNIVERSITY

Student carrying out Ph.D. studies.

**6/74 - 11/74**

DEPARTMENT OF TOWN & COUNTRY PLANNING, UNIVERSITY OF SYDNEY

Temporary Lecturer. Shared teaching of Regional Planning and Planning Economics in Master of Town and Country Planning course.

**2/70 - 6/74**

N.S.W. TREASURY

Economic Assistant. Responsible for preparation of reports on finances of infrastructure developments; preparation of briefing material for Premier's Conference and Loan Council; Secretary, Public Buildings Programming Committee; Delegate, Technical Advisory Committee, Sydney Area Transport Study.

**2/68 - 2/70**

N.S.W. DEPARTMENT OF DECENTRALISATION & DEVELOPMENT

Research Officer. Preparation of research material and writing for Development Corporation's *Report on Selective Decentralisation* and *Report on Sandy Hollow/Maryvale Railway Proposal*.

**SUMMARY OF EXPERIENCE**

Dr Searle has had extensive planning experience with both the British and NSW Governments. He was engaged in strategic planning and policy formulation at a senior level in the NSW Department of Planning between 1984 and 1991. This built on earlier policy analysis on regional development and infrastructure and related finance carried out at the NSW Department of Decentralisation and Development and the NSW Treasury between 1968 and 1974.

Examples of Dr Searle's strategic planning and policy work include:

- a planning balance sheet of medium term growth options for Sydney (1983);
- a public sector cash flow analysis of different development strategy options for the North West Sector (1984);
- a recommended strategy for the relocation of Government head offices within Sydney, adopted by State Cabinet in 1982;
- long term forecasts of the employment structure of Sydney and of traffic zone employment and workforce totals, for the Metropolitan Strategy (1988);
- identification of human service and service infrastructure costs for resource development;
- analysis of the extent to which urban consolidation goals have been achieved in Sydney (1991 and 2004);
- analysis of contributions for local open space by urban consolidation developments in Sydney (2009);
- an analysis of employment losses as a consequence of the creation of new national parks in south east NSW (1987);
- a report on means to achieve early employment development in South Creek Valley, as input into the Regional Environmental Study (1991);
- co-authorship of a report to the Premier on measures to assist Newcastle's economy following the 1989 earthquake;
- co-authorship of a report to the Commonwealth Sustainable Development Working Parties (1991) on measures to promote environmentally sensitive development in urban areas;
- co-authorship of the inter-departmental report on a revised urban development strategy for south western Sydney (1990) to address emerging air and water quality issues;
- a cost-benefit analysis of the proposed Sandy Hollow - Maryvale Rail Line (NSW Development Corporation, 1970);
- development of indicators for Sydney City Council's 'Living City' program (1998).

In addition, Dr Searle has research interests and expertise relating to the nature of urban and regional economic and employment change. He has published a paper on the likely nature and locations of changes in job structure and workforce in Sydney to the year 2000 and has authored publications relating to the location of high tech industries in Sydney, planning for science parks in Sydney, and the impact of technological change on industrial land use. He has published two journal papers and a book chapter on the structure, cluster dynamics and agglomeration economics of the Sydney and Melbourne IT industry, arising from an Australian Research Council Discovery grant (2007-2009). Dr Searle was responsible for forecasting employment and work force for small areas within Sydney for the years 2021 and 2050 for the report on Future City, Sydney 2050: Town Planning Scenario for the Sydney Water Board (1993). He contributed the employment issues and policies sections of the Camden urban lands strategy prepared for the Department of Planning. He recently completed a report published by the Department of Urban Affairs and Planning and the Department of State Development, *Sydney as a Global City* (1996). This looked at the nature of Sydney's global city role and the planning implications of this, and also examined approaches to planning for a global role in major overseas cities. Subsequently, he reported on the Sydney economic context for Parramatta's future economic development, as input into the Parramatta Regional Environmental Plan (1998). Dr Searle has also given conference papers on factors associated with employment change in selected secondary and tertiary industries in Melbourne, based on extensive fieldwork, and on spatial change in key industries and activities in Sydney between 1981 and 1991. In addition, Dr Searle was responsible for the production of the second Industrial Lands Development Program 1990 -1995 for Sydney while at the Department of Planning. He is currently carrying out research on changes in the organisation and structure of selected service industries in Sydney and resulting locational changes. Papers on structural and locational changes in advanced producer service industries in Sydney have been published in *Asia Pacific Viewpoint* (1998), *Geographical Research* (2005) and *Australian Geographer* (2005).

## **CONSULTANT STUDIES**

Consultancy reports completed by Dr Searle include:

- **Botany Section 94 commercial & industrial development study** (1992)

Chapter on historical perspectives and development trends for commercial and industrial activity in Botany, for 'Section 94 commercial and industrial development study' for Botany Council. Client: Mitchell McCotter and Associates Pty Ltd

- **Town planning scenario for Sydney in 2050** (1993)

Author of section on current economic trends for Sydney and sections on forecast employment total and distribution for two scenarios in each of years 2021 and 2050 in report 'Future City, Sydney 2050: Town Planning Scenario' for Sydney Water Board. Client: Mitchell McCotter and Associates Pty Ltd

- **NSW Regional Strategy Plan for Commonwealth Office Accommodation** (1993)

Co-author of UTS School of Building Studies report analysing current market situation and recommending NSW centres for investigation for Commonwealth office construction. Client: Australian Estate Management

- **Transport and employment trends and patterns in Sydney (1993)**

Co-author with Prof J Toon (University of Sydney) and G Glazebrook (Glazebrook & Associates) of report on transport and employment trends, patterns and future directions in Sydney in relation to travel demand, using reference group views.  
Client: Roads & Traffic Authority of NSW

- **Planning strategy for Camden urban release areas (1994)**

Author of employment analysis and strategy sections of report on planning strategies for Camden urban release areas for NSW Department of Planning. Client: Mitchell McCotter and Associates Pty Ltd

- **Shoalhaven Region Aquaculture Technology Park Site Assessment and Feasibility Study (1995)**

Author of site assessment section of report. Client: Institute for Coastal Resource Management, University of Technology, Sydney, for The Shoalhaven OLMA Committee Inc.

- **Sydney City “Living City” indicators (1998)**

Author of report on potential indicators to measure success of Council’s “Living City” program. Client: Council of the City of Sydney.

- **Economic development strategy for Parramatta Regional Environmental Plan (1998)**

Author of Sydney economic context working paper prepared as part of economic development strategy for Parramatta REP. Client: Kinhill Group, for NSW Department of Urban Affairs and Planning.

## COMPETITIVE RESEARCH GRANTS

- An **ARC Discovery Project** grant of \$197,000 from 2007 to 2009 with Prof. K. O’Connor (University of Melbourne) on the development of the information technology industry clusters in Sydney and Melbourne. Searle is the first Chief Investigator.

- With Dr M. Bounds of UWS: Grant from the **Casino Community Benefit Fund** (1998), \$68,000 in 1998 and 1999 to research The Social and Environmental Impact of the Casino on the Residents of Pyrmont-Ultimo; resulting in an unpublished research report to the Fund trustees.

- With Prof. K. O’Connor (University of Melbourne) and Dr B. Pritchard (University of Sydney): **UTS Incentive Grant** (2003), \$23,000 for an analysis of IT industry structure in Sydney and Melbourne, resulting in a refereed journal paper (Searle and Pritchard 2005)

- With J. Dawkins & S. McGrath-Champ: **ARC Small Grant** (1994), of \$20,000 for an analysis of Planning and the Development Industry.

- With Prof. S. Boydell and Dr G. Small: **Royal Institution of Chartered Surveyors Education Trust** grant (2007), \$18,300 for research on the nature of property rights in Darling Harbour.

- With Dr G. Glazebrook: UTS **DAB Faculty** seed funding research grant (2006) of \$4,000 for project identifying joint impact of urban transport mode and urban density on sustainability.
- With G. DeValence: UTS **DAB Faculty** seed funding research grant (1999), \$5,000 for cross-Faculty research on the multimedia industry, resulting in two published refereed papers.
- **UTS Internal Research Grant** (1995), \$5,000: newspaper bibliography on Sydney's planning since 1976.

## PUBLICATIONS

'A Study of Social Facilities in Country Towns' in Australian Frontier, **Consultation Report: Responsibility for Life in a Country Town (Young, NSW)**. (Canberra, 1968).

'A Programming Model of Government Location Decisions', **Papers**, Institute of Australian Geographers, Tenth Meeting, Sydney, 1971.

'New South Wales' New Regions: Some Implications', **Australian Geographer**, Vol. 12, No. 3, March 1973, pp. 197-206.

'A Re-examination of the Case Against Decentralisation', **Royal Australian Planning Institute Journal**, Vol. 12, No. 2, April 1974, pp. 58-62.

'Forms and Functions of Regional Government', in Department of Adult Education, University of Sydney, and Orange City Council, **Proceedings of National Conference on Regional Development** (Sydney and Orange, 1974), pp. 26-35.

(With E.C. Penning-Rowsell) 'The 'Manchester' Landscape Evaluation Method: A Critical Appraisal', **Landscape Research**, Vol. 2 No. 3, September 1977, pp. 6-11.

(With E.C. Penning-Rowsell, G.H. Gullett & S.A. Witham), 'Public Evaluation of Landscape Quality', **Middlesex Polytechnic Planning Research Group Report** No. 13 (1977).

'Data Sources of Employment Change Within Victoria ', **Working Paper** No. 12, Department of Geography, Monash University, December 1980.

'The Role of the State in Capitalist Development: The Example of Non-Metropolitan New South Wales', **Antipode**, Vol. 13, No. 1, 1981, pp. 27-34.

(With D. Roman) 'Community Employment Development Initiatives', **Background Paper** No. 1, Department of Environment and Planning, Sydney, 1984.

(With B. Hutchinson) 'High Technology Industry Location and Planning Policy in the Sydney Region', pp. 310-327 in J. Brotchie et al (eds.), **The Spatial Impact of Technological Change**, Croom Helm, London, 1987.

'Getting Large Companies to Help Local Development', **Australian Planner**, Vol. 25, No. 2, June 1987, pp. 21-25.

(With G. Young) 'Old Buildings New Money', **Australian Society**, Vol. 7, No. 2, February 1988, pp. 36-38.

(With G. de R. Innes) 'Forecasting Long-Term Employment at Small Area Level in Sydney' in M. Gordon (ed.), 'Regional Modelling and Regional Planning', **Conference Series** No. 17, Institute of Industrial Economics, University of Newcastle, Newcastle, 1991.

'Successes and Failures of Urban Consolidation in Sydney', **Urban Futures**, Special Issue 1, 1991, pp.23-30.

(With N. Urwin) 'Ecologically Sustainable Development and Urban Development', **Urban Futures**, Special Issue 4, November 1991, pp. 1-12.

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# CURRICULUM VITAE

## PERSONAL PARTICULARS

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(07) 4661 0335 (work)  
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## EDUCATION

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2005 Graduate Diploma of Urban and Regional Planning (University of New England)  
1999 Bachelor of Arts (Education Studies) (Murdoch University, Perth)

## EXPERIENCE

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2008- **Manager Planning Services, Southern Downs Regional Council**

Specific duties include:

- Providing managerial support to the Director in the operation of the Planning and Environment Directorate, and carry out the duties of the Director in his absence.
- To manage and coordinate the activities of the Planning Services staff.
- Responsibility and control of budget activities for the Planning Services section.
- Providing professional and technical advice to the Director, other Directorates, Council and the public on matters relating to Planning.
- Implementation of the Planning Scheme and related policies, including management and implementation of heritage provisions.
- Preparation and implementation of amendments to the Planning Scheme.

- Formulation and implementation of policies and procedures to improve the operation and delivery of services to the public in the areas of planning, cultural heritage and environment.
- Processing of development applications in accordance with the *Sustainable Planning Act* and *Integrated Planning Act*, including monitoring of the stages of IDAS applications and processing times, and reporting to Council.
- Monitoring and investigating breaches of the Planning Scheme and related Local Laws, and the carrying out of associated legal action.
- Instructing Council's solicitor in relation to appeals to the Planning and Environment Court and development enforcement matters.
- Preparation, development and implementation of local laws on planning and development related matters.
- Revision of draft Southern Downs Region Planning Scheme

2004-2008

**Manager Planning Services, Warwick Shire Council**

Specific duties included:

- Providing managerial support to the Director in the operation of the Planning and Development Directorate, and carry out the duties of the Director in his absence.
- To manage and coordinate the activities of the Planning Services staff.
- Responsibility and control of budget activities for the Planning Services section.
- Providing professional and technical advice to the Director, other Directorates, Council and the public on matters relating to Planning.
- Implementation of the Planning Scheme and related policies, including management and implementation of heritage provisions.
- Preparation and implementation of amendments to the Planning Scheme.
- Processing of development applications in accordance with the *Integrated Planning Act*, including monitoring of the stages of IDAS applications and processing times, and reporting to Council.
- Monitoring and investigating breaches of the Planning Scheme and related Local Laws, and the carrying out of associated legal action.
- Instructing Council's solicitor in relation to appeals to the Planning and Environment Court and development enforcement matters.
- Preparation, development and implementation of local laws on planning and development related matters.

- Management of Council's community services, namely the Warwick Shire Home Maintenance Scheme (HACC) and Council's community housing.

2003-2004 **Town Planner, Warwick Shire Council**

Specific duties included:

- Assessment of development applications in accordance with the *Integrated Planning Act*, including implementation of heritage provisions.
- Preparation of planning reports for the Planning and Development Committee and Council, and for approval by the Director Planning and Development under delegated authority.
- Preparation of correspondence in relation to town planning matters, including planning and development certificates.
- Preparation and implementation of amendments to the Planning Scheme.
- Provision of professional advice to consultants, developers, customers and the community, on matters relating to planning.
- Liaisoning with Council's environmental health, local laws, engineering and building sections, other local governments, regional, state and federal agencies on planning matters.
- Assisting and advising Council's solicitor in relation to appeals to the Planning and Environment Court and development enforcement matters.

## PROFESSIONAL MEMBERSHIPS

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Member of the Planning Institute of Australia (PIA)



### Qualifications and Affiliations

Bachelor of Applied Science  
(Built Environment) – Queensland  
University of Technology

Graduate Diploma Urban and  
Regional Planning – Queensland  
University of Technology

Planning Institute of Australia (PIA) –  
QLD Division Committee Member

Queensland Environmental Law  
Association (QELA) – Management  
Committee Member

### Work History

2007-Current Urbis Pty Ltd

2006-2007 - Veitch Lister Consulting

2003-2006 - Energex

1993-2003 - Ipswich City Council

1991-1993 (former) Pine Rivers  
Shire Council

### Contact

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## Peter Gill

DIRECTOR

Peter is an urban planner with over 19 years experience in Consultancy, Local and State Government. As a Director with Urbis, Peter draws on his significant experience in the areas of statutory and strategic planning processes to advise clients in the delivery of development solutions, including retail, commercial and residential land use outcomes. Peter has particular expertise in management and delivery of significant multi-disciplinary planning, transport and infrastructure projects. His career has provided extensive experience in land use assessment and preparation of statutory planning instruments and policy outcomes, notably including the delivery of Master Plans for significant urban areas. He has specific expertise in the management, planning and environmental assessment, and delivery of approvals for significant infrastructure projects.

### Experience

Peter's recent experience includes:

- Project manager for the preparation and delivery of the Toowoomba City Centre Master Plan, including master planning and land use analysis, traffic, transport and infrastructure assessment and modeling, and preparation of implementation plans and costing analysis for key projects (February – November 2009).
- Project manager for the preparation and delivery of the Strathpine MRAC Master Plan, including master planning, strategic positioning, land use analysis, traffic, transport and infrastructure assessment and modeling, and preparation of implementation plans and costing analysis for key projects (November 2009 – June 2010).
- Lead consultant for delivery of major multidisciplinary planning and environmental assessment projects for Community Infrastructure Designation, including ENERGEX South Pine to Hays Inlet 110kV power line corridor, Cornubia and Yandina Substations (March 2008 – February 2009);
- Management and delivery of statutory planning approvals for a range of significant projects, including residential, retail, commercial, infrastructure and educational developments;
- Project management of transport modeling and planning projects, including large mixed-use developments and public transport corridors.

Appendix C

Locality and Context Plan



Above – 84 Fitzroy Street, Warwick – Locality and Context Plan

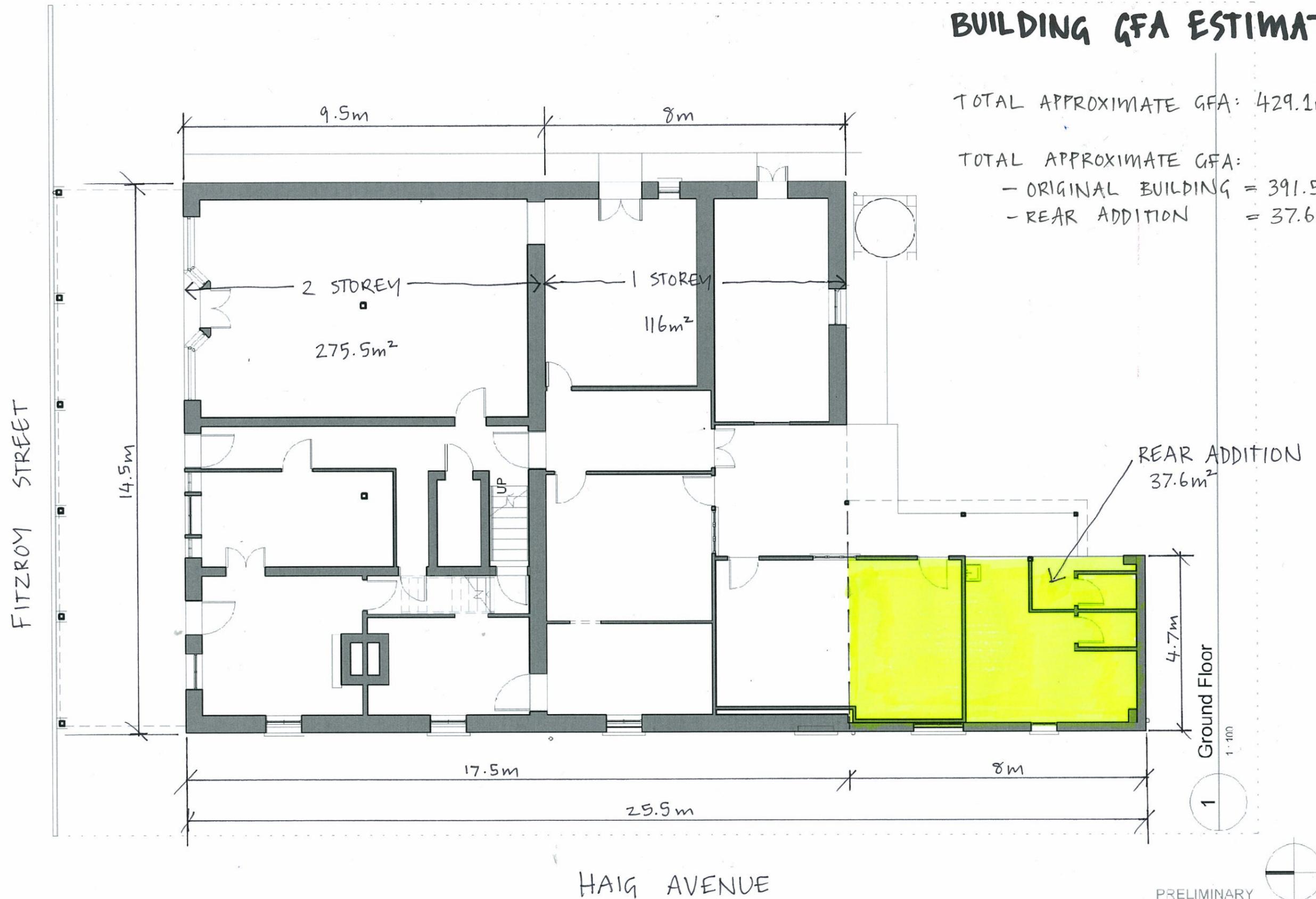
Appendix D

Building Gross Floor Area Estimate

# FIGURE A: BUILDING GFA ESTIMATE

TOTAL APPROXIMATE GFA: 429.1m<sup>2</sup>

TOTAL APPROXIMATE GFA:  
 - ORIGINAL BUILDING = 391.5m<sup>2</sup>  
 - REAR ADDITION = 37.6m<sup>2</sup>



PRELIMINARY

Do not scale drawings. If in doubt, ask.  
 Confirm all dimensions on site prior to starting  
 work or shop drawings.  
 Copyright: for all designs, drawings and  
 documents remains with the architect.

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Amendments

Project Title / Client  
 84 Fitzroy St Warwick  
 As-Existing Drawings  
 For the McConaghy Group

Drawing Title  
 Ground Floor

| Scale      | Drawn      | Date      |
|------------|------------|-----------|
| 1:100      | ALW        | June 2003 |
| Project No | Drawing No | Issue     |
| 060401A    | AE 02-A    | A         |

Appendix E

Site and Area Photographs



PICTURE 1 – WARWICK SHIRE COURT HOUSE 88 FITZROY STREET



PICTURE 2 – WARWICK SHIRE COURT HOUSE 88 FITZROY STREET, MODERN EXTENSION



PICTURE 3 – WARWICK POLICE STATION 86 FITZROY STREET



PICTURE 4 – WARWICK POLICE STATION, HAIG AVENUE AND SUBJECT SITE, 84 FITZROY STREET



PICTURE 5 – 84 FITZROY STREET



PICTURE 6 – 84 AND 82 FITZROY STREET



PICTURE 7 – 82 FITZROY STREET, ROSE CITY SHOPPINGWORLD TO THE BACKGROUND



PICTURE 8 – 80 FITZROY STREET



PICTURE 9 – VIEW FROM HAIG STREET ENTRANCE TO THE REAR OF SITE



PICTURE 10 – REAR ADDITION PROPOSED FOR DEMOLITION VIEWED FROM THE REAR OF THE WARWICK POLICE STATION



PICTURE 11 – 84 FITZROY STREET FROM THE REAR OF SITE SHOWING THE REAR ADDITION PROPOSED FOR DEMOLITION



PICTURE 12 – REAR ADDITION PROPOSED FOR DEMOLITION



PICTURE 13 – WARWICK BOWLS CLUB DIRECTLY ACROSS FROM THE SITE



PICTURE 14 – WARWICK BOWLS CLUBHOUSE DIRECTLY ACROSS FROM THE SITE